

**LINCOLN BOARD OF SELECTMEN'S**

**APPROVED**

**MEETING MINUTES**

**MARCH 29, 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, Public Works Director, Nate Hadaway, and Administrative Assistant Jane Leslie.

**Public Present via Zoom Video Conferencing:** Town Engineer, Ray Korber, Dave Beaudin, Myles Moran, Paul Beaudin, and Carol Riley

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**I. CALL TO ORDER**

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

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

**MOTION: "To approve the BOS meeting minutes of March 22, 2021 as amended."**

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

**MOTION: "To approve the Non-public BOS meeting minutes of March 22, 2021 as presented."**

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

**MOTION: "To approve the Non-public BOS meeting minutes of March 15, 2021 as presented."**

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

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**III. RE-OPENING OF TOWN HALL**

Town Manager Burbank explained that he has reservations about re-opening Town Hall to the public at this time, as he currently has two (2) full-time employees out sick with COVID (not Town Hall employees). Burbank acknowledged that 99% of town staff is fully vaccinated, however, he feels that this does not mean that they cannot get the COVID virus. Burbank feels that town business continues to get taken care of, and Town Hall being closed to the public should only be a minor inconvenience. Selectman Ham commented that she is against re-opening the building until all employees in the building, and those that frequent the building have the opportunity to get vaccinated. Ham noted that on April 2<sup>nd</sup> the vaccine distribution opens up to those 16 and older, and until everyone has the opportunity made available to them to get the shot (should they choose to) she cannot support the re-opening of Town Hall. Selectman Daly agreed with Ham, and questioned what happens if an employee opts to *not* get the vaccine, would we still not re-open Town Hall? Daly also questioned if there was only one (1) employee at Town Hall that has not been vaccinated yet? Burbank responded that this is correct, and there is one other employee (not at Town Hall) that has chosen *not* to get the vaccine. Ham responded to Daly's point that the town cannot cater to employees who choose *not* to get vaccinated once they have the opportunity and choice to do so. Burbank added that once the building is open, masks will still be required, however, he does not feel that this is the time to re-open. Robinson suggested putting this back on the agenda for April 12<sup>th</sup> to discuss again, and to review every two weeks thereafter.

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**IV. SEWER CAPACITY STUDY**

Town Manager Burbank referenced a memorandum that he had submitted to the board last fall (*see attached*) and explained that Town Engineer, Ray Korber would update the board further on where the sewer

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capacity study stands at the present time. Ray Korber explained that previous sewer (and water) capacity discussions concerned larger hotels and building developments in the Lincoln community. Korber went on to explain that there is a requirement attached to the Towns NPDES permit (National Pollutant Discharge Elimination System permit which is held by the EPA and enforced by DES) that requires once a town hits 80% of its planned sewer capacity, the town must begin the process of communicating with the EPA and DES about how it plans on addressing future sewer system capacity issues and upgrades. Korber explained that based on recent flow data studies, the town was operating at 58% sewer capacity in 2018; and 53% sewer capacity in 2019, which essentially means that the town has another 20% capacity before it needs to initiate any communication with DES or the EPA to discuss the towns plan to address future expansion upgrades to the system. Korber added that based on his historical research (back to 2006) over the past 10-years the trend has shown a 2% increase. Korber noted that based on this trend the town does not need to do anything within the next 1 to 2-years, however, he recommends that the town keep an eye on this and begin planning for the future. Korber also explained that the town is currently operating under an expired NPDES permit that was issued by the EPA in 2007 (should be renewed every five (5) years) and should have been renewed in 2012 which is when the town submitted its renewal application request, however, the application request has been sitting at the EPA ever since due to their extensive backlog issues. Korber explained that he actually spoke with the EPA earlier today concerning the 2012 renewal application, and the EPA should be sending the town a draft NPDES permit for review, however, Korber feels that due to their backlog this probably won't happen until the late fall early winter.

A discussion ensued on the NPDES permit, and Chairman Robinson explained that one of the Planning Boards major concerns is the "vested" projects that have already received approval and are able to build whenever they are prepared to do so, but they are *not* included in the 53% sewer capacity statistics. Robinson questioned what the process would be to come up with an estimate that included the currently approved projects along with the 53% sewer capacity. Robinson is concerned where the town's current sewer capacity stands with the approved permits factored into it, so that the town is aware of available sewer capacity when issuing future building permits. Korber responded that the current town policy is *first come, first serve*, and at the present time this is the best way to handle this, particularly because there is not much land left to develop anymore (other than the Route 3 corridor). Korber explained that he could do a build-out analysis of the Route 3 corridor to get an idea of what this may look like in the future, and also recommended that the town look at this situation annually by conducting desktop studies to determine how the town is trending. Korber noted that the board may want to consider doing a sewer system evaluation survey of the collection system to determine how much extraneous inflow is in the collection system.

