

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
NOVEMBER 10, 2014
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

Board of Selectmen Present: O.J. Robinson, Patricia McTeague, and Tamra Ham.

Staff Present: Town Manager Burbank, Fire Chief Ron Beard, Finance Officer Helen Jones, Trustees of the Trust Fund Jim Spanos and Lutz Wallem, and Recording Secretary Brook Rose.

Public Present: Dave Beaudin, Jayne Ludwig, and Dave Beaudin.

I. CALL TO ORDER

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

II. MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the minutes of the November 3, 2014 Board of Selectmen's meeting as amended."

Motion: Tamra Ham **Second:** Patricia McTeague **All in favor.**

Amendments were to change line 34 from "is" to "could be," line 41 from "5" to "17" and to insert the word "adequately" into the sentence on line 66.

MOTION: "To approve the non-public minutes of the November 3, 2014 Board of Selectmen's meeting."

Motion: Tamra Ham **Second:** Patricia McTeague **All in favor.**

MOTION: "To approve the minutes of the November 4, 2014 Board of Selectmen's work session."

Motion: Tamra Ham **Second:** Patricia McTeague **All in favor.**

III. TRUSTEES OF THE TRUST FUND APPOINTMENT

Town Manager Burbank updated the board about the trustees' request that the board appoint a third trustee. Trustee Spanos and Trustee Wallem would like a third person to sit on their committee to allow for a full voting committee. Jim Spanos stated that the seat has been vacant since 2010. As Mr. Wallem and Mr. Spanos do not always agree on overseeing these funds, they would like a qualified third person to work with them. After further explanation of the various reasons a third trustee is needed, Mr. Spanos suggested Lori Wigget be appointed to fill the position. Mr. Wallem also explained his reasoning behind requesting that a third trustee be appointed and suggested Ron Comesana for the position. The town received written letters of interest from Ron and Lori. After discussing both candidates the board agreed that both are qualified to be a trustee. However, Ms. Wigget's extensive banking experience and knowledge of investments would be an extremely valuable asset to the town. The term of this position is only four months. If either party is interested in running for the position, they would have to put their name on the ballot for town meeting.

Tamra Ham stated that she does not know Mr. Comesano and would be extremely uncomfortable appointing someone to the position that she does not know without interviewing them first. Patricia McTeague stated that she knows Lori and is very confident with her skills and abilities.

MOTION: "To appoint Lori Wigget to the position of Trustee of Trust Funds for a term of four months."

Motion: Patricia McTeague

Second Tamra Ham

All in favor.

O.J. Robinson suggested that the trustees work on developing a protocol for their process and procedures. The board asked that town staff send a letter to Mr. Comesano thanking him for his interest in the position and encouraging him to run for this position or for the budget committee.

IV. OLD / NEW BUSINESS

Personnel Policy Changes to Comp and Sick Time Policies

O.J. Robinson read the following revised policies. Revisions have been highlighted.

OVERTIME/COMPENSATORY TIME

From time to time, it may be necessary for you to perform overtime work. Your department head or supervisor must approve all overtime in advance. Except in the event of an emergency, the Town will attempt to provide you with advance notice of the necessity for overtime work. To the extent possible, the Town will attempt to equally distribute overtime among employees. Most non-exempt employees, with the exception of certain law enforcement, fire protection, and public safety employees, are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) hours per week. Sick days, vacation time, leaves of absences, and other time-off benefits are counted as time worked for purposes of overtime.

Non-exempt employees, who are entitled to overtime, may choose time off in lieu of monetary compensation. Compensatory time (Comp time) will be calculated at a rate of one and one half hours for each hour of overtime worked. Employees may not accrue more than 40 hours of comp time. Comp time must be recorded on time sheets each week. Use of comp time must be approved in advance by the Department Head and is approved on a first come basis. Comp time shall be used in 4 hour increments. If an employee wishes to use more than 4 hours at a time (i.e. 1 day, 2 days, 3 days), the request must be made in advance to the Department Head. The granting of comp time and comp time leave is at the sole discretion of the Department Head. Comp time will not be carried over from one year to another. Unused comp time will be paid in full at the end of the year. Upon termination of employment, the employee will be paid for any accrued, unused comp time.

