

**LINCOLN BOARD OF SELECTMEN'S**

**APPROVED**

**MEETING MINUTES**

**MONDAY, MAY 22, 2023 – 5:30PM**

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

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

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

**Staff Present:** Town Manager, Carina Park, and Executive Assistant Jane Leslie

**Public Present via Zoom:** Paul Beaudin II and Michael Weden

**Public Present:** Town Engineer, Ray Korber, Tim Andrews, Nobis Group, Wayne Baltzer, Jim Welsh and Debbie Celino

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**I. CALL TO ORDER**

Chairman Robinson called the meeting to order at 5:35 p.m.

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

**MOTION: “To approve the BOS meeting minutes of May 8, as amended.”**

**Motion:** Tamra Ham                      **Second:** Jack Daly                      **All in favor.**

**MOTION: “To approve the Non-Public BOS meeting minutes of May 8, 2023 presented.”**

**Motion:** Tamra Ham                      **Second:** Jack Daly                      **All in favor.**

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**III. RIVERFRONT PARK SITE ASSESSMENT *Discussion with Ray Korber & Tim Andrews***

Town Engineer, Ray Korber and Tim Andrews of Nobis Group began their discussion regarding the additional supplemental site assessment report for the Riverfront Park. The report documents subsurface conditions from an environmental perspective, and provides recommendations for the design and construction of the proposed parking lot. The following are some of the key highlights from the report:

Note: The *Nobis Geotechnical Engineer Report* and the *Riverfront Park Soil Contaminant Distribution Maps* can be found on the Town's website - Board of Selectmen's page <https://www.lincolnnh.org/board-of-selectmen>.

**Level of Contamination:**

- A. The wetland area was confirmed to contain contaminated sludge. The contamination was limited to arsenic. Sludge thickness ranged from 0.5 to 6 inches across the wetland area, and does not appear to represent a source of groundwater contamination.
  - B. Consistent with prior investigations, ash fill material containing metals and solid waste material exists in the northerly portion of the site. Waste depth varies across this area, but exceeds 14-feet in the most northwesterly corner of the site. Soil samples in this area contained PAHS (chemicals that occur naturally in coal, crude oil, and gasoline), arsenic, lead and mercury at concentrations above state standards (minimal soil contamination has been found in other areas of the site).
  - C. Groundwater samples reveal arsenic and PFAS in excess of allowable state standards. Arsenic is expected to be naturally occurring (the source of PFAS is undetermined, but the concentrations are relatively low).
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- D. High concentrations of lead were confirmed at depth in the footprint of the Burndy Landfill; however, the concentrations did not match historic data reported during the Burndy Landfill closure. NHDES prefers remediation of lead contamination exceeding 4,000 mg/kg, but will consider alternative forms of management if excavation is not feasible, and if the approach is supported by a Remedial Action Plan.

**Recommendations:**

- A. Complete additional site assessment work on the Transfer Facility site in the vicinity of the Burndy Landfill to better delineate the extent of soil contamination in that location. [Note: The site assessment work completed to date was limited to the area of the proposed park].
- B. Complete additional rounds of groundwater sampling/testing to confirm groundwater quality at the site in support of future site remediation and redevelopment options.
- C. Prepare a Remedial Action Plan or Soil Management Plan with presumptive remedies to mitigate future risk in conjunction with development plan preparation and permitting.
- D. Seek state and federal grant funding for site remediation and cleanup (applying for cleanup funding will require an approved Remedial Action Plan).

The draft report is ready to be submitted to NHDES pending the Selectmen's review and comment. Tim Andrews noted that the EPA (Environmental Protection Agency) has a substantial funding available (Assessment & Cleanup Grants) as a result of the *Infrastructure Bill* that was recently passed; grant applications are typically due in November, and the successful applicants are notified during the month of May.

