

**LINCOLN BOARD OF SELECTMEN'S
MEETING MINUTES**

APPROVED

MONDAY, SEPTEMBER 11, 2023 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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

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

Staff Present: Town Manager, Carina Park

Excused: Executive Assistant, Jane Leslie

Public Present via Zoom: Paul Beaudin II, Mary Conn, Nate Haynes and Nina Haynes

Public Present: Wayne Baltzer

I. CALL TO ORDER

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

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: “To approve the BOS meeting minutes of August 28, 2023 as amended.”

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

MOTION: “To approve the Non-Public BOS meeting minutes of August 28, 2023 as presented.”

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

III. LINCOLN INDUSTRIAL BUSINESS PARK PUBLIC HEARING-*Deed Restrictions (Cont'd from 8/28/23)*

OJ explained that this is a continuation from the previous Public Hearing held on August 28th to discuss revising the covenants and restrictions at the Industrial Business Park. The Board had *not* taken a final vote at that time because one of the Business Park owners (Sully & Sons LLC) was having their attorney review the proposed deed modifications. Carina commented that the town has still not heard back from Mr. Sullivan regarding his opinion/input on the proposed changes, and OJ suggested that Carina send Mr. Sullivan a letter explaining that the Selectmen have not taken a vote on this matter because they are awaiting his response (Mike Donahue was supportive of the revisions), and would like to vote this in at their next meeting.

MOTION: “To again continue the Public Hearing until September 25th, 2023.”

Motion: OJ Robinson **Second:** Tamra Ham **All in favor.**

IV. OLD/NEW BUSINESS

Town Manager Report:

South Peak Water Tank:

The Town received a copy of the *draft* permit for the Water Tank project, and a copy has been forwarded to Town Counsel for legal review. Public Works Director, Nate Hadaway, Sam Kenney (Weston & Sampson) and Carina met to discuss US Forest Service (USFS) commitments and the project schedule:

USFS Commitments:

- Deeded/Final Easements for the access road and utilities are required.
 - No tree felling in June-July.
 - Minimize natural disruption (blasting, boulder removal) with access road.
 - Survey property boundary if disturbed during construction (must carry survey allowance).
 - Report findings of injured/dead bats in the construction area.
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Schedule:

- **September 2023:** Design Contract
- **October 2023:** DES Grant Final Approval (conduct subsurface work).
- **October 2023 – February 2024:** Preliminary Designs
- **February 2024 – May 2024:** Final Designs
- **June 2024:** Bid Advertisement
- **July 2024:** Bid Award
- **August 2024 – November 2024:** Access Road and utility work
- **May 2025 – August 2025:** Tank construction (12-16 weeks)

New Police Station – RFQ & Bidding Process:

The town received five (5) sets of qualifications from General Contractors interested in bidding on the new Police Department building. All 5 contractors have met the insurance and bonding requirements and have prior municipal building experience; therefore, each contractor has been asked to submit their bids for the project. The bids will be issued on Tuesday, September 12th with a due date of October 13th. The Town will have a public bid opening per its procurement policy on Friday, October 13th at 2:00 pm, and will have one (1) week to review the bids; the BOS will formally accept the winning bid at the October 23rd BOS Meeting.

2023 Public Works Paving Projects:

Public Works Director, Nate Hadaway is in the process of obtaining quotes for his 2023 paving projects. The roads being considered are Church Street; School Street, Pollard Road (from the stop sign to the east edge of Tammy Gionet Dutilly's property), and lower Black Mountain Road. Nate has also included the deteriorated section of the bike path, the Transfer Station, and the Kanc Rec parking area.

Kanc Rec Area Facility Meetings:

Two (2) community forums have been scheduled to discuss the Kanc Rec facility and programming: Wednesday, September 20th and Thursday, October 5th at 6:30pm at the Kanc Rec Area (62 Forest Ridge Dr.) and via zoom. Stuart Anderson has offered to facilitate the forums, and emails have been sent out to all interested stakeholders.

The Pines at Forest Ridge On/Off Site Road Construction Bonds:

Carina spoke with the potential purchaser of the Forest Ridge lots. They are currently still in the "due diligence" phase of the Purchase & Sales Agreement. The purchaser was not aware of the road bonds or the transfer of responsibility to uphold the bonds. Carina forwarded the agreement to Town Counsel, Jason Dennis for guidance on how to proceed in the event the sale is finalized. OJ suggested that they find out if this responsibility is *transferable*, or by virtue of disposal of this property through a "sale", (the defaulting of the bond(s)) should the Town just be collecting the money from the bond?

91-93 Main Street Septic Line Repairs:

Mr. & Mrs. Haynes have submitted bills for the repairs to their septic line totaling \$2,249.62, and the Board discussed how to proceed in potential compensation to the homeowner. Nina Haynes commented that all bills have been received (received the Caulder bill this day) for the septic line repair. OJ noted that this was a discussion that took place during their last BOS meeting (8/28/23); the Haynes had previously allowed the Town to put a telephone pole on their property and run power to the community ballfield concession stand, and while the power was being run, the town's contractor broke the Haynes sewer line pipe. Mr. & Mrs. Haynes are seeking reimbursement for the repair costs from the Town (the sewer pipe repair is on the property line). The following motion was made:

MOTION: "To reimburse the Haynes for \$2,249.62 pending proof of payment to all of the vendors."

