

**LINCOLN BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**JUNE 22, 2015**  
**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

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**Present:** O.J. Robinson, Patricia McTeague, and Jayne Ludwig.

**Staff Present:** Town Manager Alfred Burbank, Fire Chief Ron Beard, and Recording Secretary Brook Rose.

**Public Present:** Paul Beaudin, Cindy Rineer, Edmond Gionet, Tamra Ham, Mary Conn, Roger Harrington, Mike Harrington, Paul Beaudin, Bill Conn, Jane O'Connor, David Beaudin, James Welsh, and Susan Clark.

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## **I. CALL TO ORDER**

O.J. Robinson called the meeting to order at 5:30pm.

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## **II. REVIEW OF MEETING MINUTES**

**MOTION: “To approve the minutes of the June 8, 2015 Board of Selectmen’s meeting as amended.”**

**Motion: McTeague                      Second: Ludwig                      All in favor.**

There was a brief discussion regarding town employees who speak at meetings. Jayne Ludwig would like to make sure that the Board is consistent in ensuring that if an employee is speaking at a meeting that they state whether they are speaking on behalf of the Town or as a citizen. Town Manager Burbank and Chairman Robinson agreed that if an employee is attending a meeting and is addressed by the Board or Town Manager and asked to speak on behalf of the Town, that employee will be considered to be speaking as an employee and not as a member of the public. Mr. Burbank was not aware that town employees would be at the last meeting.

There was also discussion about whether the Board should allow members of the public to speak at a Board meeting if they are not on the agenda. O.J. Robinson stated that he has always taken a collaborative approach and allowed members of the public to give their input. Jayne Ludwig would rather see members of the public ask to be put on the agenda prior to the meeting. She added that the public should be heard during public session to expedite the work that the Board needs to complete. Town Manager Burbank will make every effort to include on the agenda those that wish to speak at the meeting if they contact the office prior to the meeting. Jayne added that members of the public or groups with a specific issue should ask to be put on the agenda and forward any necessary materials to the Board to give them time to prepare.

**MOTION: “To approve the non-public meeting minutes of the June 8, 2015 Board of Selectmen’s meeting.”**

**Motion: Ludwig                      Second: McTeague                      All in favor.**

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### III. REVIEW OF INTER-MUNICIPAL AGREEMENT

A few minor edits to the proposed inter-municipal agreement were made during the Town Attorney's review of the document. All agreed that the document is ready to forward to the Town of Woodstock for their review.

At this time, O.J. Robinson invited input from the public.

Paul Beaudin brought a few minor revisions to the Board's attention. He would like to see a term put on the agreement. He also suggested a cash penalty clause if either town were to withdraw. He added that he still feels slighted as a taxpayer as he would rather see the Town invoicing Woodstock to participate in the recreation program. He would also like to see Woodstock charged for the acquisition of land, buildings, and repairs. He added that the Board shouldn't rush this agreement and should consider that this could be a source of revenue for the Town. The Board discussed Mr. Beaudin's suggestions and the majority agreed that there was no benefit to having a penalty clause. As this agreement will be discussed every budget season, there is no reason to incorporate a term.

Tamra Ham also made some suggestions on minor revisions to the wording of the contract which the Board incorporated into the agreement.

Bill Conn questioned what the status of the prior recreation agreement is. O.J. Robinson replied that if there was an agreement in place, neither town was aware of it. There were only proposed contracts.

Edmond Gionet would like to ensure that the statutes referenced in this agreement do not allow the Town Manager the opportunity to circumvent a public hearing on the skate park. He stated that this possibility scares him. O.J. Robinson replied that the agreement does not alter the powers of the Town Manager.

**MOTION: "To forward the proposed Inter-Municipal Agreement between Lincoln and Woodstock, NH to the Town of Woodstock for their review and input."**

**Motion: McTeague            Second: Ludwig            All in favor.**

The Board thanked everyone for their input.

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### IV. OLD/NEW BUSINESS

#### **Year to Date Budget Review**

The Board reviewed the year to date budget. O.J. Robinson noted that the legal expenses and welfare budgets are both way under budget.

#### **Chief Beard- Fire Department Update**

Chief Beard informed the Board that he has three new members that have joined the Department. These new members will bring the department up 21 members. Currently, the department has one member who is also a paramedic and two that are EMT's.

On July 9<sup>th</sup> the Department has a nationally recognized speaker conducting a May Day training at the town hall. The May Day training teaches a fire department how to respond when a fire fighter is trapped in the line of duty. Chief Beard hopes to fill the meeting room to capacity for this training. He has invited many other fire departments to attend.

