

**LINCOLN BOARD OF SELECTMEN'S**

**APPROVED**

**MEETING MINUTES**

**MARCH 15, 2021 – 5:30PM**

**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

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

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**Board of Selectmen Present via Zoom:** Chairman OJ Robinson, Vice Chair, Tamra Ham, and Selectman Jack Daly

**Staff Present via Zoom:** Town Manager Burbank, Fire Chief, Ron Beard, Police Chief Chad Morris, Planner, Carole Bont, Planning Assistant, Lisa Peluso, Finance Director, Johnna Hart, and Administrative Assistant Jane Leslie.

**Public Present via Zoom Video Conferencing:** Dave Beaudin, Paul Beaudin, Carol Riley, Ryan Fairbrother

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**I. CALL TO ORDER**

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

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**II. BOARD OF SELECTMEN COMMITTEE APPOINTMENTS**

The board discussed the following Selectmen appointment duties for the various boards and committees, and made the following motion:

**MOTION: "To appoint OJ Robinson as Chairman and Tamra Ham as Vice-Chair for the Board of Selectmen."**

**Motion: OJ Robinson**

**Second: Jack Daly**

**All in favor.**

After further discussion the following motion was made:

**MOTION: "To appoint Jack Daly to the Capital Improvement Planning Committee; and to appoint Tamra Ham to the Building Committee, Budget Committee, Joint Loss Management Committee, and Hazard Mitigation Committee, and, to appoint OJ Robinson as the Planning Board Selectmen's Rep. and to the Water Committee."**

**Motion: Jack Daly**

**Second: Tamra Ham**

**All in favor.**

Town Manager Burbank noted that Jack Daly was also elected to the ZBA, and explained that this could be a potential conflict as the ZBA is a judiciary board that does not have a Selectmen's Rep. Selectman Daly commented that he would then stay on with the Board of Selectmen. Burbank noted that the ZBA Chairman would now have to appoint a member to the board at their next meeting.

Chairman Robinson commented that Selectman Daly may want to tour the towns various infrastructure facilities (Water Treatment Plant, Wastewater Treatment Plant etc.) as this may be helpful to him as a new Board of Selectman. Daly responded that he has already toured the Water Treatment Plant with Water Plant Operator, Dave Beaudin, and he has spoken with DPW Director Hadaway about visiting the Wastewater Treatment Plant in the near future.

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**III. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING**

**MOTION: "To approve the BOS meeting minutes of March 8, 2021 as presented."**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**All in favor.**

*Abstained: Jack Daly*

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#### **IV. O'BRIEN'S WAY PLAQUE**

Town Manager Burbank explained that resident, Michael Dovholuk is requesting that the town purchase and erect a bronze plaque (approx. \$725) and attach it to a sign post at the entrance to the O'Brien pathway (off Maple Street) that will be dedicated to Lincoln resident Captain Thomas F. O'Brien for his heroic World War II efforts (*see attached*). Burbank commented that he will figure out how to pay for this if this is something that the board is willing to do. Selectman Ham made the following motion:

**MOTION: "To spend up to \$750 to purchase a plaque and street sign on O'Brien Avenue for Captain Thomas F. O'Brien, and the Town of Lincoln will own and maintain it."**

**Motion: Tamra Ham**

**Second: Jack Daly with discussion**

Selectman Daly asked several questions and explained that he has reached out to Doug Moorhead to see if the Interact Club and the Legion would be interested in partaking in this project. Robinson commented that he would like to wait until the June 30<sup>th</sup> bi-annual budget review before committing to this project. Robinson further explained that the board has discussed cutting valuable non-profit services to the Lincoln community that benefits the town's most vulnerable residents, and he could not justify cutting their funding and then paying to put up a plaque. Town Manager Burbank asked the board if they would consider a motion granting Mike Dovholuk permission to erect a sign on O'Brien Avenue with the caveat that there would not be funding available for the sign at this time until the Selectmen can take a closer look at the budget. Chief Beard said he would speak with the Rotary Club on Wednesday about getting the Interact Club involved. Selectman Ham withdrew her motion:

