

LINCOLN BOARD OF SELECTMEN'S

MEETING MINUTES

MONDAY, AUGUST 14, 2023 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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

APPROVED

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

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

Public Present via Zoom: Michael Donahue and David Tomaso

Public Present: Debbie Celino, Jim Welsh, and Walt Baltzer

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:34 p.m.

II. SEWER USE ORDINANCE REVISIONS – PUBLIC HEARING

Chairman Robinson explained that NHDES requires municipalities to update their Sewer Use Ordinance every five (5) years. As a result, a new ordinance has been drafted with proposed changes that have been vetted by Town Engineer, Ray Korber, Public Works Director, Nate Hadaway, as well as reviewed and approved by DES.

Chairman Robinson opened the hearing up for public comment (*there was no public comment*). With no public comment, the following motion was made:

MOTION: “To adopt the new Sewer Use Ordinance as proposed.”

Motion: Jack Daly

Second: Tamra Ham

All in favor.

[Note: the revised/approved Sewer Use Ordinance will be available at www.lincolnnh.org after it has been signed and submitted to DES.]

III. PUBLIC HEARING: LINCOLN INDUSTRIAL PARK – MODIFYING COVENANTS & RESTRICTIONS

OJ explained that this Public Hearing is regarding proposed changes to the deed restrictions at the Industrial Business Park:

“To discuss modifying covenants and deed restrictions to the Lincoln Industrial Park, whereas there were nine (9) lots created within the Town of Lincoln, NH as shown on “Subdivision of Lincoln Industrial Park in the Town of Lincoln, NH, surveyed January 1993-July 2006 by Sabourn Surveying Inc.,” Whereas, three (3) of the lots have been conveyed, and the Town currently owns six (6) of the lots and wishes to modify the covenants and restrictions applicable to Lots 1, 3, and 6”

The Board is proposing the following amendments to Covenant (b) and (i):

Current covenant (b) *“any commercial or light industrial use of these lots or the structures thereupon must be of the type expected to require regular on-site staff supervision and employment. No use primarily intended for storage or other unattended purposes will be allowed;”*

The amended covenant and restriction (b) in the Current Lot Owners relevant deeds will be replaced in its entirety as follows: *“no self-storage unit or units of any kind shall be permitted on the conveyed lot or lots, and no self-storage use shall be permitted on the conveyed lot or lots.”*

OJ further explained that Town Counsel drafted an *Agreement to Modify the Covenants and Restrictions*, in addition to new language for covenant (b), a new restriction was added which will be referenced under **Covenant (i)** *“The Town shall have the right to impose different or additional covenants and restrictions in any future conveyance of any of the remaining lots within the “Subdivision of Lincoln Industrial Park in the Town of Lincoln, NH, surveyed January 1993-July 2006, by Sabourn Surveying, Inc.” provided that any such different or additional covenants and restrictions shall not, without express written agreement, apply to the lots owned by the Current Lot Owners.”*

OJ noted that it was suggested at the last BOS meeting (7/31/23) to modify covenant (i) with the following language: *“provided that any such different or additional covenants shall require a noticed public hearing, and restrictions shall not without expressed written agreement apply to the lots owned by the current lot owners.”*

OJ opened the hearing up for public comment:

Michael Donahue (Business Park owner - lots 1 & 2) commented that he is in favor of what the Board is proposing, and has no problems with these amendments.

Selectman Daly spoke with Kevin Sullivan (Sully & Sons LLC) who owns one (1) lot in the Industrial Business Park, and he is having his attorney review the proposed changes, however, his attorney will be out of town for 2-weeks. Jack also commented that someone had recently asked him if a business owner in the Industrial Park wanted to put an apartment on top of their business, would this be allowed? Tammy explained that they could not do this because it is *not* zoned for *residential use*, and the current zoning in that zone specifically *excludes all residential uses*.

Carina asked if these proposed changes go through, would this mean that the Town would begin actively readvertising the lots, or would they just be available for sale to the public should they inquire. OJ commented that he feels that the real purpose for this is not to sell the lots as quickly as possible, but rather to have them available for when a local business person would like to establish their business there.

Jim Welsh asked if the town plows the roads in the Industrial Park (this is a town road that is maintained), and questioned what would happen if a business has a delivery and there is no one there to receive it (the package is left on the road)? Tammy responded that this has never been an issue before, and they would address it if/when it arises.

Wayne Baltzer commented that the process that the Board has gone through over the course of the past few months regarding the Industrial Business Park has been thorough, and if the results of these proposed changes help these properties get sold faster to generate revenue for the town, this shows that the Board did all of the right steps.

MOTION: “To close the public hearing.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

OJ commented that the Board should adopt these changes as written by Town Counsel, however, add the following language into Covenant “i”: *“shall require a noticed public hearing.”* The Board agreed to put this on the agenda for August 28th to allow time to hear back from Kevin Sullivan (Sully & Sons) and adopt the changes at that time with no public hearing.

