

Lincoln Board of Selectmen - Meeting Minutes
December 15, 2008 - 5:00 pm

Present: Selectman Deanna Huot, Selectman Patricia McTeague, Town Manager Peter Joseph, Administrative Assistant Susan Chenard
Audience Member: Charlie Cook

Selectman Huot called the meeting to order at 5:15 pm.

Routine Business

- **Approval of the Public Meeting Minutes of November 17, 2008** - A motion was made by Selectman McTeague, seconded by Selectman Huot, to approve the public meeting minutes of November 17, 2008, as amended. The vote was unanimous.
- **Approval of the Public Meeting Minutes of November 26, 2008** – This item had to be postponed as only one Selectman present this evening was present at that meeting.
- **Review of FY 2008 Assessment Ratios** – According to the sales analysis done by MRI, the Town’s assessors, the Town is at 100% valuation. They looked at 104 sales, and had good solid numbers for COD and PRD. The Department of Revenue (DRA) will set the actual ratio, but our expected numbers look good.
- **Discussion of Fuel Oil Costs FY 2009 Budget** – The Town had locked in a fuel oil rate this summer at \$4.29 per gallon. However, costs have dropped to around \$2.69, and the school district has been able to negotiate a buy out from Fred Fuller oil. This would allow the school and related municipalities to pay 50 cents over market price for the winter. The Town Manager asked if the Selectmen would like to take advantage of this plan, and if so, if they would like to adjust budget figures. We use roughly 5000 gallons per heating season, and Selectman Huot wondered if the difference was based on gallons used or the time frame. Charlie Cook explained that we did not pre-buy fuel, we locked in a rate. Public Works and Solid Waste are the only departments that use fuel oil, and only budgeted about 3500 gallons. Even so, Mr. Cook felt we would have a \$3000 savings based on current rates. Town Manager Joseph said we would most likely still save, even if prices did go up later in the heating season. Selectman McTeague was very happy that Fred fuller would allow us this option, and Selectman Huot agreed that we should take advantage of this change. However, they did not feel the budget should be adjusted, as we don’t know how much prices may go back up.
- **Review of Hull vs. Grafton County Court Decision** – Town Manager Joseph explained that there had actually been two court cases between these parties. The first one, regarding items related to the jail bond vote, consisted of four parts and resulted in a 30+ page decision.
 1. An improperly noticed dinner meeting was considered a chance encounter with no decisions being made.
 2. A second improperly noticed meeting apparently occurred when the commissioners met before the official bond vote meeting. This was ruled a violation due to no minutes and no notice having been provided. However, it did not improperly influence the jail vote, so no injunction was made. Due

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to the public meeting law violation, legal costs were awarded to the plaintiffs for this portion only.

3. The plaintiffs alleged a violation when the forum broke off to a separate area during the bond vote. The court decided this was not a violation as there were not enough representatives meeting behind the partition to make a quorum, so it could not be considered a meeting.
4. The plaintiffs alleged that a right to know violation had occurred, as the minutes were not made available within the 5 days allotted, but rather 3-4 days after that, for a total of about 8 days after being requested. The court agreed, and found that sources had not been provided as the secretary created the minutes from a newspaper article. Attorney's fees were again awarded to the plaintiffs for this portion.

Next will come the "sentencing" portion, where calculations for attorney's fees will be made. This is followed by 30 days to appeal the injunction decisions. No dates have been set yet.

The second court case involved the same parties and alleged the May 21, 2008 vote regarding pay for Grafton County had been improperly noticed. There was a public meeting violation, as they met in Concord, and the meeting was unnoticed except at the State House. (The meeting funded the Commissioners at the same level of pay and gave a 2.3% raise to the Registrar, County Attorney and the High Sheriff.) Later, a properly noticed meeting was held on July 21st to accomplish the same thing. The judge did not want to invalidate the salaries, as it could disrupt government and injure the public more than the lack of notice, so no injunction was filed.

Robert Hull and John Babiarz are the plaintiffs, and it seems like they will keep asking for injunctions, which will cost the County (and therefore us) more money. Mr. Cook wondered why we don't use the County Attorney to defend the County (at least in Hull 1).