Chairman Robinson explained that he is not looking to obtain a build-out analysis as much as an analysis on what is currently approved. Korber responded that this could definitely be done with *vested but not built* developments, and he would begin working on this and forward a memorandum to the board with the results. Korber explained that he can also coordinate with DPW Director Hadaway to create a *want and needs list* because as assets age, they could potentially cost the town a lot of money if something catastrophic occurs (e.g., malfunction of the Route 3 pump station). Director Hadaway commented that the town is also going to have to have an in-depth sewer lagoon sludge study this summer which is part of the NPDES compliance requirements so that the town is aware of how much sludge is at the bottom of the lagoons, and to budget for future dredging expenses.

Robinson suggested that going forward they do the following: (1) do a loading capacity study with the vested but not built developments, and, (2) takes steps 1,3, and 4 from the Wastewater System Assessment memo (*see attached*) and obtain an estimate on costs to perform each step, timeframe, and course of action for each step over the span of the next year.

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## **V. TAX COLLECTOR PAYMENT PLAN *Request***

Chairman Robinson explained that the board received a request from a taxpayer for a payment plan for their 2020 tax bill. Robinson noted that this taxpayer's 2017, 2018, and 2019 tax bills were paid in-full and on time, and their 2020 taxes were paid late and accumulated interest charges totaling \$19. The taxpayer is asking the board to waive the interest and to allow them to set-up a monthly payment plan. Selectman Ham explained that her only concern is that based on the amount of money that the taxpayer is willing to pay monthly, their taxes will not be paid in full by the time the next tax bill comes out (June 1<sup>st</sup>). Selectman Daly commented that based on the limited information the taxpayer has provided, it appears that the taxpayer will be eligible for the federal stimulus payment (\$1,400) and should be able to pay their bill in full prior to the June 1<sup>st</sup> tax bill. Ham was not comfortable assuming whether or not the taxpayer would be eligible for the stimulus payment. Robinson explained that he would be in favor of waiving the interest payment, however, he shares the boards concern with this balance running into the next tax bill. Ham feels that there may be other financial resources and assistance available to help this taxpayer get caught up and back on track, and she would investigate further. The following motion was made:

**MOTION: "To waive all interest accrued on tax bill for parcel ID 000337."**

**Motion: Tamra Ham**

**Second: Jack Daly *with discussion***

Chairman Robinson suggested directing the Town Clerk to present an alternate payment plan or other options that will allow the taxpayer to get caught up sooner, as the current payment plan will not sufficiently get the taxpayer paid up in time for the July 1<sup>st</sup> tax bill. Selectman Daly commented that he was going to suggest the waiving of the interest would be contingent upon the taxpayer getting the bill paid in full prior to July 1<sup>st</sup>. The previous motion was amended as follows:

**MOTION: "To waive all interest accrued on tax bill for parcel ID 000337 if taxpayer has paid all taxes due by July 1, 2021."**

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

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

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

#### **FEMA Flood Plain Material**

Town Manager Burbank informed the board that he forwarded all of the FEMA flood plain material to the levee condo/home owners. Burbank spoke with a FEMA Representative who explained that a notice of map revision can be filed at any time in the future by either the town or property owners (cost approximately \$8k to file). Burbank commented that at this time the new flood maps will *not* show this as an approved structure for flood insurance purposes until there is a revision.

#### **Town Hall/Police Department Telephone Upgrade**

Town Manager Burbank informed the board and public that the telephone system at Town Hall and the Police Department is scheduled to be upgraded on Monday, April 5<sup>th</sup>. The Police Department phone lines will be diverted to Grafton County dispatch during the upgrade, and Town Hall phones will be forwarded to a cloud-based message system. This will take approximately 3-4 hours.