Non-exempt Town employees engaged in law enforcement activities will be paid overtime as specified in their Police Union contract. Exempt employees are not eligible for comp time and will be paid according to their employment agreements.

PAID TIME OFF SETTLEMENT UPON TERMINATION

An employee who is eligible for Paid Time Off under this policy, and whose services are terminated, voluntarily or involuntarily (unless termination is due to pending criminal charges directly related to his/her employment or service to the Town of Lincoln) shall be paid for Paid Time Off in an amount that is equivalent to any unused earned Paid Time Off (see Eligibility section), up to a maximum of 288 hours. *This would be broken down as up to 200 hours of Vacation PTO Hours and up to 88 hours of Holiday PTO hours. (16 hours personal time and 40 hours of carried-over Vacation PTO may also be paid, as mentioned in other sections of this manual.) Any unused sick time is not eligible to be paid upon termination.*

An employee who has received advance PTO or who has taken PTO which, upon dismissal, has not been *earned* (acquired), will have the amount of the unearned PTO pay previously received deducted from his or her final compensation payment.

-SECTION 7-

SICK TIME / MATERNITY/ & OTHER LEAVES OF ABSENCE

SICK LEAVE

A regular employee of the Town who suffers from or is affected with an illness shall be entitled to paid sick leave in any calendar year accumulated at the rate of one half (1/2) day per month, for a total of six (6) days per year. *Part-time employees are not eligible for sick leave.*

The rate of pay which shall be paid to any regular Town employee absent from work on account of illness shall be at the same rate as the employee shall be paid if he/she were not absent, regardless of what rate of pay the employee had been entitled to when the sick leave was accumulated.

Sick leave accrues at the rate of six (6) days up to a maximum of 40 days. Accrual commences on the date of hire, but cannot be taken during the first ninety (90) days of employment.

Sick leave shall be allowed only in the case of necessity and actual illness or disability of the employee, because of illness in the employee's immediate family, or to take physical, dental, or eye examinations or other sickness prevention measures.

"Immediate family" for the purposes of this section is defined to include: spouse, child, mother, father, brother, sister, or other relative living in the same household, including domestic partners as defined in Appendix F.

Employees who do not report to work due to illness must contact their department head on a daily basis relative to the need for and status of their absences, unless otherwise directed.

The Town may require that the employee provide certification from a healthcare provider regarding the necessity for taking a sick day. Every department head at all times shall have the right to request of any absent employee a certificate or other dependable evidence of the employee's sickness.

Employees absent from work due to illness for three consecutive work days may be required to obtain a health care provider's statement, certifying that they are able to return to work. Employees who fail to report to work or call in to their department head for three consecutive work days will be considered to have voluntarily resigned from their employment. Notification from family members is acceptable in extreme situations.

At the end of the year employees have the option to carry over up to a total of forty (40) days. Upon separation from employment, employees will not be paid for any earned, unused sick days. A record shall be kept by the department head of every Town department. This record shall show a detailed and accurate account of the periods of illness and accumulation of sick leave relating to every employee of the respective departments.

If there is any good reason or cause to deny an employee of the Town sick leave or injury pay under this section, the Board of Selectmen may, after due inquiry, determine what, if any, pay shall be given under the circumstances.

Abuse of sick time privilege may result in the suspension of sick leave benefits and/or disciplinary action, including termination.

O.J. explained that the town has not seen any abuse of these policies and is only revising them in an attempt to be fair to taxpayers as well as the employees. He added that permitting employees to build up

excessive (weeks/months) of sick time and paying it out upon retirement is not the purpose of sick time. If an employee needs extensive time off, the town has a rich disability policy that can be utilized. As far as limiting comp time off, the town has allowed employees to build up extensive comp time that an employee cannot possibly use. The revisions to the comp time policy permit comp time but if it is not used prior to year end, the employee will be paid for the time.