Town Manager Joseph said Representative Gionet had asked the new delegation what they would do for capital budgeting in the future and they said, "Nothing, yet". A discussion ensued of how to plan and keep money available without the State taking it away for other uses. At least a plan would be great! The Town Manager also explained that Massachusetts did away with counties as they were in default, and did not feel that doing away with counties in New Hampshire would work, as they are still solvent.

➤ **Town Manager's Weekly Report**

1. Town Hall will be closed on December 26th, as a majority of employees have chosen to take that day as their floating holiday. Helen Jones, the Town Manager and Stacey Boyce may each be in for some time, but just getting caught up. The closed dates of December 25 and 26 will be publicly posted.
2. Town Manager Joseph is planning on a vacation from December 27, 2008 to January 6, 2009. The Police Chief and Public Works will be around most of the week. Selectman McTeague felt that he should not plan to take this period off every year, as it is typically a period of highest occupancy in Lincoln. He said he would only not have cell service mid-week for about 3 days. Town Manager

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Joseph also noted that his probationary period would be up by December 16th, and the Selectmen felt he should not be worried.

3. Tomorrow we will have customer service training for any available employees. Mark LaClair from the Chamber of Commerce will teach. He is on a customer service crusade, and is making it a town-wide/area-wide effort. Mr. Cook noted how nice it is to get a live person when calling the Town Hall.
4. Primex has offered us a health insurance savings of 2% (from 9.8% to 7.8% Not-to-exceed figures) if we do two health seminars during our plan year, between July 1, 2009 and June 30, 2010. We recently held a similar seminar anyhow, with classes on lifting, blood pathogens, etc. so it seems to make sense to take advantage of this opportunity. However, we would need to do some comparisons first, as we don't want to be locked in if another company has a better deal. The Primex opportunity has a January 5th signature deadline. Town Manager Joseph said he would get quotes within the next week or two. Each percent is about a \$2000 savings.

Other Business

- Alex Ray of the Common Man has made an offer on the parcel of land which is currently rented by them from the Town as part of their parking lot. His offer for the 0.61 acres of land adjacent to the Common Man is \$55,000. It was recently appraised, with a value of about \$85,000, and our assessors had it at \$109,000, as the basis for the lease. (The rental amount equal what the taxes would be per year.) Any discussions of bargaining strategy will be held in non-public session, but the Selectmen may feel it makes more sense to just keep the lease and get income at that number, although the proceeds from such a sale could go into the Roads and Streets budget.
- The Town Manager noted that we need to create a warrant article for Town Meeting regarding the long-term lease of the salt shed to the snowmobile club.
- Selectman Huot said Clark Wrye seemed to be missing the library budget from his packet.
- Selectman Huot also asked if we had made progress on recovering the penalty due to late registration of a generator from United Water. The Town Manager is still working on this.
- Selectman Huot asked if the library and recreation departments were working on the recently discussed grant applications. Tara Tower is working on this for the Recreation Department, but we were not sure about the Library, as Peter Moore is on vacation.
- Estimates for insulation at the Community Center are being put together by Dave Dovholuk. The Town Manager has not had a chance to review them. We did have testing done and learned there is currently inert vermiculite.
- Selectman Huot asked about the land transfer for the NCCA. Town Manager Joseph spoke with Rick Kelley about a week or two ago. The Town's and NCCA's attorneys are in communication and a title search is in progress. There was discussion regarding if we need to revalidate the plan via a warrant article, if it does not transfer before the end of the year. The Town Manager will check with DRA.
- Selectman Huot asked that the Selectmen have a filing cabinet with room for each of them to store their notes, etc. in their own drawer here at the Town Hall. We do have

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a file cabinet or two that has space, and this could be moved into the Town Manager's office. Also, Town Manager Joseph plans to start scanning more and more documents and filing them electronically, rather than on paper. After some discussion, the Board and Town Manager adjourned to the storage closet for a few minutes to review procedures for file removal.

- The Town Manager and Selectman Huot plan to meet Friday to start on the capital list. This needs to be done soon.
- The next Selectmen's meeting is scheduled for December 22, 2008, with all three Selectmen present. If there is a meeting on December 29th, the Town Manager will prepare information in preparation of his absence.

At 7:07 pm, the meeting was adjourned and the Board of Selectmen reviewed payroll check registers for the week ending December 14, 2008.

Date: _____

Approved by:

(Not present)
Chairman Peter Moore

Selectman Deanna Huot

Selectman Patricia McTeague