

**LINCOLN BOARD OF SELECTMEN'S
MEETING MINUTES**

APPROVED

MONDAY, NOVEMBER 20, 2023 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(THE RECORDING OF THIS MEETING CAN BE FOUND ON YOUTUBE)

Lincoln Board of Selectmen Present: Chairman, OJ Robinson and Selectman Jack Daly
Staff Present: Town Manager, Carina Park and Executive Assistant, Jane Leslie.
Public Present via Zoom: Vice Chair Tamra Ham and Paul Beaudin II
Public Present: Rosie Gowen, Debbie Celino, Jim Welsh, Thinh Truong and Greg Reynolds

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:30 p.m.

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: "To approve the BOS meeting minutes of November 06, 2023 as amended."

Motion: Tamra Ham **Second:** Jack Daly **All in favor.**

MOTION: "To approve the BOS Non-Public meeting minutes of November 06, 2023 as presented."

Motion: OJ Robinson **Second:** Tamra Ham **All in favor.**

III. INDUSTRIAL BUSINESS PARK PUBLIC HEARING – PROPOSED PURCHASE OF TOWN-OWNED LAND (2nd public hearing Pursuant to RSA 41:14-a)

OJ summarized the offer and proposed Purchase and Sales Agreement that O'Connell Builders (Kurt O'Connell) submitted to the Town for Lot 2 (Map 109, Lot 018) located in the Small Business District (Arthur Salem Way). The offer/selling price is \$68,200, and a deposit has been made in the amount of \$1,000, and the Buyer agrees that an additional deposit of earnest money in the amount of \$4,000 (remainder due - \$63,200) will be delivered within ten (10) days of the Effective Date. OJ noted the additional provisions in the proposed agreement:

- 1) This offer is subject to the Seller verifying the four corner pins of the subject lot.
- 2) Buyer to pay the full NH Real Estate Transfer Tax and the cost of Deed Preparation.
- 3) ~~The Town of Lincoln agrees to grant Buyer a recorded right of first refusal for Lot #4, Tax Map 109, Lot 019.~~ (The Board of Selectmen voted to delete Provision #3 "right of first refusal" in their counter-offer)
- 4) The Buyers offered purchase price includes a 6% commission payable to Coldwell Banker Life-styles at the time of the Transfer of Title.
- 5) Offer is subject to an appraisal conducted by, and at the expense of, The Town of Lincoln with results satisfactory to the Town. If the price is acceptable to the Town and the Buyer is duly notified, this contingency shall be satisfied. If the appraisal is not acceptable to the town, meaning the appraisal is in excess of the price offered in the Agreement, the Buyer will have the right of first refusal to accept the appraised value or terminate, and otherwise withdraw this offer and receive a full refund of any deposited funds.
- 6) Offer is subject to the satisfactory review and comment period by the Planning Board on or before October 25, 2023; said review and comment to be acceptable to both Parties. The offer is further subject to satisfactory review and comment period at Public Hearings scheduled for November 6th and November 20th in the presence of the Select Board with said review and comment acceptable to both Parties. If there is any objection raised at the aforementioned review and comment periods

that result of a change to this Agreement that is not acceptable to the Buyer, the Buyer reserves the right to terminate this Agreement and receive a full refund of any deposited funds.

OJ opened the Hearing up for public comment: *(There was no public comment)*

OJ closed the public hearing and noted that the Board will proceed with the sale of land to Kurt O'Connell contingent upon the appraisal results. OJ also commented that the Board had previously discussed sending a letter to local real estate brokers informing them of the amendments made to the covenants and restrictions on the lots at the Business Park, and will be sent out upon receipt of the recent appraisal findings.

IV. ACCEPTANCE OF HIGHWAY BLOCK GRANT - \$9,821.18

This payment is issued by the State of New Hampshire Department of Transportation made available to local municipalities *(see attached)*. HB 2 directs the Department of Transportation to divide and distribute a \$10 million-dollar one-time payment between all New Hampshire municipalities based on the distribution method of Block Grant Aid "Apportionment A" funds (based on the municipalities mileage of Class IV and Class V highways, as well as the municipalities population).

MOTION: "To accept the Highway Block Grant in the amount of \$9,821.18 (nine-thousand, eight hundred twenty-one dollars and eighteen cents)."

Motion: Jack Daly

Second: Tamra Ham

All in favor.