## **OLD BUSINESS**

### **Mediation Settlement:**

Chairman Robinson explained that they had a successful mediation settlement agreement with Y-Birch Kids, LLC property (Map 121 Lot 039) for assessment values. Robinson suggested that they vote on the revised assessments as follows:

**MOTION:** “To fix the assessment value for the Y-Birch Kids, LLC property (Map 121 Lot 039) at \$1,306,300 for the year 2016, and increasing \$50k each year in 2017, 2018, 2019, 2020, and 2021, and thereby reaching \$1,556,300 in 2021.”

**Motion: OJ Robinson**

**Second: Tamra Ham**

**All in favor.**

### **ZBA Seat:**

Chairman Robinson explained that Selectman Daly had forwarded the board a legal opinion this week from the NH Municipal Association’s Legal Counsel, Natch Greyes concerning multiple board memberships (a Board of Selectman also sitting on the ZBA). Robinson explained that after reading the legal opinion, he is comfortable with Daly sitting on both boards (Board of Selectmen & ZBA) and noted that if there is a situation that arises that may cause a conflict of interest, Daly can recuse himself. Selectman Ham commented that she feels that this can unnecessarily set the town up for potential litigation issues, and in her opinion, this is not appropriate. Ham added that this has nothing to do with Jack personally, as he is an asset to both boards, however, she feels very strongly that these two boards should not mix and remain separate.

### **O’Brien Avenue Plaque:**

Selectman Daly commented on Mike Dovholuk’s request to erect a plaque on the O’Brien Avenue path for Lincoln resident, Officer Thomas F. O’Brien who was killed during World War II, and explained that he spoke with Doug Moorhead who agreed to run this by the Interact Club to see if this would be a project that they may be interested in spearheading. Daly assured Moorhead that the town would help as well with whatever they could.

## **NEW BUSINESS**

### **Unspent Funds (leftover from bonds):**

Chairman Robinson explained that Finance Director, Johnna Hart has brought to the board’s attention that there is money that was appropriated through bonds in the past, and there are leftover unspent funds as follows: (1) Pollard Road sidewalk – a little over \$7k remains. Robinson explained that the only way they can spend this money is through a Town Meeting vote, and recommends that they bring this up next year so that they can close these accounts out. Robinson feels that a good use for these funds is paying off debt related to the bond(s). (2) the Levee – a little over \$111k remains, and, (3) Beechwood Road Bond - \$42k. Robinson noted that as far as the Beechwood Road bond goes, there is a leftover drainage project in Beechwood (lower Black Mountain Road) that needs to be completed, and he feels that this would be an appropriate way to spend these funds (towards the projects repairs), however, they would have to review the bond wording first to ensure that this would be allowed.

### **Community Choice Aggregation Program (Electric Program):**

Chairman Robinson asked what the status was for this program, and explained that it was his understanding that Freedom Energy Logistics was supposed to get back to the board in early 2021. Town Manager Burbank said he would follow up with Freedom Energy and report back to the board.

have the money or resources at this time to hire more staff. Robinson further explained that the Planning Board spent several hours last week discussing this specific issue and came up with several ideas that the town staff is going to be reviewing, and then developing a process that is more efficient and makes better use of staff time while also putting some of the onus back onto the applicants who are coming in with problematic applications that end up holding up other applications.

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**IV. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (e) CRVI Assessment update, Attorney Correspondence & Personnel litigation**

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

**Motion: Tamra Ham**

**Second: OJ Robinson**

**All in favor.**

The BOS went into Non-public session at 7:20 p.m.

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

**Motion: Jack Daly**

**Second: Tamra Ham**

**All in favor.**

The Board reconvened public session at 7:44 p.m.

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**VII. ADJOURNMENT**

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 7:45 p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date: April 5, 2021

  
Chairman O.J. Robinson

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Tamra Ham

  
Jack Daly

### **Linwood School District Annual Meeting:**

Chairman Robinson asked what the results were at the School's Annual Meeting on the warrant article(s) to convey an easement to the Town to use school property for an emergency turnaround at the end of Pleasant Street (Article 18), and another article (Article 19) to convey a driveway easement to Denise Heredeen for a driveway to be connected from her property over a small portion of the school's property to connect to the hammerhead turnaround. Selectman Ham responded that both of these articles passed (**Article 18: 182-26 & Article 19: 173-34**). Robinson explained that the School Board now has permission to sign the easement for the right-of-way to the town, and then the town must have it recorded with Grafton County Registry of Deeds, and then Ms. Heredeen can be granted her driveway permit.