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

Highland Games/Ragnar Road Reach the Beach Race:

The coming weekend will be busy in town with both Ragnar Road Reach the Beach event (on Route 3) and the NH Scots Highland Games (9/15-9/17/23).

Upcoming Meetings:

The next Board of Selectmen's meeting is September 25th. The following meeting falls on Monday, October 9th (Columbus Day), so the Board agreed to meet on Tuesday, October 10th at 5:30pm. The Board also discussed scheduling the new Police Station bid opening for Friday, October 13th at 2:00pm at Town Hall (this will be the only item on the agenda).

The Lincoln Center North Shopping Plaza (Paul Bartlett-Owner):

Carina spoke with Paul Bartlett regarding the Town paying for and installing signage at the Citizens Bank entrance (Not an Exit) and Mr. Bartlett had no issues with that. Public Works Director Hadaway will be ordering the sign(s).

Louann Lane Sidewalk Extension:

Carina noted that Director Hadaway went out to Louann Lane and agrees that it should be surveyed. Steve Tower (Sabourn & Tower Surveying) may have some plans from other properties in the area, and will follow up with the town after he does some research.

Old Airport (location of new Police Dept.) State owned triangle of land:

Carina located the appropriate contact within the Department of Transportation (DOT) Bureau of Rights-of-Way to begin discussions on acquiring the triangle piece of land owned by the State at the site of the new Police Station. Based on Carina's research, the State would have to deem the triangle of land as "surplus land" before it can be transferred/sold (process could take up to one-year to be approved).

Temporary Public Works Employee:

Former Public Works employee, Andy Nicoll will be working with the Public Works crew on a temporary basis due to the department being down one employee, and a lot of projects around town that need to be completed prior to the winter months setting in.

NEW BUSINESS:**PSNH (Eversource) Utility Litigation:**

OJ explained that the Town of Lincoln has been involved in a tax appeal litigation along with 52 other NH municipalities (tax appeal years are 2017-2021), and George Sansoucy has submitted a proposal to the Town of Lincoln (and the other 52 municipalities) of which the involved towns are splitting the costs (Lincoln's share = \$10k for the next 2-years).

MOTION: "To accept the contract with George Sansoucy as proposed."**Motion: Jack Daly****Second: Tamra Ham****All in favor.**

The Board also reviewed the 2023 Utility Appraisal Report from Sansoucy Associates. The new values are intended to comply with the recently passed NH House Bill 700 methodology for the value of utility distribution. [Note: There is a large reduction in the assessed value of NHEC (-\$5,499,000 from 2021's valuation)]. Under HB 700, electric and gas utility company assets value (other than land and land rights) is based on a weighted average of 70% of each asset's original cost, and 30% of each assets net book cost. The formula was phased-in over a five-year period beginning in 2018 with the formula fully implemented by 2023.

Yield Tax Levy (Timber cuts):

The Board reviewed two (2) bills that are being sent out on the Yield Tax Levy: 1) Loon Mountain in the

amount of \$3,122.99, and, 2) Mark Bogosian/South Peak in the amount of \$1968.68. There are also two (2) unreported Timber Tax's for Loon Landing Development, Map 132: Lot's 036, 037, 039, 050, 051, & 052.

Planning Board Meeting – September 13th:

The Planning Board will be meeting at 5:00pm for a non-public session with Town Counsel, Jason Dennis to ask questions and obtain his input on the revised South Peak Master Plan. The Planning Board had requested that the South Peak Master Plan be updated/revised, and the Planning Board wanted clarification from Town Counsel on their roles and rights when reviewing the Master Plan.

Town of Lincoln First Responders:

The Board of Selectmen gave kudos to the Town's Emergency First Responders who have had a series of critical incident calls over the course of the past several months (all hours of the night), with some resulting in fatalities.

OLD BUSINESS:

Short-Term Rental Ordinance:

OJ noted that the Planning Board had previously voted to *not* discuss any potential changes to the Land Use Plan regarding Short-Term Rentals/zoning. OJ questioned if it was within the purview of the Board of Selectmen to submit a petitioned article regarding land use? Tammy commented that she feels that a formal petitioned warrant article should be drafted (that is legal & adoptable) and signed by 25 registered town voters (concerned citizens), and none of the signatures should be those of a Selectman. Jack commented that if the Planning Board felt that there was no need to make any changes to the Land Use Plan regarding short-term rentals, why should the Selectmen even be discussing this? Tammy commented that she feels that there is a strong need for regulating where short-term rentals can be located in/around the town (currently registered short-term rentals would be grandfathered-in). [Note: One of the proposed ordinance changes would further regulate STR's beyond the registration process, and *not* allow them in the General Residential (GR), Rural Residential (RR) and Village Residential (VR) zones, but would *allow* them in the General Use (GU) [up/down Route 3], Village Center (VC) [Main Street & one lot back from Main St.] and the Mountain Residential (MR) [base at Loon].]