V. OLD/NEW BUSINESS

Town Manager Report:

Shared Use Agreement with LMRC for the land on which the South Peak Water Storage Tank will sit:

Loon Mountain has agreed to most of the town's revisions in the Shared Use Agreement. The only issue is with the *Indemnification* section. Both town counsel and LMRC's Attorney have discussed this matter and have come to a mutually beneficial agreement.

July 4th Fireworks:

The town received notice that NorthStar Fireworks (Vermont based company) is unable to accommodate any out-of-state shows on the actual July 4th holiday (Thursday), however, they are available any days prior to or after the 4th (Friday, July 5th or Wednesday, July 3rd). Resident Jim Welsh commented that it wouldn't matter to him which day it was on because he lives in town, however, many tourists come to Lincoln specifically for the 4th of July fireworks, and this may have an impact on their vacation. Greg Reynolds commented that most visitors are in town for the week/weekend and it may not have that great an impact. A discussion ensued on what other communities do for their 4th of July fireworks, and Jack suggested shopping around for another vendor who can accommodate the 4th of July, and if not, then hold the fireworks on the 5th. Tammy reminded the Board that Woodstock also shares in this event/expense and has a voice in this matter as well, and feels that the Lincoln-Woodstock fireworks have always been held on the 4th and should remain on the 4th of July. OJ remarked that if we are unable to obtain an alternative commitment, he would be in favor of staying with North Star Fireworks and moving the shoot date to July 5th.

Chenard Junkyard Violation:

Town Counsel has filed the Complaint in Plymouth District Court. Mr. Chenard's attorney, Bruce Marshall has requested another site visit (Town Attorney has set a tentative date for November 29th at 12:00pm). The Board feels that this is unnecessary, as it is clearly visible that the property is still in non-compliance, and

Town Counsel will inform Mr. Marshall of the same (Town Counsel explained that one reason to do the site visit is that it will "officially" confirm the violation still exists).

The Board suggested that current photos be taken of what the premises currently look like, and specify the date the pictures are taken.

Capital Projects & YTD Expenditures:

Carina presented the Board with the YTD expenditures. The town recently received an invoice from Weston & Sampson for the engineering for the South Peak Water Tank from February-October of this year (\$16,430.21). The Board discussed taking these funds from the 2023 operating budget (unexpended) to help offset the total costs of the project as the town will have remaining funds in the Water Department. OJ remarked that they should also consider exploring other ways to incorporate some of the larger capital items into the operating budget where appropriate (e.g., Water Tank, new Police Dept., Route 3 Water Main Project).

2024 Proposed Budgets:

Carina presented the Board with the 2024 budgets for their initial review. There are a few line items within each budget that are awaiting final dollar amounts. The Selectmen will be holding their first budget work session on Monday, December 4th at 4:00pm.

NEW BUSINESS:

Email received from Geoffrey Pelchat:

To whom it may concern, hello, my name is Geoffrey. I'm a tenant at the depot and my apartment is directly above the encore thrift shop. For the last month and a half, I've been woken up by the Loon Mtn Ministry and their "band". I work nights at a restaurant in town and I don't usually get up until around 11. Every Sunday for the last week I've been woken up by what sounds like chanting, coming from downstairs. I have emailed the ministry, spoken to them in person and I have also contacted the Lincoln police department about the excessive volume of the congregation. Today I asked them for the fourth time to please be conscious of the fact that their speakers bleed right through my bedroom floor. My request was not well received and I noticed they actually GOT LOUDER for the last part of the set. Does the ministry have a permit to put on what's basically a concert every Sunday morning? I'm seriously concerned about this as it's causing me major anxiety and panic attacks. I just want to live in peace and I feel like my lease terms are being violated and I'm being forced to listen to someone really want nothing to do with. I don't know what I'm supposed to do here but I can't expect to enjoy my apartment with a band jamming under my head ever Sunday morning. Thank you

Tammy commented that Marcus Corey (Loon Mt. Ministry) called her earlier in the afternoon and explained that he knew the complaint was being submitted to the town and that he wanted to attend the meeting tonight but had other obligations, however, he is willing to come in to speak with the Board if they would like to meet with him. Marcus explained that he spoke with Mr. Pelchat several times and has moved the speakers to another location so that they were not directly under his bedroom. Marcus also noted that he offered to purchase noise canceling headphones for when their Sunday services begin (Services start at 10am) and explained that he is trying to come to a peaceful resolution on this matter. OJ suggested that they give it time to see if Marcus and Mr. Pelchat can work this out amongst themselves, or, if Marcus would like to come in and speak with the Board.