**MOTION: "To withdraw the previous motion."**

**Motion: Tamra Ham**

**Second: Jack Daly**

**Motion carries.**

**MOTION: "To withdraw the *Second* to the previous motion."**

**Motion: Jack Daly**

**Second: Tamra Ham**

**Motion carries.**

**MOTION: "To approve the location of the sign, and that the town's Department of Public Works will erect the sign with no town funding at this time."**

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

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#### **V. TOWN HALL RE-OPENING**

The board discussed the re-opening of the Town Hall, and Chairman Robinson noted that there are two separate discussions to be had: (1) opening the building up to live in-person board/committee meetings, and, (2) opening the building up for all public business and transactions. Town Manager Burbank cautioned the board on re-opening too soon because he still has one (1) employee that has not been vaccinated yet, and may not have the opportunity to receive the vaccine until May or June (if they choose to get it). A discussion ensued on the various re-opening options, and Burbank added that all town business is currently being conducted in a very efficient manner, and he does not feel that the board should be in a rush to re-open the building.

Selectman Daly commented that he agrees with some of what Butch has said, however, during the Town Elections, Daly noted that he heard several re-occurring questions/comments concerning when Town Hall would be re-opening, water meters, and other items. Daly also noted he has spoken with several town employees who were not overly concerned with the re-opening of the town building provided visitors wore masks and adhered to social distancing guidelines. Daly feels if roughly 180 people can attend voting

and town meeting, they should be able to open the town hall (with the caveat that the lobby *only* will be open, and any covid outbreaks in the community will result in the building being shut down). Daly feels that Town Hall serves the people just as the Selectmen do, and it should be open and available to the public to do so.

Selectman Ham commented that she agrees with Town Manager Burbank, and sympathizes with any town staff that have yet to be vaccinated, and she is not comfortable with opening the Town Hall at this time.

Chairman Robinson feels that the Town Hall lobby should be open to the public, and noted that there is a plexiglass barrier separating the lobby from the town offices, however, they should continue with mandatory face coverings upon entrance to the building. Robinson added that people are going to Price Chopper, Walmart, and Rite Aid shopping, and feels most people coming into Town Hall are coming for a specific reason and to take care of either Town Clerk, Planning, or other town business and not to socialize. Town Manager Burbank added that the Town Hall has serious air circulation and purification issues, however, he will do whatever the board wants him to do. Ron Beard commented that the air system is not properly balanced and has air flow and circulation issues, and he would be willing to take a look at this in an effort to get proper air pressure in the offices and common areas at Town Hall.

The board agreed to leave things the way they currently are (no public access & no board meetings) for another two (2) weeks so that Chief Beard can work on the air system, and then discuss further at their March 29<sup>th</sup> Selectmen's meeting.

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## **VI. OLD/NEW BUSINESS**

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

#### **Levee Operations & Maintenance (O&M) Manual**

Town Manager Burbank informed the board that he is in receipt of the final O&M Manual for the Levee (both digital and hard copy) and the only outstanding issue at this time is that FEMA has notified the town that the levee as it is currently erected (based on the information that FEMA has) does not meet FEMA's standards for providing any flood protections from an insurance standpoint. The town would therefore have to file an application to get the levee structure evaluated and certified by FEMA in order to change this standing. FEMA also had questions about flood elevations and base elevations that were clarified by Dubois & King (D&K) and forwarded to FEMA. Burbank further explained that at the present time, mandatory flood insurance requirements are going to be necessary for anyone who wants to build in this zone.

Chairman Robinson questioned whether Dubois & King's elevation data was sufficient enough for FEMA to arrive at this decision, or were they requesting that the town provide additional data relevant to FEMA making this decision. Burbank responded that it was his understanding that the amount of data provided by D&K to FEMA did not meet their criteria, which is why they arrived at their determination. Burbank added that from the USACE (Army Corp.) standpoint this project is complete and closed out.