Said policies will become effective December 1, 2014.

The board then discussed grandfathering employees who have already built up large amounts of sick and comp time prior to December 1st. Town Manager Burbank will look into how employees banked sick and comp time equates to dollars and report back to the board so they can make a decision on how to best manage this time.

Public Participation

Dumpster Complaint

Jayne Ludwig informed the board that the dumpster issue on Pleasant Street has yet to be resolved. Tenants are not locking the dumpster at night. The board asked that a letter and accompanying fine be sent to the owner informing him that he needs to educate his tenants on the Town's Wild Animal Ordinance. Chief Beard will follow up.

Explanation of New Tax Rate

Following up to questions at the last board meeting, O.J. explained the process the board used to set the new tax rate. He explained that the board chose to apply \$250,000 of surplus to bring down the new tax rate. The board retained \$1,491,810 which is approximately 11% in reserves. The State Department of Revenue recommends 8-14% be held in reserves. O.J. explained that historically, the town has held 10% in reserves. The board did not apply reserves to the tax rate at this percent (it was 7% over the past two years) over the past two years because of damages and the necessary repairs due to Hurricane Irene.

O.J. presented a financial summary of the budget which he composed considering the past five years which is as follows:

The biggest portion of the increase over the last 5 years is the increase in capital spending which went up \$590,000. This is due to the town not setting aside enough funds to maintain the town's infrastructure. An example of this is the dredging of the sewer lagoons. No funds had been set aside for this operation from 1970-1990 and when NHDES required it be done, the town had to bond for the project. The town is now making payments on sewer sludge that accumulated from 1970-1990. The board has taken steps over the past few years to ensure that current residents pay for current infrastructure i.e. you pay for what you use. No one is being blamed for this however the current board's policy is to work towards fully funding maintenance of the current infrastructure;

Other major budget increases over the past 5 years are personnel and health insurance. The town's contributions to health insurance went up \$118,000. The town has also added one more police officer over the past 5 years. Police Department wages went up \$175,000 over the past 5 years. The rest of the increase comes from premiums as well as the increase of the town's portion paid towards retirement. Retirement contributions increased \$132,000 due to the State's alteration of the retirement funding formula. This added up to \$240,000 over the past 5 years. These increases in insurance and retirement contributions amount to a 30% increase in the budget.

Utilities in all five town departments went up significantly over the past 5 years. New budget items required by the State are also factored into the budget including increases in chemical costs for the treatment plans, the SCADA System, and assessing increases.

Tamra Ham commented that in addition to the town's increases, the school budget has increased significantly every year. O.J. stated that the board's target is to raise the capital budget 3% going forward each year hoping that the tax base and inflation will follow. The goal of this increase is to be level funded. Maintaining a 3% increase will allow for a steady predictable pool of money for future projects. However, unforeseen projects could arise at any time which would cause the town to have to revise the projects schedule. For example, if the State suddenly requires the Town to update the sewer lagoons, that could cost the town millions of dollars however there is no way to project this.

Town Manager's Report

Ice Castle

The town has received the signed Memorandum of Understanding for the ice castle. The builders of the ice castle will be using the fire hydrant owned by the Hobo Railroad but will be using town water.

Loon Bridge Update

The Loon Bridge land transfer has been recorded. The construction contract will be awarded with work to commence as soon as the contract is signed. The Town has not received final approval from FEMA. Town Manager Burbank will contact them tomorrow.

Town Hall Stairway Project

Contractors have discovered why the stairs were not installed during the original construction of the building. A beam and heat duct was found in the way of the proposed stairway and this was not discovered until today when the sheet rock was removed. The original plans of the building do not align with the existing structure.

Pollard and Kanc Rec Roads

Both roads have been completed. A punch list is being drawn up for springtime. The engineer has yet to sign off on the project.