Notice of Intent to Cut Wood or Timber:

The Board signed the Intent to Cut submitted by Loon Mountain Recreation Corp.

Town Offices Thanksgiving Hours of Operation:

The Town Offices will be closed from Wednesday, November 22nd through Friday, November 24th and reopening on Monday, November 27th for the Thanksgiving Holiday. Carina explained that Town Hall usually closes early on the Wednesday before Thanksgiving, however, with the impending snow expected she decided to close the building for the day, as there was also limited staff that would be working.

Town Assessors:

OJ commented that there had been a conversation about the town's short-term rentals, and the towns assessing company not counting bedrooms/bathrooms in basements, and questioned if this was in fact true. Carina explained that this is according to the Town Planner (Carole Bont), however, she would have to reach out directly to Commerford Neider & Perkins (CNP - Town's assessing company) to verify whether or not this is accurate. OJ asked that she reach out to CNP to verify whether or not this is true, and their reasoning for not counting bedrooms if in fact they do not.

OLD BUSINESS:

Fire Department Structural Analysis:

The Town has entered into a contract with Dubois & King to conduct the second round of structural engineering for the Fire Department's truss system, and to conduct a more thorough evaluation.

Public Participation:

Paul Beaudin questioned if Joe Chenard is currently being fined on a daily/weekly basis? OJ explained that the Town has prevailed in the court case, and had begun fining Mr. Chenard (Civil Penalty-approx. \$7,500 to date) which the Court must first approve (Town Counsel filed the Complaint in Plymouth Court) and then sent the same to Mr. Chenard (civil penalty filing will coincide with property taxes in the spring/fall).

Paul commented on new signage posted at the Solid Waste Facility specifically singling out Airbnb/short-term renters (sign discusses mandatory recycling), and he feels that the sign should be directed to all solid waste visitors and not one specific group.

Paul commented that he does not feel Town Hall should be closed because of a snow event. Carina responded that the Town Hall is rarely closed, and due to the limited staff on Wednesday and the forecasted 6-10" of snow expected, she made the executive decision to close (Town Hall typically closes early the day before a major holiday).

Greg Reynolds commented that he is a member of the Loon Mt. Ministries, and Encore is also a coffee shop with live entertainment, and he believes this is something that should be considered.

VIII. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (e)

There was no non-public session.

IX. ADJOURNMENT

After review of the weekly payables and with no further business to attend to, the Board made the following motion:

MOTION: "To adjourn."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

The meeting adjourned at 6:40 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: December 4, 2023


Chairman O.J. Robinson

Tamra Ham


Jack Daly

November 20, 2023
Board of Selectmen's Meeting
Please PRINT Legibly

Rosie Gowen

Debbie Celino

Jim Welsh

Thinh Truong

Greg Reynolds

Debbie Celino

Jim Welsh

Thinh Truong

Greg Reynolds



William Cass, P.E.
Commissioner



November 9, 2023



David Rodrigue, P.E.
Assistant Commissioner
Andre Briere, Colonel, USAF (RET)
Deputy Commissioner

OJ Robinson, Chair of Selectboard
Town of Lincoln
PO Box 25
Lincoln, NH 03251

**Re: Lincoln Special One Time Highway Payment – in Accordance with House Bill 2
Payment for Maintenance, Construction and Reconstruction of Class IV and V Highways**

Dear Mr. Robinson:

The following is notification of a one time highway payment being made available to your town in State Fiscal Year 2024 based on the passage of House Bill 2 (HB 2) effective in June 2023. HB 2 directs the department to divide and distribute a \$10 million one time payment between all New Hampshire municipalities based on the distribution methods of Block Grant Aid Apportionment A. This one time payment is separate from your regular quarterly payments.

This one time payment is anticipated to be available to the Town of Lincoln during the month of November 2023 as follows:

November 2023 Actual Payment: \$9,821.18

In generalized terms and in accordance with statutory provisions for distribution of Block Grant Aid “Apportionment A” funds, this one time highway payment is based on the municipalities’ mileage of Class IV and Class V highways, as well as the municipalities’ population.

Please contact us at 271-3344 if you have any questions.

Sincerely,

C. R. Willeke

C. R. Willeke, PE
Municipal Highways Engineer
Bureau of Planning and Community Assistance

CRW/dmp