#### **Short-term Rentals:**

Town Manager Burbank explained to the board that he sat in on a short-term rental (STR) presentation on March 11<sup>th</sup> along with Planner, Carole Bont, Planning Assistant, Lisa Peluso, and Chief Beard with a short-term rental company (Granicus) that offers services that track short-term rentals, compliance monitoring, and enforcement. Burbank explained that to date, the town has received 262 voluntary short-term rental registrations (all registrations must be registered by April 1<sup>st</sup>), and referenced a Granicus PowerPoint

document that Burbank submitted to the board earlier (*see attached*) noting that Granicus has been tracking STR's in Lincoln for the past 2-years, and as of March 11<sup>th</sup> they have tracked and identified 963 listings representing what they reference as 824 *unique rentals units* (the difference of 139 represents one individual unit that is advertised on multiple platforms). Burbank explained that the April 1<sup>st</sup> deadline date is approaching for all STR's to be registered with the town before fines are issued. Burbank noted that the median nightly rate for a STR is \$221, and the town is only charging a \$50 annual registration fee which Granicus feels is being grossly undercharged in light of the lucrative STR business. [Note: According to Granicus, Lincoln has experienced 20% STR unit growth in the past year]. Burbank also doesn't believe that all STR's are paying their Meals & Room tax (M&R Tax) based on his recent research (2019 the town was credited \$88,697, and in 2020 the town was credited \$88,767). Burbank explained that his Town Hall staff cannot take on any more responsibility related to the registering and tracking of STR's, and he is recommending that the town sign on with Granicus to at least begin to get a handle on identifying properties in this growing business.

Selectman Daly commented that he feels that the \$50 registration fee is way undervalued when you consider the median STR nightly rate of \$221. Daly feels that if you allow Granicus to search out the 800+ unregistered STR's that would equate to approximately \$189k, and once all of the STR's are identified, the town could then hire a full-time employee with the revenue collected whose sole responsibility would be to oversee and maintain the STR base. A discussion ensued on the various costs for Granicus services, and Selectman Ham commented that she is not opposed to hiring a third-party to oversee this STR program providing it is generating sufficient offsetting revenue to cover this expense. Ham asked Burbank to clarify with Granicus what their fees are based on (registered STR's or total STR's in the town) so that they have a better idea on how to crunch the numbers. Robinson commented that he just did a quick calculation based on the figures listed in the presentation, and Granicus is basing their fee schedule on the total amount of STR's in town. Planner Carole Bont commented that there are just not enough hours in the day to track and maintain the STR's in town, and they are already taking up a good portion of her Planning assistant's (Lisa Peluso) day now. Burbank suggested that he ask Granicus to do a presentation to the Board of Selectmen to answer any questions that they may have. Robinson recommended the presentation be given to the BOS and the Budget Committee, because they will ultimately be reviewing and voting on the budget, however, at this point in time there are too many unknowns in light of the current budget reductions.

## **OLD BUSINESS**

### **Weston & Sampson Water Tank Siting:**

Chairman Robinson asked when Weston & Sampson (W&S) would be presenting their findings to the board. Town Manager Burbank responded that he does not know the date, and according to W&S they still have field work that they need to do which will not begin until the snow melts. Robinson asked Burbank to forward the W&S report along with Ray Korber's summary to Daly so that he can catch up on the status of the project.

### **Board of Selectmen Goals:**

Chairman Robinson explained that in the past few years the board had gotten into the habit of creating a "Board of Selectmen Goals" list that they reviewed and updated annually (usually after Town Meeting). Robinson thought that they could each review their 2020 goals and priorities list for the year, and update and discuss them further at next week's meeting (March 22<sup>nd</sup>).