### **Update on Water Issues at The Landing**

The Planning Board is currently reviewing water issues specifically in the South Peak and The Landing developments. O.J. stated that The Landing never followed through on the conditions of approval. The Board discussed this with Chief Beard and decided to, at a minimum, require the developer to adhere to the conditions of approval. The Board discussed the fact that at the time of the approval, the Planning Board authorized these plans per the engineer's stamp of approval. The plans that were approved at that time demonstrated adequate water protection. Chief Beard recommended that the water situation be revisited. He added that in order to provide adequate fire protection to this area, five engines and a great deal of hose would be required. However, five engines are all of the apparatus that both the towns of Lincoln and Woodstock have combined. O.J. Robinson questioned whether the Fire Marshall could advise in this situation. Chief Beard will ask the Fire Marshall to review the situation this week.

### **Town Manager's Report**

#### **Kanc Rec Roof**

A project site inspection was conducted today with three prospective contractors. Bids for the project will be accepted until June 29<sup>th</sup>.

#### **Sign Ordinance**

Outback Kayak has received their certified letter of intent from the Town's attorney. Three more violation letters will be sent out this week. Jayne Ludwig questioned whether any public educational outreach has been done since the public hearing on the Sign Ordinance. O.J. replied that he has spoken with the Lincoln Woodstock Chamber of Commerce Board of Directors and the Chamber has sent out signage information to their members. Town Manager Burbank has also spoken with business owners individually.

#### **Road Paving**

The Public Works Department has not yet begun paving Bourassa Rd/Boyle Rd /Franklin St. & Labrecque St. due to inclement weather. Work should commence later this week weather permitting.

#### **Public Works/LED Lighting Project**

NHEC has completed the installation of the new LED lighting at the Water Plant. The Public Works garage will also be converted to LED lighting in the near future.

#### **Manhole Cover**

After a brief discussion, the Board agreed to look into paving around the manhole on O'Brien Avenue. The manhole protrudes up out of the pavement. A few members of the public expressed concern that this could be a safety issue.

## **Joe Chenard Junkyard Matter**

Town Manager Burbank has yet to hear from Mr. Chenard. The Board wishes to take the only action available to the Town and proceed in court. The Board does not want to spend any more money on this matter as \$14,000 has already been spent but a precedent has been set. Mr. Chenard is in violation of a court order. Town Manager Burbank has tried to call him repeatedly but to no avail. Jayne Ludwig stated that this is a lot of taxpayer money to get him to move stuff and asked if there were alternatives to court. The Board agreed to move forward with this process.

## **South Mountain Development**

The developer will be installing an additional water tank as agreed upon as soon as additional lots have been sold. Further discussion ensued regarding this water system and the potential impact it has to the municipal water system.

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## **V. PUBLIC PARTICIPATION**

### **Edmond Gionet**

Mr. Gionet questioned whether the Town has filed a request for a declaratory judgement regarding Beechwood. O.J. replied that the Town's attorney is working to prepare one but nothing has been filed yet as it is a lengthy process.

### **Paul Beaudin**

Paul Beaudin questioned why O.J. Robinson did not return his phone call or respond to his e-mail regarding the drainage on Boyle Street. O.J. Robinson replied that the Board listened to Mr. Beaudin's input on this matter at a prior meeting. He added that he reviewed the photos Mr. Beaudin sent and did in fact read his e-mail. The matter was discussed with the Public Works Department and the residents in this area. He added that the engineering reports do not call for additional drainage on Boyle Street and the neighbors are fine with the maintenance plan the Town has in place.

Mr. Beaudin questioned again why O.J. did not reply to his e-mail or return his phone call. O.J. replied that the e-mail was not addressed to the Board and that he took offense to the e-mail. He stated that Mr. Beaudin's suggestion in the e-mail that the Board conducts business according to who resides where is erroneous and offensive and he is not sure who Mr. Beaudin is referring to. He added that he will not engage Mr. Beaudin in constant arguments about every Town project.

Mr. Beaudin replied that the Town took care of the drainage on Pollard Road and yet O.J. is not even willing to go and look at Boyle Street. Mr. Beaudin stated that O.J. is being a terrible public servant and that since his tax dollars put O.J. in that seat, he can at least meet with the taxpayers.

Further discussion ensued. O.J. stated that the Board may consider putting the entire road reconstruction in the CIP as Mr. Beaudin recommended however, a maintenance coat on the road will improve the road for several years. He added that the neighbors do not want the Town to rebuild the swale on their properties to help improve the drainage. Paul Beaudin stated that there will still be water on the road which will be dangerous in the winter. He added that it is a waste of his taxpayer dollars to put a top coat on this road and unfair that the Town would put money into Pollard Road but not the road he drives on every day. He questioned whether if water collects on the road, the Town will take care of it. The

Board confirmed that they have heard what Mr. Beaudin has said and would indeed take care of water if it pooled on the roadway.