IV. LONGFELLOW CONSTRUCTION – RAPIDS PROJECT

The owner requested this meeting be postponed until August 28th Board of Selectmen’s meeting.

V. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

The July 31st meeting minutes will be approved at the next Board of Selectmen's meeting.

VI. NHDES STRATEGIC PLANNING GRANT

The Town of Lincoln has been awarded the 2023-2025 Strategic Planning Grant in the amount of \$50,000. This money is being received from the ARPA (American Rescue Plan Act) funds and will go towards the South Peak Water Tank. The following motion was made:

MOTION: “That the Town vote or the Board vote that the Town of Lincoln enter into an American Rescue Plan Act (ARPA) fund grant agreement with the New Hampshire Department of Environmental Services to fund a drinking water improvement project; and the Town of Lincoln to further authorize Carina Park, Town Manager to execute any documents which may be necessary to effectuate this grant agreement.”

Motion: OJ Robinson

Second: Tamra Ham

All in favor

VII. UNION BANK BOND CLOSING

The Town received an updated loan proposal from Union Bank to finance the construction of the new Police Station and upgrades to the Route 3 Water Main Project. Rather than a 10-year loan with a 20-year amortization, Union Bank has proposed a 10-year fixed rate of 4.6% with the remaining 10-years at 4.86%. [Note: there is no prepayment penalty, therefore, the Town can refinance the loan if/when the interest rates drop. The following Resolution of the Governing Board motion was made:

MOTION: “To authorize the issuance of \$6,000,000 General Obligation Bond No. R-1 and \$2,200,000 General Obligation Bond No. R-2 (together, the “Bonds”) of the issuer, which were heretofore authorized by the Issuer’s voters on March 14, 2023, such Bonds to be dated August 17, 2023; and, to sell said Bonds to the Purchaser on such terms and conditions as are set forth in Exhibit A, attached hereto and made a part hereof; and, to issue the Bonds in substantially the form set forth in Exhibit B, attached hereto and made a part hereof; and, that agree that the Bonds shall be general obligations of the Issuer; and, to authorize the execution of the Bonds by at least a majority of the Governing Board and the Treasurer (or the printing of facsimiles of such signatures on the Bonds) and to affix the Issuer’s seal; and, to authorize the Treasurer to deliver the Bonds to the Purchaser against payment therefor; and, to authorize (i) at least a majority of the Governing Board and the Treasurer to execute and deliver a Signature and No Litigation Certificate with Receipt, a Line of Credit Rider for each of the Bonds and a Tax Certificate and (ii) the Issuer’s Treasurer, Chair of the Governing Board or Town Manager to execute and deliver the IRS Form 8038-G, all in substantially the form presented to the undersigned and such other documents as may be necessary or appropriate to accomplish the sale and delivery of the Bonds in accordance with the foregoing; and, to authorize the Issuer to serve as its own paying agent for the Bonds.”

Motion: OJ Robinson

Second: Jack Daly

All in favor.

VIII. OLD/NEW BUSINESS

Town Manager Report:

Fire Station Structural Analysis:

The Town has entered into a service agreement with Dubois & King for a Structural Analysis of the Fire Department (they should be onsite in September to conduct the inspection).

NHDES-ARPA Grant Extension Request:

The Town submitted a request to NHDES for an extension through 12/31/2024 to complete the Energy Improvements at the Wastewater Treatment Plant. The request is based on procurement delays of a Variable Frequency Drive (VFD) to be installed at the Sewer Lagoons. [Note: DES Grant was for \$215k, and there was also a \$40k rebate from NH Electric Coop for a total of \$255k.]

Request for Qualifications-General Contractor Service:

The Town has submitted an RFQ for General Contractor Services for the construction of the new Police Department. The RFQ's are due by August 28th with the anticipation that the bid documents will be issued the week of September 11th (Bid's will be awarded by early October).

Upcoming Legal Calendar Dates:

- August 28, 2023 at 9:00am – Jeannine Wood Trial Management
- September 1, 2023 at 11:00am – Motion to Reconsider Hearing
- September 5, 2023 at 9:00am – Jeannine Wood Jury Selection

Town Manager Correspondence:

Carina has sent letters to Gertrude Spanos (Mountaineer Motel) and Jon Ham regarding the recent complaints received regarding their properties (see attached).

NEW BUSINESS:**Motor Vehicle Municipal Agent Appointment:**

The Board made the following motion:

MOTION: “The Board approves the appointment of Kristene Klepser as a Municipal Agent to the Division of Motor Vehicles for the Town of Lincoln, New Hampshire. On June 9, 2023 the Governing Body unanimously voted the approval of the appointment of Kristene Klepser as Assistant Town Clerk, and that State work will be conducted on Town time.”

Motion: OJ Robinson

Second: Jack Daly

Motion carries by majority vote.