### **Public Participation**

Paul Beaudin commented on the sewer capacity study and noted that they may want to take a closer look at the existing approvals because they are only valid for three (3) years according to DES. After three (3) years the applicants would have to reapply to the town for a two (2) year extension which is based on information that was previously provided to the town by Robert Daniels (DES) back in 2018. Beaudin also noted that the town should pay special attention to the sewer approvals for the South Peak development and the size of the houses that were originally designed, which may be different than what was actually built (when looking at the build-out it may be more than the original request).

Paul Beaudin asked if there are employees in Town Hall that have not been vaccinated, and if so, is this by choice? Town Manager Burbank responded that there is one person, and this is because of their age.

Chief Morris commented in response to Paul's question about employee's not being vaccinated at Town Hall, and noted that he has two (2) employees in the Police Department that are choosing *not* to get the vaccination.

Myles Moran commented that he has a friend who lives in town that applied for a Land Use Permit several months ago for a single-family home who is also having problems with his engineer and stormwater management issues. His friend was informed that there are 50-60 applications ahead of him awaiting land use permit approval, and questioned what the average time-frame is to obtain a single-family land use permit in town? Moran added that he has been hearing a lot of negative comments lately relative to the same. Moran asked the board if they have any insight on this backlog, and if they've been hearing the same complaints from other people? Robinson responded that the board has in fact heard this complaint from numerous people, and recently held a meeting regarding this issue with town staff to discern what the problems are. Robinson explained that there are several factors causing these delays as follows: (1) there has been an onslaught of permit requests that have overwhelmed the Planning Department (more than ever before), (2) a majority of the permit applications that come in to Town Hall are not complete, and it takes a while to review the application and to determine that it is not complete, and then subsequently be returned to the applicant to be corrected. By the time the corrected application is re-submitted to the Planning Department it is placed at the bottom of the pile because a dozen other applications have been received in the interim and being checked for completeness. Robinson explained that this is a problem that they are looking at along with various solutions (possible 3<sup>rd</sup> party review prior to application submission). Moran asked approximately how many applications are currently in the pipeline awaiting land use permits? Town Manager Burbank responded that there are *not* 60 applications awaiting approval, but more like 28-30. Burbank explained that over the course of the past couple of months there have been 26 closings in South Peak which is spurning a lot of the new construction in the coming months as well as causing the backlog in the Planning Department. Moran questioned whether or not there was any way to make this process move quicker (hiring more town staff). Burbank responded that the town does not

To: Board of Selectmen  
From: Butch Burbank, Town Manager  
Re: Wastewater System Assessment

The purpose of this memorandum is to provide guidance and recommendations to the Board of Selectmen on next steps to assess the operational performance of the town's wastewater system.

**Statement on Level of Service and Strategy:**

Level of service refers to the quality of a given service that our customers expect us to provide. It defines the standard of performance for our systems and operations and establishes the benchmark by which management strategies are developed and decisions are made on how best to deliver sustainable and cost-effective service to our customers. Defining and measuring levels of service is a key activity in developing our infrastructure asset management plans, quantifying the associated level of reinvestment in the system and establishing the priority and timing of those investments. Fundamentally, it is the driver that will help us in our capital planning efforts and decision-making process going forward.

As it relates to our wastewater infrastructure, at this time we are recommending we focus first on the fundamentals of what we must accomplish to protect the public health and environment and meet federal and state regulatory requirements. To that end, we recommend that the level of service be defined as follows. Please note that the level of service will need to be expanded and more clearly defined as we move forward in our assessments.

- The Wastewater Treatment Plant shall meet all effluent limits and regulatory requirements as specified in the NPDES Permit.
- The Wastewater Collection System shall have system capacity to ensure there are no discharges to the environment (sanitary sewer system overflows).

**Next Steps:**

If the Board of Selectmen agree to the level of service requirements above, we recommend next steps be as follows. Please note that this is not intended to be a comprehensive list. The intent is to make an initial assessment on the existing wastewater system based on available information to better define our current operational status. Additional evaluations and analysis may be warranted based on these initial assessments.

1. Complete a desktop study to determine wastewater treatment facility compliance with the NPDES permit. Estimate the service life of the facility for planning purposes.
2. Coordinate with EPA and NHDES on the status of the NPDES permit renewal.
3. Based on the best available information, develop a list of known deficiencies and operational issues/constraints in the wastewater collection system including pump stations, pipelines and manholes.
4. Based on the initial assessments, make recommendations for further evaluations and analysis of the wastewater system.