Paul Beaudin questioned whether or not they were able to retrieve the report (compiled by Proven & Lorber) that was submitted to the state in the late 80's when the Solid Waste Incinerator had closed down. Tim Andrews responded that he had obtained this report during his file review process, and it is referenced in his prepared report. Paul also questioned whether the successors to the Paper Mill held any liability and responsibility for this cleanup that remains. Mr. Andrews commented that he did not believe that there were any non-defunct successors left anymore.

OJ commented that with funding options being in a good place right now, it would be neglectful if the town did not go after this grant money while it is relatively plentiful. Mr. Andrews explained that the next step is for the Board to give the "go ahead" for them to submit the report to DES.

Jim Welsh questioned if funding opportunities would be greater if the town decided to put affordable housing down at the Riverfront Park site versus a community park. Mr. Andrews did not see that this would equate to additional funding opportunities if residential housing was put on this site, however, it would certainly present more challenges and higher construction costs.

The Board was in agreement to proceed with submitting the report to the state.

*Ray Korber and Tim Andrews departed the meeting at 6:52pm.*

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**V. OLD/NEW BUSINESS**

**Town Manager Report:**

**South Peak Water Tank Update:**

The US Forestry Service (USFS) has begun the NEPA (National Environmental Policy Act) review process for the water storage tank site. Weston & Sampson's Project Engineer, Sam Kenney's last conversation with the USFS still indicated that the town should get approval within the next couple of months. Kenney feels

strongly that the town no longer needs a sub-contractor for the NEPA review work (project scope will be revised for the \$50k planning grant to include water monitoring and additional engineering). As a result of this recent news, Weston & Sampson will be revising their *scope of work* for this project.

#### **Long-Term Debt Funding:**

After discussions with the Bond Counsel, the Board thought it best to move forward with a private bank as there were concerns expressed about the town applying for additional funding, and the restrictions that the NH Municipal Bond Bank (NHMBB) puts on loans. Possibly reaching out to Mascoma Bank, who may have more competitive rates for municipalities. After a brief discussion, the Selectmen agreed to make a decision at the June 5<sup>th</sup> Board of Selectmen's meeting.

#### **New Police Station – Final Design Package:**

There will be a kick off meeting with the Architects (LBA) this week. There will also be bi-weekly video calls to evaluate progress, as well as an in-person review meeting at the end of June to review schematic designs. The Board agreed to meet on Monday, June 26<sup>th</sup> and invite LBA to present their findings.

#### **Legal Updates:**

Jury selection for the Nelson Trial is scheduled for October 2, 2023 at 9:00am, and the trial is scheduled for later on in October, 2023.

#### **Street/Crosswalk Painting:**

DPW Director Hadaway used a different application this year to apply the crosswalk painting (spray v. squeegee) and he feels that this application will be less slippery, and increase the reflectiveness of the paint. Selectman Daly asked if the Town Seal would also be painted on the center of the crosswalk as done in previous years. It was noted that this is typically done a week or two after the crosswalk has been painted.

#### **Connector Road Benches – East Spur/Pollard Road Benches:**

The Public Works crew repaired the benches on Connector Road. Benches have also been selected similar to those at the library, and they will be installed on East Spur and/or Pollard Road. OJ also asked if Nate had a chance to look at the broken fencing along Connector Road. Carina had mentioned this to Nate, and will follow-up on the same.

#### **Joint Meeting with Woodstock BOS:**

Woodstock has invited Lincoln BOS to attend one of their June meetings (either Tuesday, June 13<sup>th</sup> or June 27<sup>th</sup> at 5pm). The Board agreed to accept the June 13<sup>th</sup> invitation to meet at Woodstock Town Hall. The Selectmen suggested that they put the Kanc Rec on the agenda (future improvements, operations and ideas for the Kanc Rec Area) and notify Vicky Martin of the scheduled joint meeting.

#### **Employment Vacancies:**

Interviews are being scheduled this week for the Finance Director and Tax Collector positions. There was a brief discussion about putting together an interview committee for the Finance position, and Tammy offered to participate in these interviews.

