

LINCOLN BOARD OF SELECTMEN'S

MEETING MINUTES

APPROVED

WEDNESDAY, JANUARY 31, 2024 – 4:00PM

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 & Executive Assistant, Jane Leslie.

Public Present via Zoom: Paul Beaudin II & "Kathie"

Public Present: Peter Marlow, Rene Darling, Debbie Celino, Jim Welsh, Cynthia Lloyd and Sara Umberger

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 4:00 p.m.

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: "To approve the BOS meeting minutes of January 17, 2024 as presented."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: "To approve the joint BOS meeting minutes of January 17, 2024 as amended."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

III. SHORT-TERM RENTAL ORDINANCE Discussion

Prior to the January 10th Planning Board public hearing regarding the Board of Selectmen's' proposed zoning changes to the Land Use Ordinance, there was a property owner attempting to register a vacant lot as a "future" short-term rental, and Carina requested guidance from the Board on how to handle this. The current Short-Term Rental Ordinance "unit description" reads as follows:

A "Short-Term Rental" or "Vacation Rental" unit is defined as any individually or collectively owned single family house or dwelling unit, or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home that is offered for a fee for less than 30 consecutive days per RSA 48-A:1.

Tammy commented that property owners were previously rushing to register their property as a result of the proposed zoning changes that the Selectmen were recommending (later rescinded), and now that it is a moot point, she did not think it was necessary to amend the Ordinance, however, she felt that the property owner(s) should be notified that there is no need to register vacant land because the Selectmen withdrew their warrant article.

OJ commented that the short-term rental description does *not* reference "vacant land" (single-family house or dwelling unit, condo's, cooperative, timeshare or owner-occupied residential home) therefore, the property owner does not have the type of unit that is available to be registered, and the owner is not offering nor has a current unit for rent at the property location. Carina clarified going forward that any vacant land that had registered as a short-term rental will be refunded their annual fee (\$100.00), and will receive a letter of explanation regarding the same.

Carina also noted that the Ordinance does not specify that the calendar year for registration renewals runs from January 1st to December 31st, and the Ordinance needs to be amended (will be discussed at a future BOS meeting). Carina also asked the Board if they wanted to review the short-term rental fees and update all

changes to the Ordinance at the same time. Tammy commented that she would be in favor of increasing the annual registration fee to \$300.00 (based on Granicus' [software vendor] recommendation). Jack suggested increasing fees to \$500.00 (average registration rate for other communities), and to let this go before the town voters for their input. Jack would like to see the proceeds from this increase go into a dedicated special revenue fund for affordable workforce housing. The Board thought this was a great idea, and something they could look into implementing in 2025.

IV. HIGHWAY SAFETY GRANT AGREEMENT AMENDMENT - \$21,893.00

The Board reviewed the amended Lincoln Police Department's Highway Safety Grant received from the Department of Safety (Original grant amount of \$14,293.00 is being increased to \$21,893.00). This grant addresses high-priority safety concerns such as impaired driving, speed, distracted driving etc.

MOTION: "To accept the amended Highway Safety Grant in the amount of \$21,893.00, and to authorize Town Manager, Carina Park to sign the amended Highway Safety Grant Agreement."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

V. PETITION WARRANT ARTICLE

The town received the following Petition Warrant Article (signed by 29 registered voters – Per RSA 39:3):

"To see if the Town will vote to raise and appropriate the sum of four million dollars (\$4,000,000.00) to purchase the locally known "Campers World" property, Map 105, Lot 033 consisting of 321.96 acres of land located off Route 3 on the east side of the Pemigewasset River in Lincoln, New Hampshire currently owned by EDL Enterprises, and to further authorize the issuance of not more than \$4,000,000.00 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33), and to authorize the municipal officials to issue and negotiate such bonds or notes, and to determine the rate of interest thereon; (3/5 ballot vote required)

OJ explained that this petition has been presented to the Board of Selectmen for a recommendation (the BOS and Budget Committee each vote in favor of or against all warrant articles), and it will then be forwarded to the Budget Committee (as an appropriation) and later voted on at Town Meeting as a bond issue during the evening business session by *secret ballot (Business session begins at 6:30pm). The Selectmen will need to hold a public bond hearing; in an effort to stay compliant with the state law, the following is the required time frame:

2/02/2024 – Notice to Newspaper

2/07-2024 – Published in Courier Newspaper

2/20/2024 – Public Hearing

***RSA 40:4-a I. (a)** At any meeting of a town with a population of more than 500, 5 voters who are present may make a request in writing prior to a vote by voice vote or division vote that the vote be taken by secret written ballot. Upon receiving such a request, the moderator shall conduct the vote by secret "yes-no" ballot; **(b)** Notwithstanding any other provisions of law, on the request of 5 voters who are present, the moderator shall conduct a recount on any vote taken by secret written ballot under subparagraph (a). The recount shall take place immediately following public announcement of the vote taken providing that the vote margin is not more than 10 percent of the total vote case. There shall be no fee required for a recount under this section.

After a brief discussion, the Selectmen agreed to schedule the bond hearing for February 20th at 5:30pm.

MOTION: "The Selectmen recommend this article."

Motion: Tamra Ham

Second: OJ Robinson

OJ opened the meeting up for public discussion:

OJ commented that he feels that one reason for this warrant article may be to utilize this vacant land for

the local community who lives and works in town and needs an affordable place to live (the Board acknowledges that the Town would not be the Developer). Jack noted that there is a lot of information that will need to be generated to the community (cost to tax rate, how much revenue the 321.96 acres generates for the town, land appraisal) and he would like to ensure that this land doesn't sit vacant for years.

Carina cautioned the Selectmen on the Ten Percent Rule (per RSA 32:18) *"The total amount appropriated by the meeting, including amounts appropriated in special and separate warrant articles cannot exceed the total recommended by the budget committee by more than 10 percent."* The 10 percent calculation is computed on the total amount recommended by the budget committee, less that part of any appropriation item which constitutes "fixed charges." Fixed charges include appropriations for principal and interest payments on bonds and notes as well as mandatory assessments imposed on towns by the county, state, or federal governments. (The 10 percent rule can be overridden by a proper warrant article in the case of a bond request. RSA 32:18-a). The statute is silent as to what happens if the total appropriations at a given meeting do exceed the recommended budget plus 10 percent. Generally, DRA will disallow on a "last voted, first out" basis. Therefore, it is important to consider the order in which the warrant articles will be voted. Tammy asked for clarification on this "rule" prior to tomorrow's budget meeting.

OJ noted that he would agree to recommend this article and to let it go before the voters.

Peter Marlowe questioned if this article was to contemplate purchasing the Camper World land for a future Developer to build affordable housing. Tammy clarified that this was a petition warrant article submitted by a town resident who obtained the 25+ signatures required for a petition "for the town to purchase the land." Peter noted that due to today's increasing costs of building materials, it is going to be difficult for a Developer to build affordable housing. OJ explained that there are agencies in NH that use federal funds specifically to build affordable housing (AHEAD, InvestNH Housing, Affordable Housing Fund (AHF) etc.). OJ noted that construction does not have to be limited to affordable rental housing, but also for the sale of affordable single-family homes. Upon conclusion of the discussion, the Selectmen voted on the following motion:

MOTION: "The Selectmen recommend this article."

Motion: Tamra Ham

Second: OJ Robinson

All in favor (Unanimous)

VI. OLD/NEW BUSINESS

Town Manager Report:

South Peak Water Storage Tank:

The route to the water tank site for the geotechnical equipment has been completed. S.W. Cole Engineering should be on-site in the coming weeks to conduct the geotechnical work.

New Police Station Construction:

Construction continues at the new Police Department. The town received a complaint/concern regarding cold weather concrete standards. To this point, BPS (Contractor, Bonnette Page & Stone) has had four (4) state inspections and four (4) third-party inspections all involving rebar/frost/freeze protection and core samples of concrete. All of these inspections have passed, and BPS was applauded for its effort to ensure quality results. In addition, BPS has added approved chemicals to concrete that also aid concrete-curing in cold weather. All of the concrete cores will be tested by the town's 3rd party to ensure that the required PSI is achieved. The town also continues to work with the NH Electric Coop in procuring a transformer.