## **NEW BUSINESS**

## **Budget Reductions – Town Meeting**

Chairman Robinson explained that a budget reduction was approved last week at Town Meeting (-\$200k), and the board must now have a discussion and collaboratively make adjustments to the operating budget. Robinson offered the following suggestions: (1) ensure that all department heads are aware that the budget has been reduced by \$200k and to keep this in mind as they proceed, (2) wait until June 30<sup>th</sup> (2<sup>nd</sup> half of the year) to see where the budget is at, and then the department heads can assess where they can make further cuts to their individual budgets. Finance Director, Johnna Hart commented that she is required to file an MS-232 with the Department of Revenue Administration by March 29<sup>th</sup> and no later. There was a brief discussion on whether or not they can meet the March 29<sup>th</sup> deadline, and Selectman Ham offered her recommendations for the following line-item cuts to the budget:

Line Item #21-Recreation Budget: \$11,300

Line Item #6 –Planning Budget: \$8k (iPad),

Line Item #1 –Executive Budget: \$13,050 (Budget Committee iPad), \$5k Engineering, \$18k (if Selectmen forfeit annual wages),

Line Item #22-Library Budget: \$8k off of bottom line (cleaning)

Line Item #19-Health Appropriations: 10% off individual line items (-\$7,500 Linwood Ambulance; -\$800 Grafton County Senior Citizens Counsel etc.) for a total reduction of \$10,582

Line Item #20-Welfare Budget: reduce by 50% for a total reduction of -\$5k (this budget can be overspent)

Line #15–Solid Waste Budget: \$11k tub grinder

Line Item #7-Town Hall Budget: \$20k (AC units for Town Hall)

Line Item #17-Water Budget: \$10k (equipment budget)

Line Item #4-Legal Budget: \$100k

Town Manager Burbank commented that they may be able to reduce the ambulance line item by more than \$7,500 due to insurance reimbursements that they receive along with additional emergency services stimulus funding that may also be available to them. Selectman Ham responded that she would not be comfortable doing this until they spoke to Linwood Ambulance because they rely on this funding every year.

Selectman Daly commented that he would like to see these recommended cuts delineated on a spreadsheet so that he could review it more thoroughly, and then discuss it further next week.

Chairman Robinson commented that he thought that some of the ideas presented were good, and others he disagreed with. Robinson suggested eliminating \$20k from the Town Hall budget for the two (2) AC units, and not replace them this year (replace next year), and if a unit (or two) has to be replaced this year, the funds can come out of the CIP account.

Selectman Daly asked if any of the upcoming stimulus funds that are expected to be distributed to the state and local governments can be used to repair the air ventilation system at the Town Hall so that the building can re-open? Town Manager Burbank responded that at this point in time, it is unknown how the state plans on disbursing the funds to the local level. Selectman Ham remarked that with all of her proposed reductions to the budget, she has come up with the \$200k, however, she noted that this only postpones expenses to next year's budget. Robinson commented that the board needs to keep in mind that they can make these budget adjustments now so that the MS-232 can be completed, and then at the end of June they can revisit the budget to see if further cuts need to be made from certain departments.

Chairman Robinson spoke regarding the three (3) new positions that are funded in the budget (2 Police Officers & 1 full-time position to be shared between the Fire Dept. and Public Works Dept.) and suggested

that they proceed immediately with two (2) of these positions. Town Manager Burbank commented that the Police Department's hiring process is lengthy due to extensive screening measures and will take a while, however, he will begin the hiring process with the Fire/DPW hire immediately so that this employee can begin working with Chief Beard on Fire/Code Compliance issues. Robinson explained that Chief Morris should proceed with the hiring of one of the two officers immediately with the intent that later on in the year he will be able to hire the second officer (sooner if the right candidate comes along). Selectman Daly commented that during the Budget Committee process, the board had discussed Chief Morris's proposed new hires where it was noted that they would come onto the department around July 1<sup>st</sup> and therefore only be budgeted for a half a year based on Chief Morris's recommendations.

Robinson also asked if they could postpone the announcement of any employee wage increases until the board has had final discussions next week. Town Manager Burbank responded that he needs to know sooner than later if the board is going to propose any changes to the 3% wage increase so that he and Finance Director Hart can calculate accordingly. Burbank added as a side note that the town's non-union staff have worked extremely hard this past year, and any changes relative to employee increases are not shared with the union employees. Selectman Ham asked Robinson what his reasoning was for holding off on wage increases until the board has further discussion on the budget. Robinson responded that he did not want to certify one part of the budget now, until the entire budget is reviewed and approved with the proposed \$200k reductions in place. Selectman Ham commented that the town has amazing employees and does not want there to be an impression by town staff that raises are in jeopardy at all, however, agrees with Robinson to at least wait one week until the board reconvenes to discuss the budget further.

