

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
MAY 11, 2015
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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

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

Public Present: Paul Beaudin, Cindy Rineer, Edmond Gionet, Tamra Ham, Mary Conn, Roger Harrington, and Susan Clark.

I. CALL TO ORDER

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

II. REVIEW OF MEETING MINUTES

MOTION: "To approve the minutes of the May 4, 2015 Board of Selectmen's meeting as amended by the Board of Selectmen as well as to incorporate the following suggested amendments by Mr. Gionet."

Motion: Patricia McTeague

Second: Jayne Ludwig

All in favor.

At the request of Edmond Gionet, the following amendments to the minutes were made:

To add his comment regarding his inquiry about the curb stop in front of his house to the minutes;

To add the fact that Mr. Gionet did assist the Town in getting the State to make prompt payment on the outstanding invoices for the Loon Mountain Bridge due to the Town.

MOTION: "To approve the non-public meeting minutes of the May 4, 2015 Board of Selectmen's meeting."

Motion: Ludwig

Second: McTeague

All in favor.

III. PUBLIC PARTICIPATION

Susan Clark Question Re: Chenard Property

Susan Clark questioned the \$14,000 spent to take Mr. Chenard to court regarding his property. O.J explained the history on this matter, the current situation, and the settlement agreement between the Town and Joe Chenard. Mr. Chenard is in violation of the settlement agreement.

Edmond Gionet Re: Loon Mountain Bridge Memos

Mr. Gionet stated that he did correspond with the State of NHDOT to advocate on behalf of the Town by asking that the NHDOT expedite the process of reimbursing their portion of the Loon Mountain Bridge invoices to the Town. Mr. Gionet asked that his correspondence be attached to the meeting minutes.

Police Chief's Work Schedule

Edmond Gionet questioned what days Chief Smith is scheduled to be off every week. O.J. Robinson replied that the Chief works part time. He is not on a set schedule and works at the Department when is he is most needed according to the schedule of his employees. It is up to the Chief to set his 32 hours/week schedule and it can vary week to week.

E-mail from Bill Conn

O.J. Robinson read the attached e-mail from Bill Conn. He replied and stated that he did not know however it appears that it could have been Dan Crean who was the Town's attorney at the time.

Letter from The Links Re: NHDES Determination of Levee Abutters

O.J. Robinson read the attached letter from The Links. Town Manager Burbank stated that Helen Jones has had several conversations with NHDES to provide them with a list of the abutters to a specific area determined by NHDES around the levee. The Town only provided what NHDES asked for. Town Manager Burbank will speak further with Helen on this matter. O.J. Robinson added that the Town can request clarification from NHDES if needed.

Pending Litigation

At the request of Edmond Gionet, O.J. Robinson updated him on all of the Town's pending litigation matters as much as could be done in a public meeting. Pending litigation matters discussed included Beechwood, the levee, personnel, junkyards, and Planning Board.

IV. TOWN MANAGER'S REPORT

Kanc Rec Roof

At the recommendation of Public Works Director Willey, Town Manager Burbank stated that the Kanc Rec roof will need to be replaced ASAP as it is in very bad condition and is leaking. The roof replacement was a topic of discussion during the CIP meetings a few years ago but never ended up being incorporated into the CIP. Town Manager Burbank will procure some quotes for the job.

Police Department Body Cameras

Town Manager Burbank informed the Board that the four cameras purchased by the Police Department were not bought with any governmental grant money. Chief Smith added that he is currently working on writing a policy for the use of the cameras and the department still needs to purchase a special computer system for use with the cameras.

O'Brien Avenue

Town Manager Burbank and Public Works Director Willey spoke with Myles Moran regarding his property on O'Brien Avenue. Mr. Moran has no issues with the snow or sand removal on his property as suggested by Mr. Harrington. Mr. Moran stated that if he did, he would not hesitate to contact Bill Willey directly. Mr. Moran stated that he never asked Mr. Harrington to clean up his property; however, he certainly appreciates it.

Town Manager Burbank stated that in response to some concerns expressed regarding the catch basin on O'Brien Avenue, the Public Works Director sees no reason to lower it. The catch basin is at minimum elevation and lowering it would be extremely expensive. Public Works Director Willey sees no issue with what is currently in place.