Riverbank Stabilization Project Meeting

Town Manager Burbank has not heard back from the landowners that requested a meeting with the Town regarding the riverbank stabilization project. A meeting has not been scheduled at this time.

South Mountain Water System

Town Manager Burbank is still working with property owner and developer Ed Wendler to schedule a meeting to discuss the South Mountain water system updates.

Beacon Resort

Tax Collector Whitman has placed a lien on the Beacon Property for the satisfaction of the 2013 taxes. The first issue of the 2014 taxes was paid however the most recent tax bill has not yet been paid and is not due until December 1, 2014.

Correspondence

O.J. Robinson stated that he received a letter by e-mail but the letter was basically anonymous. O.J. questioned whether Town Manager Burbank knew who this letter was from. Mr. Burbank replied that the letter gives the name Hubadare Hushwa. This person claims they were at the most recent meeting regarding the sign ordinance however there is no one by that name that signed the attendance record and no one at that meeting remembers any such individual being at the meeting. There is no property or business owner by that name listed in town and no one has ever heard of this person. O.J. stated that the letter makes some good points but also threatens potential litigation against the Town. O.J. will not read an anonymous letter into the record. Patricia McTeague stated that she isn't sure what the letter is talking about as some aspects of it do not make sense. She welcomed this person to come meet with the board. O.J. asked that Mr. Burbank reply to the e-mail and invite this individual to attend a board meeting to identify himself and address his concerns with the board directly.

Sign Ordinance Violation Notices

Mr. Burbank informed the board that town staff will be sending out sign ordinance violation letters to blatant offenders this week.

Capital Improvement Plan (CIP) Meetings

O.J. informed the board that the CIP will be presented to the Planning Board at a work session this Wednesday. The public hearing on the CIP is scheduled for Tuesday, November 25th.

Volunteer NH Award

The board noted that Doug Moorhead will be receiving the Volunteer NH service award this evening at the Capitol Center for the Arts. The board was very pleased to hear this and asked that town staff draw up a letter of congratulations from the Town of Lincoln to Mr. Moorhead.

Abatements

MOTION: "To grant the following abatements:

90 Loon Mountain Road #962A, tax map 126-01800-MC-0962A, G.A.M. Surgical Specialists Inc. for the amount of \$107.00

Gazebo, tax map 118-046000-BG-00000 for the amount of \$25.00

Ladies Bathtub, tax map 122-005 for the amount of \$552.00

Connector Road (land only), tax map 113-019 for the amount of \$22.00

Motion: Tamra Ham

Second: Patricia McTeague

All in favor.

V. NON PUBLIC SESSION pursuant to RSA 91-A:3II(a,e)

MOTION: "To go into Non-Public Session pursuant to RSA 91-A:3II(e) legal, personnel."

Motion: Tamra Ham

Second: Patricia McTeague

Roll call vote was all in favor.

The Board went into non-public session at 7:20pm.

MOTION: "To enter back into public session."

Motion: Tamra Ham

Second: Patricia McTeague

Roll call vote was all in favor.

The Board came back into public session at 7:56pm.

VI. ADJOURNMENT

After reviewing the weekly accounts payable and with no further business to attend to, the Board made the following motion.

MOTION: "To adjourn."

Motion: O.J. Robinson

Second: Tamra Ham

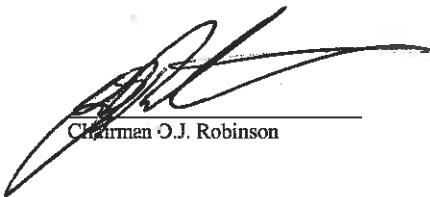
All in favor.

The meeting adjourned at 8:00pm.

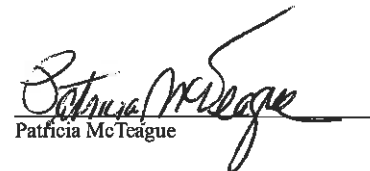
Respectfully Submitted,

Brook Rose

Approval Date 11/17/14


Chairman O.J. Robinson


Tamra Ham


Patricia McTeague