#### **Kanc Snowmaking:**

Selectman Ham wanted to clarify for the record why it does not make sense to come up with an alternative water source (drilled well/charging for water) for the Kanc snowmaking. Ham explained that the cost for treated water per gallon is \$.0017, and the Kanc had spent \$2,550 worth of treated water last year (per DPW Director Hadaway) to make snow which is far less expensive than digging a well. Ham noted that a drilled well will not provide the required gpm (gallons per minute) of water needed to blow snow, and would also require a booster pump for the same. Ham concluded that it is far more cost effective for the Kanc to use treated water from the Water Treatment Plant to blow snow on the Kanc, and most importantly, safer for the children that love to pick up the snow and eat it.

#### **July 4<sup>th</sup> Fireworks:**

Chairman Robinson explained that the town needs to reserve a spot with the fireworks company for the 4<sup>th</sup> of July Fireworks Display in the event that the Governors rules are updated and the town decides to move forward with the fireworks event (no definitive decisions need to be made at this time). Selectman Ham commented that either way she would like to hold the event even if it is at an alternative venue.

**MOTION: "To hold the tentative July 4<sup>th</sup> fireworks date with Northstar Fireworks."**

**Motion: Jack Daly**

**Second: Tamra Ham**

**All in favor.**

Robinson commented that it is his hope that the town will proceed with pre-planning for the July 4<sup>th</sup> parade and events, and obtain the proper permitting so that if the town decides to move forward with the celebration, they will have all of the proper permitting in place.

#### **Public Participation**

#### **Budget Reductions:**

Paul Beaudin commented that prior to the Selectmen making any budget cuts, he recommends that they

go out and speak with the public. Beaudin explained that the public had specific ideas in mind as to what cuts they wanted, which was the reason he had made the motion for this amendment in the first place. There was a brief discussion on the Town Meeting vote and motion to reduce the budget. Beaudin clarified that he alone did *not* cut the budget, but rather made a motion to reduce the budget that the tax payers then voted on. Beaudin suggested that the board go out and ask the general public what they think. Chairman Robinson made the following statement: *"I hereby on behalf of the Board of Selectmen invite the public to speak at a public meeting with Board of Selectmen to offer their suggestions."* Robinson explained that the Selectmen are not rejecting this or forsaken the people's vote, but rather actively trying to make cuts in an effort to reduce the budget by \$200k. Robinson further explained that the Board of Selectmen are open to suggestions, and board meetings are the forum to do so.

### **Town Hall Re-Opening:**

Paul Beaudin commented that the Town Meeting was held in a venue that had no air quality testing and a lot of residents participating is in conflict with keeping the Town Building closed. Beaudin added that there are a lot of members of the public that would like to see the town building open and serving the public.

### **Levee:**

Paul Beaudin commented that he is disappointed that the USACE (Army Corp. of Engineers) will not certify the levee because there is not enough freeboard (Base Flood Elevation). Robinson corrected Paul and clarified for the public (if there was any confusion) that there are two (2) separate agencies involved: (1) the USACE is the agency that has jurisdiction over the levee, and throughout this process the town's goal had been to reactivate the levee to meet the criteria of the USACE, which has been met. Robinson explained that this means that if there is a *qualifying event* that causes significant damage to the levee, it will be repaired by the USACE. (2) FEMA is an entirely separate agency that looks at the levee from a *flood protection* aspect, and the town's only responsibility was to get the levee repaired back to the 1960 Army Corp. design and standards which is what the town has done. FEMA has looked at the levee and viewed the repairs that have been made and feels that there is not enough adequate freeboard at the downstream end of the levee according to their regulations to make it accredited and qualify as a 100-year flood prevention protection. Robinson explained that the town was aware of this and assumed the same upon the onset of the repair project, and could have spent an additional \$100k+ to meet FEMA's accreditation standards, however, the goal from the beginning had always been to *only* repair the levee to the 1960 Army Corp. Standards. Robinson noted that these two issues are completely separate from each other (USACE & FEMA). Robinson asked that the O&M be sent to the board and Paul Beaudin. Town Manager Burbank commented that the important thing with FEMA is that homeowners will not be able to obtain any type of discount on their flood insurance. Beaudin explained that his only concern has been that the town has spent a lot of money repairing the levee, and he does not want to see another catastrophic event end up costing the taxpayers any more money.