Junk Yards Update

Mr. & Mrs. Peterson Sr. met with Town Manager Burbank last week to request an extension on the time frame they were given by the Town to clean up their property. Mr. Burbank asked that they submit their request in writing however he did give them a 30 day extension.

Mr. Burbank informed the Board that the mortgage holders did clean up Ed Peterson Jr.'s property.

Town of Lincoln Surplus Equipment

Town Manager Burbank reviewed the surplus equipment list with the Board. Items will be put up for sale in the next few weeks.

South Peak Pump Station

The bid opening for this project was held on April 30th. Only one bid was submitted for the amount of \$15,950 from James Gagnon.

Solid Waste Facility Hours

The Woodstock Board of Selectmen has unanimously accepted the new operating hours for the Solid Waste Facility. The new hours begin on Saturday, May 23rd. There hasn't been any negative feedback on the new hours. Paul Beaudin questioned whether the facility would be closed on holidays as well. Town Manager Burbank replied that it would. The Town plans to advertise the new hours.

Lincoln Woodstock Inter-Municipal Agreement for the Recreation Department

Town Manager Burbank informed the Board that the inter-municipal agreement drafted in 2000 was never finalized between Lincoln and Woodstock for unknown reasons. The Town of Woodstock's auditors have requested that any joint boards establish an intergovernmental agreement. The history of said draft agreement was discussed. Edmond Gionet stated that he did not agree with the Town's recollection of the history of this agreement and suggested the Board do a better job investigating. O.J. Robinson noted Mr. Gionet's comments. Town Manager Burbank provided the Board with a copy of the year

2000 draft agreement composed by Attorney Crean. Paul Beaudin questioned whether there is currently an inter-municipal agreement in place. O.J. Robinson replied that currently the Town of Lincoln charges Woodstock 50% of the operating budget and that there is a long standing procedure in place but not a written agreement. Discussion ensued and all agreed it would be good to put in writing exactly what Woodstock is charged for and pays for the recreation program and community center. O.J. Robinson stated that the Town of Woodstock would like a written inter-municipal agreement however he would like to start this process by first writing out the process that is currently in place between both towns and has been for the past 17 years. He added that he believes there are benefits to having a written inter-municipal agreement in place. Mr. Gionet and Selectman Robinson agreed that, "if it ain't broke, don't fix it" and that the way the towns have been working together over the past 17 years has worked very well. Town Manager Burbank stated that he will meet with Recreation Director Tara Tower to write down the current practice. Tamra Ham stated that the finances of the Community Center should be handled the same way as the Kanc Rec between the two towns. She reminded the Board that the Recreation Department has a big impact on the children of the two towns. The Department runs the elementary sports program for both towns. Neither town has enough children to have a sports program on their own. She added that she would really like the spirit of cooperation between the two towns to continue.

Skate Park Discussion Pertaining to the RSA's

Jayne Ludwig stated that she hated to bring this up again, however she is very familiar with being governed by the RSA's and cannot determine which RSA the Board is working under to dispose of town land for a skate park. O.J. Robinson replied that the Town is not disposing of, buying, or selling land. The land allocated for use as a skate park is the same as using town land for the community garden, installing a dugout etc. He added that overseeing town lands falls under the same statutes the Board works under to oversee the Kanc Rec land or any town land. The skate park is part of the Riverfront Park Plan that also included parking, amphitheater, kayak launch, and other recreational uses. There have been many public hearings on the topic. Jayne Ludwig stated that the RSA's supersede the Town's Master Plan and she still cannot determine what RSA the Board is working under. She stated that it seems odd to her that this use of the land would not be put before the taxpayers. This is not the way she does business on other boards. Town Manager Burbank will speak with Attorney General's office on this matter as suggested by Edmond Gionet. O.J. added that he would take the time to bring Jayne up to speed on the history of this matter before planning any additional public meetings as has been suggested.

Abatement

MOTION: "To grant an abatement to Marianne Goodrow for property located at tax map 107-010. Abatement will be granted as her tax payment was postmarked on 5/6/15 and was not received until after the due date and thus fines were incurred. Abatement is refunding these late fines of \$8.43 and \$19.87 per the request of Tax Collector Whitman."

Motion: McTeague Second: Ludwig All in favor.