Fire Department Truss Engineering:

Dubois & King (Consulting engineering firm) conducted the truss analysis on January 25th. The town should be receiving the report and accompanying plans shortly.

Town of Lincoln POTS Lines:

The town was recently informed that the Federal Communications Commission (FCC) is mandating all POTS lines (copper analogue lines used for fax service, alarm systems & certain lines in the PD) be replaced by an alternative form of communication before they permanently become decommissioned. The Town is working with Mettel on a solution. As a result of these anticipated changes, the new digital service should result in annual cost savings.

OLD BUSINESS:

Library Budget:

Carina explained that one of the issues the budget committee ran into during their previous meeting (1/31/24) had to do with a late proposal they had received to amend the library's budget. The budget committee had discussed this during their meeting last night and noted that the BOS recommendation differed from the budget committee's recommendation regarding employee wages & and library cleaning (contracted service). There was an increase in the 2024 library cleaning contract (+\$2,600.00) that Library Director, Carol Riley was not previously aware of when she originally proposed her budget, so the budget committee held off on voting last night until the Selectmen were able to vote on their recommendation. The library's amended total is now \$184,517.00 (does not include the additional 3% wage increase). The following motion was made:

MOTION: To amend the Selectmen's recommendation for the Library Budget to \$184,517.00."

Motion: Tamra Ham

Second: Jack Daly

All in favor

Jack questioned how much Town Hall pays for cleaning services. Carina explained that there are two (2) separate contracted service line items for cleaning the building: 1) Town Hall (\$8,000.00), and, 2) Police Department (\$12,000.00). The Community Center pays \$42,900.00 (for the Senior Center & Childcare Center).

Carina noted that after last night's budget meeting where they discussed the special warrant articles and the library front steps, the budget committee voted to reduce the \$62,000.00 line item to repair the front steps to \$30,000.00. There were concerns expressed because the library had only received one (1) estimate for this rehab job (\$62K), and they feel that if multiple bids were received, the estimate would decrease dramatically. The budget committee is hoping that Library Director, Carol Riley will be able to procure additional quotes prior to Town Meeting that are more competitive, and if necessary, the \$30K line item can be amended at Town Meeting.

Noiseless Fireworks:

Jack commented that he received phone calls regarding the July 4th fireworks and how this affects some people in the community who suffer from Post-Traumatic Stress Disorder (PTSD) as well as an individual who has a dog kennel in town, and they requested that the town consider "noiseless fireworks" for the 4th of July celebration (scheduled for Friday, July 5th, 2024 this year). Jack explained to the callers that he would bring this to the attention of the Board of Selectmen and Town Manager for their input. There was a brief discussion about what noiseless fireworks consist of (the Board was not familiar with noiseless fireworks).

NEW BUSINESS:

Riverwalk – Permitting and Associated Water & Sewer Tap Fees (for new Meeting & Event Space)

Dennis Ducharme submitted a letter to the Town (see attached) regarding permitting and associated water & sewer tap fees for their 322-seat meeting/event space at the Riverwalk. Dennis was uncertain how to categorize this space in regards to the Water & Sewer Tap fees because it is not a restaurant, and will only be utilized about 25% of the time (use of this event space must be prescheduled well in advance – otherwise the doors are locked). When they open the resort in the Spring, they would like to open this meeting space as well.

There is a separate commercial kitchen across the hall, however, they will *not* be outfitting or using that space for at least 12-18 months after opening (they will initially be utilizing local catering companies for food/beverages until such time that they open the onsite kitchen). The question is how to calculate water/sewer tap fees for this space, but not to the degree of an onsite restaurant (at this point).

A discussion ensued on how to address this matter, and OJ feels that when the application is submitted for their commercial kitchen points, that it will encompass the entire space; however, for the time being, they could charge them for a percentage of the points now, and when they are prepared for the build of the full commercial kitchen space, they would pay 100% of the points at that time, and anything related to the space that the commercial kitchen feeds would be credited with the points previously paid.

OJ suggested payment of one-third at this time (1/3 of the 322 seats), and then these points will be credited towards the event space/commercial kitchen points (remaining 2/3) when the time comes.