Abstained: Tamra Ham (Kristene Klepser is Tamra Ham's daughter)

Financial Report of the Budget (for the period ending December 31, 2022)

OJ explained that at this time, Vachon & Clukay (Auditors) have closed out the Town's books and all adjustments have been made for FY 2022, and the Board now needs to accept the final report:

MOTION: “The Board declares that they have examined the information contained in this report, and to the best of our belief is true, correct and complete.”

Motion: OJ Robinson

Second: Jack Daly

All in favor.

Note: The Town's actual expenditures were \$300k below budgeted (undesignated fund balance went towards the new fire truck).

Linwood Childcare Center:

Tammy explained that the Childcare Center is in jeopardy of closing due to lack of qualified certified staffing. The Childcare Center has reached out to several colleges looking for students in Early Education studies, and have also considered participating in job fairs. Tammy emphasized that there is a dire need for this tourist community to supply workers that are needed for childcare, and this is becoming a real problem.

OLD BUSINESS:

Linwood Medical Center:

The Board discussed Dr. Felgate's 50-year anniversary with Linwood Medical Center during their last meeting (7/31/23), and Tammy suggested that the Town purchase a similar bench to the one in front of the Lincoln Library and have it placed at the Linwood Medical Center (with their permission) with a plaque commemorating Dr. Felgate's 50-years of service to the community. The Board thought this would be a great idea after initially obtaining pricing and permission. Tammy explained that the building is owned by Linwood Ambulance, and once no longer occupied by the medical center/services, the ownership will revert back to Linwood School.

Public Participation:

Jim Welsh asked if there was any way to slow down the short-term rental business in Lincoln so that there are more properties available for local long-term renters. OJ explained that this is on the Planning Boards agenda for their next meeting (8/23/23) to look at what steps the Town can take to address this issue. Carina noted that based on the town attorney's recent comments (who was an attorney on the Conway short-term rental case) "it's not the property owners use, it's the occupants use" which defines what the property "is", and the occupants are using it as a "residential use." OJ commented that the Developer of the proposed apartment building across from Town Hall had attended last week's Planning Board meeting and mentioned that some of the units are going to be rented by local businesses for their staff, which is guaranteed rent for the property owner.

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

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

Motion: Tamra Ham

Second: Jack Daly

All in favor

The BOS went into Non-public session at 6:50 p.m.

MOTION: "To re-enter public session."

Motion: OJ Robinson

Second: Jack Daly

All in favor.

The Board reconvened public session at 7:43 p.m.

X. 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 7:43 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: August 28, 2023

Lincoln Board of Selectmen:


Chairman O.J. Robinson


Tamra Ham


Jack Daly

August 14, 2023
Board of Selectmen's Meeting
Please PRINT Legibly

(Print Name) WAYNE BALZER

(Sign Name)

Jim Welsh

Deb Celino



TOWN OF LINCOLN

Selectmen's Office
148 Main Street - P.O. Box 25
Lincoln, New Hampshire 03251-0025

August 11, 2023

Jonathan Ham
98 US Rte. 3
Lincoln, NH 03251

RE: M&L: 109-002000-000/98 US Rte. 3-Arnold's Auto Center

Dear Jon,

The Town has received several complaints regarding the parking of both passenger and commercial vehicles being conducted by your business establishment along the northbound shoulder of US Rte. 3. The storage of these vehicles creates a major safety concern at the intersection of Connector Rd and US Rte. 3 as the line of sight is obstructed.

We appreciate that in recent weeks, you have placed cones to prevent the parking of vehicles in that vicinity, however, wanted to formalize in writing our concern and request that no vehicles be parked in that location. We understand that Rte. 3 is a State road and we have no jurisdiction to reenforce the parking ban in that area, but hope you will cooperate with our request without interference from NHDOT.

We appreciate your assistance with this matter. Please feel free to contact me with any questions.

Carina Park
Town Manager



TOWN OF LINCOLN

Selectmen's Office
148 Main Street - P.O. Box 25
Lincoln, New Hampshire 03251-0025

August 7, 2023

Gertrude Spanos
374 US Rte. 3
Lincoln, NH 03251

RE: M&L: 106-021000-000/374 US Rte. 3, Lincoln-Vehicle Storage Lot

Dear Gertrude,

It has been brought to the Town's attention that your property located at 374 US Rte. 3, Lincoln, appears to be being used as an off-site vehicle storage lot for Arnold's Auto Center. The photos enclosed (taken today) show five (5) Arnold's Auto Center vehicles and approximately ten to twelve (10-12) passenger vehicles being stored and/or staged on your property. As the site has not been approved for commercial vehicle storage, we kindly ask that you remove the vehicles within 30 days of receipt of this letter.

If you would like to seek approval for such use, I suggest you reach out to Town Planner Carole Bont to discuss the next steps.

We appreciate your assistance with this matter. Please feel free to contact me with any questions.

Carina Park
Town Manager