Summer Meeting Schedule

Beginning in June and throughout the summer until Labor Day, the Board will meet biweekly. Meeting dates for June and July are as follows:

June 8 & 22nd
July 13 & 27th

The Board will meet on the 2nd & 4th Mondays. The schedule is subject to change if additional meetings are needed.

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

MOTION: To go into Non-Public Work Session at 6:45pm.

Motion: Robinson Seconded: Ludwig Roll call vote all in favor.

MOTION: To go back into public session at 7:35pm.

Motion: Ludwig Seconded: Robinson Roll call vote all in favor.

VI. ADJOURNMENT

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

MOTION: "To adjourn."

Motion: O.J. Robinson Second: Patricia McTeague All in favor.

The meeting was adjourned at 7:40pm.

Respectfully Submitted,

Brook Rose

Approval Date 5/18/15

Chairman O.J. Robinson

Patricia McTeague

Jayne Ludwig

Subject **Fwd: Question fo r BOS meeting**
From OJ Robinson <oj@cpointadvisors.com>
To Brook Rose <brose@lincolnnh.org>
Date 2015-05-18 10:01



----- Forwarded message -----

From: **Bill Conn** <wmconn13@yahoo.com>
Date: Mon, May 11, 2015 at 3:21 PM
Subject: Question fo r BOS meeting
To: Butch Burbank <townmanager@lincolnnh.org>, OJ Robinson <oj@cpointadvisors.com>, Jayne Ludwig <jludwig1105@gmail.com>

Hi,
I have a question, Who was the author of the proposed inter-municipal recreation agreement between Lincoln and Woodstock?
I am requesting that this be read at tonight's (5/11/15) BOS meeting and put in the minutes.
Would you please acknowledge receipt of this email?
Thank you,
Bill Conn

--

O.J. Robinson, CBI
Certified Business Intermediary

CenterPoint Business Advisors
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**The Links
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Board of Directors

Margaret Lelakes
President

Marion Malkasian
Treasurer

Sharon O'Brien
Secretary



Certified Mail

May 7, 2015

Board of Selectmen
Town of Lincoln, NH
148 Main Street
PO Box 25
Lincoln, NH 03251

Dear Board Members,

The board of directors of the Links Condominium Association is still trying to determine why the Links has been named as an abutter to the levee located on the East Branch of the Pemigewasset River.

At your April 6, 2015, board meeting, the following was entered into the board minutes in reply to my previous question on the same issue:

O.J. Robinson replied that the Town supplied NHDES with a list of abutters specific to a boundary that NHDES determined is the levee. Town Manager Burbank added that NHDES raised the number of owners to 211. The majority of the 211 owners are from the Lodge at Lincoln Station. The Lodge at Lincoln Station is currently appealing to NHDES. He added that the Links is also right on the levee and has the same opportunity for appeal. O.J. clarified that it is NHDES, not the Town that determines the ownership.

In the April 6, 2015, minutes, you reference a map that you received from NHDES.

On June 13, 2014, when the Links board walked the levee with the representatives from NHDES, we received the enclosed map from NHDES. The area marked in red was the area of the levee. The total map showed the area up to Memorial Drive, but the area of the levee was the area designated in red. This same map was sent to us on February 20, 2015, by NHDES, when they indicated that the Town of Lincoln identified the Links owners as owners of the adjacent levee according to the tax records

We have indicated on the map where the Links is located and it is beyond the area designated as the levee; therefore, we do not see how we are abutters since the levee ends a couple of house lots before the Links property.

Therefore, we are asking you to review your reply to the NHDES regarding property owned along the levee:

1. Did you receive a different map from NHDES?
2. Were the names of all property owners given to NHDES that were along the river up to Memorial Drive, rather than those that were in the area designated for the levee?

COPY

3. Were the Links owners accidentally listed as abutters/owners of the levee by someone assembling the information who did not know that the levee was the area in red?

If you were provided with a different map, please provide us with a copy. If the map was interpreted incorrectly, could you please provide NHDES with a corrected list of the abutters to the levee and provide us with a copy of the correspondence.

Sincerely,



Sharon O'Brien, Secretary
Links Condominium Association

Contact information:

Address: 14 Woodland Drive
Nashua, NH 03063

Email: sobrien_nh@yahoo.com