**Selectman Ham departed the meeting at 5:55 pm for another commitment*

Groundbreaking Ceremony – New Police Department:

Bonnette, Page & Stone asked if the Town would like to have a groundbreaking ceremony for the new Police Department. OJ commented that upon completion of the project, they should have a ribbon-cutting ceremony and the public would all be invited to also tour the facility.

Public Participation:

Sara Umberger asked if the meeting minutes from the last Selectmen's meeting had been approved (they were approved and will be on the town's website). Sara commented that she is a Real Estate Agent and asked if the warrant article regarding the short-term rentals and zoning changes was still in effect. Carina explained that the Selectmen have withdrawn their proposed warrant article and it is no longer an issue.

Paul commented that he does not feel that the town should be making money off of the short-term rental registrations, and should only charge a fee equivalent to the costs of operating the program.

Paul commented that he feels that the Selectmen should hold a public hearing regarding the \$4M petitioned warrant article to purchase the 321 acres to hear how the public feels about this, and whether or not there is support and/or concerns. OJ explained that the Selectmen are required by law to hold a mandatory public hearing prior to going to Town Meeting. Carina also noted that due to time constraints, the last day for the Selectboard to post the warrant and the budget at all required posting sites is Monday, February 26th, 2024. OJ suggested that they hold the public hearing on Tuesday, February 20th. Paul would like to see concrete guidelines and ideas for exactly what the plans would be for the 321 acres, and for there to be public input on this matter.

VII. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (e) legal update

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

Motion: OJ Robinson

Second: Jack Daly

All in favor

The BOS went into Non-public session at 5:25 p.m.

MOTION: "To re-enter public session."

Motion: OJ Robinson

Second: Jack Daly

All in favor.

The Board reconvened public session at 5:30 p.m. and the following motion was made:

VIII. ADJOURNMENT

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

MOTION: "To adjourn."

Motion: OJ Robinson

Second: Jack Daly

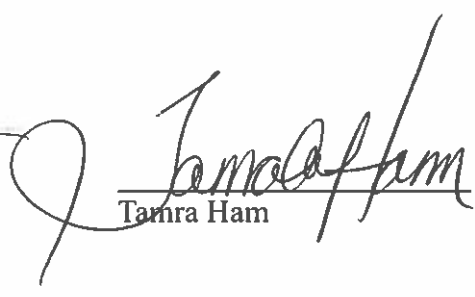
Motion carries

The meeting adjourned at 5:30 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: February 12, 2024


Chairman O.J. Robinson


Tamra Ham


Jack Daly



Dennis Ducharme
RiverWalk Resort at Loon Mountain
dducharme@innseason.com
(508) 364 - 6500

January 26, 2024

Hi Carina,

I hope all is well. I had a meeting with Carole Bont and Ryan Fairbrother in the Town Hall earlier this week to discuss various RiverWalk related items. One of those items was the permitting and associated Water & Sewer Tap fees for our meeting/event space. Wanted to take an opportunity to share a bit of that discussion with you to determine how to best move forward.

The area we are looking at is a 322-seat meeting/event space on the backside of the building facing the river & mountains. When we open the resort in the Spring, we would like to open this meeting space as well. There is a separate commercial kitchen across the hall, but we will not outfit or use that space for at least 12-18 months after opening. We will be using local catering companies to provide all the food and beverage initially until we can open our onsite kitchen.

In our conversation at Town Hall this week we were not sure exactly how to categorize this space when it comes to the Water & Sewer Tap fees. This is not a restaurant and will only be in use about 25% of the time and must be prescheduled well in advance – otherwise the doors are locked. Just as a starting point, we had discussed paying some Water & Sewer Tap fees but not to the degree of a restaurant. All other Water & Sewer Tap fees for the building and common areas (bathrooms for event space guests, etc.) have been paid.

My team and I are just trying to get ahead of things and wanted to get your input on this matter before we go in front of the BOS. I am available via phone or email if you would like to discuss it further or feel free to come over next week for a tour of the new section. Either way, I look forward to speaking with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Ducharme".

Dennis Ducharme