#### **NEW BUSINESS:**

##### **Spring Tax Bills:**

The Assessors are finishing up with the spring pick-ups, and the tax bills should be mailed out within the coming week(s).

##### **Town of Lincoln Domain:**

The Town will be changing its domain (.Org) to (.Gov), which is *only* used for official government sites/agencies, and is a safer and more secure domain (should be completed before then end of the year).

## **OLD BUSINESS:**

### **The Industrial Business Park – Donahue Quit Claim Deed:**

The following email was read from Mary Conn:

*"I just wanted to touch base with you regarding the Donahue deed for the Industrial Park. The Donahue deed, Book 3648, Page 0806 does have restrictions A thru H, the same as Scully and Son's deed, Book 3926, Page 0018. Jane showed me the deed you were given and it is missing page 2, which have the restrictions on it. If you notice page 3, it starts with restriction H. I suggest you reference the Grafton County Registry of Deeds for page 2 of the document. I apologize for keep bringing this up, but I feel the information given to the public should be accurate. Can you please let me know if this is accurate or not?"*  
--Mary Conn

The Board thanked Mary Conn and acknowledged that their previous discussion about the Business Park (5/08/23) had stated that the Donahue deed did *not* have any restrictions on it, and this was not the case. OJ noted that Town Counsel is currently reviewing the Business Park files, and will give an opinion on how to change the covenants should the Board decide to go in this direction.

### **Non-Compliant Short-Term Rental Properties:**

Selectman Daly asked if there was any progress on the "non-compliant" short-term rentals. Carina noted that a lot of the non-compliant properties that were found, had a percentage of them that were timeshare properties, however, if someone is non-compliant, the penalty fee will be automatically added to the property owner's renewal/registration account.

### **Route 112 Bicycle/Pedestrian Crossing:**

Jack asked if there had been any plans to replace the Bike-Pedestrian Crossing sign up on Route 112 that the Board had discussed last year (the sign was taken down by the State when they were cutting vegetation) and it is a dangerous situation. Carina will speak with Director Hadaway for an update.

### **Revised Ladies Bathtub Parking Signage:**

The new signage for Lady's Bathtub is in, and the Public Works crew should be putting them up soon.

### **Lower Black Mountain Road Paving:**

The NH Electric Coop has obtained a Contractor to help with the utility work up on Lower Black Mountain Road so that it is ready to be paved when the other town paving projects are being done.

## **Public Participation:**

Paul Beaudin asked what the status of the Chenard Case was. Carina explained that they had attended a court hearing last month to sit in on Mr. Chenard's request for clarification on the Judge's ruling (Mr. Chenard believes he has met the guidelines and requirements for the court-ordered clean-up). At this time, Mr. Chenard is accruing fines for each day that goes by that he is in non-compliance, and the Town has requested reimbursement for legal fees. Paul commented that this case has been going on for too many years, and there have been little results, and he feels this matter is not being resolved accordingly.

Debbie Celino questioned whether or not the upcoming meeting with the Architects (Police Station) will be an actual agenda item for the public to see in advance of the Selectmen's meeting. Carina responded that it will appear on the meeting agenda at the time of posting.

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**V. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c) Personnel Update**

**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 7:38 p.m.

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

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

The Board reconvened public session at 7:46 p.m.

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**VI. ADJOURNMENT**

After review of the weekly payables and with no further business to attend to, the Board made the following motion:

**MOTION: "To adjourn."**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion carries.**

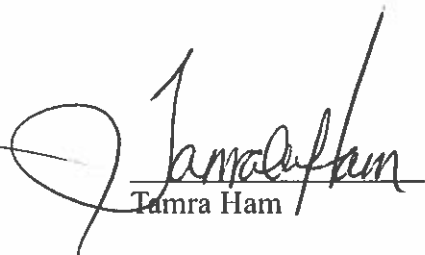
The meeting adjourned at 7:46 p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date: June 5, 2023

**Lincoln Board of Selectmen:**

  
Chairman O.J. Robinson

  
Tamra Ham

  
Jack Daly