### **Edmond Gionet**

Mr. Gionet stated that he would like to see the engineering report that Mr. Robinson keeps referring to on Boyle Street. He went on to complain about the poor construction work done by the Public Works Department specifically on School Street as well as the road that he resides on.

### **Tamra Ham – Skate Park/Agenda**

Tamra Ham brought it to the Board’s attention that what is on the agenda is not always what is discussed at the meeting. She pointed out that Ms. Ludwig as well as a few other individuals have discussed the skate park at length at several prior meetings without it being on the agenda. The Lin-Wood Skate Park Committee and supporters of the park came to the last meeting in response to all of the recent negative feedback on the park brought up at several previous meetings. She added that following an absolute agenda is not always possible and that the agenda should be more of a tool for guiding the meeting. She hopes the Board will not stop hearing from the public that take the time to attend the meetings.

Jayne Ludwig responded by saying that the skate park has been on the Town Manager’s report every week. Tamra replied that in the meeting minutes Jayne states that the park shouldn’t be discussed if it is not on the agenda. Jayne stated that it was not on the agenda and it should have been to inform the residents and taxpayers.

### **Paul Beaudin & Edmond Gionet – Skate Park**

Paul questioned what the next step on the skate board park is. O.J. Robinson replied that when the Board makes a decision, they will make the public aware. Jayne Ludwig added that she would like a public hearing.

Mr. Gionet again stated that he would like to ensure that the statutes referenced in the inter-municipal agreement do not allow the Town Manager the opportunity to circumvent a public hearing on a skate park. O.J. Robinson again reiterated that the agreement does not change the powers of the Town Manager.

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## **VI. OTHER BUSINESS**

### **Abatement Requests**

**MOTION: “To deny the abatement requests of Eversource Energy (tax map 117-122000-00-00001), New Hampshire Electric Coop.,Inc. (tax map 117-122), and Fairpoint Communications Inc/Northern New England Telephone Operations LLC (tax map 002-001) as recommended by the Town’s utility appraiser.”**

**Motion: Ludwig Second: McTeague All in favor.**

Abatements are denied based on the information provided in the 2014 abatement applications, previous information filed with the Town during the valuation phase, and information requested by the appraiser during the valuation phase which the utilities did not provide.

## **Application for Reimbursement to Towns and Cities in Which Federal and State Forest Land is Situated**

The Board signed the 2015 NH Department of Revenue's Application for Reimbursement to Towns and Cities in Which Federal and State Forest Land is Situated and made the following motion:

**MOTION: "To accept the 2015 NH Department of Revenue's Application for Reimbursement to Towns and Cities in Which Federal and State Forest Land is Situated."**

**Motion: Ludwig      Second: McTeague      All in favor.**

**MOTION: "To inform the NH DRA that the Town of Lincoln will not be utilizing the Form PA-28, Taxpayer Inventory Blank."**

**Motion: Ludwig      Second: McTeague      All in favor.**

### **Quit Claim Deeds- East Spur Road**

The Board reviewed and signed quitclaim deeds from the Town of Lincoln to James Welsh (.05 acres), Michael Harrington (.33 acres), and Jane O'Connor (.09 acres) as identified on the plan titled "Plan Showing Boundary Line Adjustments Between Michael Harrington, Holly Harrington, James J. Welsh, Jane O'Connor and the Town of Lincoln on East Spur Road, Lincoln, NH" and recorded as Plan#14743 with the Grafton County Registry of Deeds. O.J. stated that after the public hearing, the Board made a motion to sign this land over to the aforesaid property owners so a further motion isn't necessary.

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## **VII. NON-PUBLIC WORK SESSION *Pursuant to RSA 91-A:3II(legal, personnel)***

**MOTION: To go into Non-Public Work Session at 7:20pm.**

**Motion: Ludwig      Seconded: McTeague      Roll call vote all in favor.**

**MOTION: To go back into public session at 7:45pm.**

**Motion: McTeague      Seconded: Ludwig      Roll call vote all in favor.**

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## **VIII. ADJOURNMENT**

After reviewing the weekly accounts payables, the Board made the following motion.

**MOTION: "To adjourn."**

**Motion: McTeague      Second: Ludwig      All in favor.**

The meeting was adjourned at 7:55pm.

Respectfully Submitted,

Brook Rose

Approval Date 7/6/15