### **Snowmaking at the Kanc**

Paul Beaudin commented in response to Selectman Hams previous remarks concerning alternative water sources for the Kanc snowmaking and explained that he had figured out if you take what the town was going to charge for the water meter replacement program, it came out to approx. \$7-8k. Beaudin explained that the reason he had made a comment on the Kanc snowmaking had nothing to do with the cost, but rather with the town as a whole promoting water conservation (if the town is going to ask everyone else to do it, the town should do it as well).



### **Town Meeting and Elections:**

Chairman Robinson and the board thanked everyone who helped with the elections and Town Meeting last week, and gave a big kudos to the owners of the Days Inn for allowing the town to use their facility, and for helping with everything from cleaning up the venue to working with the town on all aspects of the Town Meeting and making it safe and possible for the town to hold their annual meeting in person in light of the current COVID pandemic. Selectman Daly also thanked the voters for coming out and exercising their rights under the constitution to speak out and vote. Chairman Robinson remarked that the last time there was a major budget cut there were numerous residents who attended the Board of Selectmen's meetings and shared their thoughts and ideas on the budget reductions, and it was welcomed then, and it is welcomed now. Robinson noted that as Paul Beaudin has insinuated that there are members of the community that have strong opinions and specific reasons for cutting the budget, the Selectmen are open to hearing them and willing to listen. Paul Beaudin responded that he has heard comments relative to the hiring of 2 additional Police Officers and a new Fire Dept./Code Compliance/Public Works employee, and that has caused a lot of concern with some of the people that Beaudin had spoken with and they were not in favor of the hiring of these three (3) employees.

### **IV. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c) Review and update Selectman Daly on the town's current litigations.**

**MOTION: "To go into Non-public session pursuant to RSA 91-A:3 (III) (c)"**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**All in favor.**

The BOS went into Non-public session at 7:45 p.m.

**MOTION: "To re-enter public session."**

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

The Board reconvened public session at 8:41 p.m.

### **VII. ADJOURNMENT**

With no further business to attend to, the Board made the following motion:

**MOTION: "To adjourn."**

**Motion: OJ Robinson**


**Second: Jack Daly**


**All in favor.**

The meeting adjourned at 8:42 p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date: March 22, 2021

  
Chairman O.J. Robinson

  
Tamra Ham

  
Jack Daly



## WHAT IS O'BRIEN'S WAY?

IT IS THIS FOOTPATH NAMED AFTER LINCOLN RESIDENT THOMAS F. O'BRIEN. THOMAS WAS STELLAR IN HIS PERFORMANCE AS AN ARTILLERY OFFICER DURING WORLD WAR II. HE WAS AWARDED THE SILVER STAR IN ALGERIA BY SAVING TWO SOLDIERS LIVES. HE WAS AWARDED THE DISTINGUISHED SERVICE CROSS IN SICILY BY COURAGEOUSLY FACING ALMOST CERTAIN DEATH FOR A GLORIOUS VICTORY. HE WAS AWARDED A SECOND DISTINGUISHED SERVICE CROSS D-DAY ON NORMANDY BEACH, FRANCE FOR DISREGARDING HIS OWN PERSONAL SAFETY BY VALIANTLY LEADING HIS MEN OFF THE FIRE SWEEP BEACH. CAPTAIN O'BRIEN WAS KILLED IN ACTION ON HIS BIRTHDAY IN NOVEMBER 1944 IN THE BATTLE OF FUMISH IN THE HUERTGEN FOREST GERMANY. MAY HE FOREVER BE IN OUR MINDS.