Tammy acknowledges that this will not resolve all of the housing issues in town, but it *will* help in preventing people from buying up all of the homes that go up for sale on Church, Maple, Franklin Streets etc. to use as short-term rental properties *only*, and it will subsequently free up housing for locals and families who work in town, or want to work and raise their families in town. OJ questioned again whether or not the BOS should/can facilitate the petition process? OJ thought a better approach may be for the Selectmen to ask Town Counsel to draft wording for their proposed changes to the Land Use Plan that the BOS can present to the Planning Board along with a request for them to strongly consider the changes that the Board of Selectmen are asking for, and something that both Boards can unilaterally agree upon.

MOTION: “The Board of Selectmen will draft a proposed short-term rental zoning ordinance and have town Counsel review it prior to the Selectmen presenting it to the Planning Board.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

Public Participation:

Wayne Baltzer commented on the “Trending Times” newsletter that is recently under new ownership (owner sold business to his daughter) and they are looking to expand its readership (Lincoln & Woodstock receive 1000 copies every two (2) weeks). Mr. Baltzer noted that after reading through the newsletter, there are no local businesses advertising in it, and questioned if there may be an opportunity to establish a relationship with the newsletter's new editor, and to use this paper to communicate more effectively within the community. Tammy thought it would be a good idea to pass this information along to the Western White Mountain

Chamber of Commerce and the White Mountain Attractions. A discussion ensued on the various events around town that could advertise in the newsletter, and OJ said he would speak with Kim Pickering (the Chamber) and Charyl Reardon (White Mountain Attractions) about this.

Paul Beaudin questioned if the Town had anything memorialized in writing regarding the South Peak Water Tank, and what the town is getting regarding the installation of the tank (i.e., water pressure, more water etc.). OJ responded that there will be construction documents that will detail how many gallons of water it will hold, the elevation it will be located at, what size piping there will be and what it will serve. OJ further commented that this water tank will operate the same as the Forest Ridge Tank, the Indian Head tank, and the Loon Village Tank in that it will be a town water supply (water distribution is *not* specially broken out as to who will receive what % of water). Engineering data was used to determine the size, elevation and pipe size, and what it will do for the Main Zone, and as a backup for the Village Zone. Paul's main concern was that this is partially being funded with taxpayer dollars, and feels there should be guidelines and parameters stipulating what it is for and how it is going to be used. Paul asked if the bidding for the work would be limited to the State of NH or outside of the state as well, because there may be other competitive companies outside of the state.

Paul asked for the names of the five (5) contractors who will be bidding on the new Police Station project. Carina provided the following information: 1) Harvey Construction, 2) Ricci Construction, 3) Bonnette, Page & Stone Corp., 4) Engelberth Construction, and, 5) Turnstone Corp.

Paul questioned if Nate received competitive bidding for the upcoming paving projects. Carina explained that Nate received a quote from GMI and is waiting for one from Pike.

Paul commented that as an abutter to the Kanc Rec Area, he never received an email or any information on the upcoming discussions about the future of the Kanc Rec, and suggested all of the abutters receive the meeting information so that they have an opportunity to attend.

Paul noted that the Planning Board voted the other night regarding the Short-Term Rental zoning changes, and the Board of Selectmen can take their stand, however, he finds it very subjective that the Selectmen would choose to put one Board against another. Paul feels that the Planning Board voted in good conscience and feels that the Selectmen are "stirring the pot" and does not agree with this (he feels it is wrong).

Paul commented that the Trending Times newsletter is a good thing, but he feels that they have an opportunity to find out what's going on in Lincoln by coming to meetings or zooming in, and feels that if they are not advertising in Lincoln, it is because they are choosing to *not* put the time into it.

VI. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c,e) Personnel Issue Update

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

Motion: OJ Robinson

Second: Jack Daly

All in favor

The BOS went into Non-public session at 7:00 p.m.

MOTION: "To re-enter public session."

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

The Board reconvened public session at 7:40 p.m.

IX. 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

All in favor

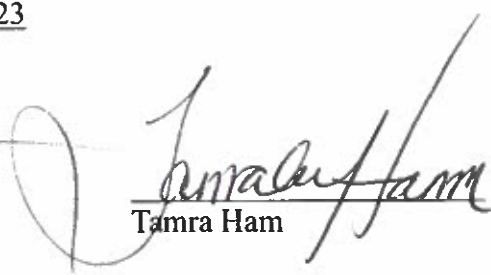
The meeting adjourned at 7:40 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: September 25, 2023

Lincoln Board of Selectmen:


Chairman O.J. Robinson


Tamra Ham


Jack Daly

WAYNE BALZER

