

MEETING MINUTES

APRIL 12, 2021 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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

Board of Selectmen Present via Zoom: Chairman OJ Robinson and Selectman Jack Daly

Excused: Selectman Tamra Ham

Staff Present via Zoom: Town Manager Burbank, Fire Chief, Ron Beard, Police Chief Chad Morris, Recreation Director, Tara Tower, and Administrative Assistant Jane Leslie.

Public Present via Zoom Video Conferencing: Carol Riley, Jennifer & Michael Snyder (One Love Brewery owners), Dave Beaudin, Ivan Strickon, and Paul Beaudin

I. CALL TO ORDER

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

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: “To approve the BOS meeting minutes of March 29, 2021 as presented.”

Motion: Jack Daly

Second: OJ Robinson

All in favor.

MOTION: “To approve the Non-Public BOS meeting minutes of March 29, 2021 as presented.”

Motion: Jack Daly

Second: OJ Robinson

All in favor.

III. RE-OPENING OF TOWN HALL

Town Manager Burbank addressed the board and explained that he and his staff are prepared to re-open the lobby area in Town Hall with all COVID safety protocols in place, however, Burbank noted he still has major concerns with the rising numbers in the state and country despite the widespread vaccination efforts taking place nationwide. Chairman Robinson asked if the last unvaccinated employee at Town Hall has had a chance to get their COVID shot yet. Chief Beard responded that this employee has had their first dose of the Pfizer vaccine and will be getting their second dose in 21-days. The board discussed resuming their weekly Selectmen's meetings in person at Town Hall while allowing the public to continue to zoom into the weekly meeting. Robinson was comfortable with doing this as he has been fully vaccinated and explained that they will continue practicing all safety precautions.

Burbank noted that the state has mandated that all schools resume their full-time in-school education beginning on Monday, April 19th and commented that the re-opening of Town Hall would align with this change, and board and committee meetings could be “first-come, first-serve” with all seating 6-feet apart similar to what the board did during the last time the building re-opened. Robinson explained that he will not be available for the April 26th Selectmen's meeting and suggested that they resume in-person board meetings on Monday, May 3rd. Burbank added that it is also unclear when Selectman Ham will be returning to the area, so she will still be able to participate via Zoom.

IV. EMPLOYEE COVID-19 POLICY

Town Manager Burbank explained that he is in the process of updating the *Employee Covid-19 Policy* to reflect the *Safer at Home Universal Guidelines* and wanted to discuss the Families First Coronavirus Response Act (the “FFCRA”) which went into effect in April 2020 and required employers with less than 500 employees to provide certain forms of paid COVID-related leave to eligible employees. Specifically, the FFCRA provided for 80-hours of emergency paid sick leave (EPSL) to be used by employees who were unable to work or telework due to specific COVID-related reasons, and 12-weeks of emergency family and medical leave (EFMLA) to be used to care for the

employee's child because the child's school or daycare was closed or unavailable due to COVID-related circumstances. The FFCRA's mandatory leave requirements expired on December 31, 2020, but the stimulus package passed by Congress in late December 2020 provided that employers *could voluntarily* allow employees to use the EPSL or EFMLA for qualifying reasons through March 31, 2021 (recently expired) and has again been extended through the America Rescue Plan of 2021 (ARPA) which expires September 30, 2021 (the EFMLA rate of pay continues to be two-thirds employer contribution of the employees regular rate of pay (up to \$200 per day) and the employee can contribute one-third from their accrued PTO).

Burbank explained that this is completely voluntary and not employer mandated, however, he does not object to continuing this practice but the funding is not in the budget to cover this expense. A discussion ensued on the town's employee PTO (paid time off) policy as well as the EPSL, and Burbank remarked that the town has provided the FFCRA to its staff for the past year, and now that it is expired, it is his recommendation that if an employee finds that they need to take COVID-related time off, they can use their accrued sick/vacation time. * *see Town of Lincoln Personnel Policy, Section 6-Paid Time Off (PTO), page 14.*

Selectman Daly asked that the board review a draft copy of the updated Employee COVID Policy with the FFCRA Addendum, and then the board can make a decision next week (April 19th). Burbank added that in the meantime he will reach out to NHMA to see if they could use variations of the FFCRA in the town policy, or if it has to be used in its entirety as written.

V. SHORT-TERM RENTAL REGISTRATION *Update*

Chairman Robinson referenced an email sent out to the board by Planning Assistant, Lisa Peluso stating that to date, there are a total of 280 registered short-term rentals that have paid their annual registration fees. Town Manager Burbank added that based on a recent mailing that town staff (Jane and Lisa) sent out last week, 14 new registrations were received today (2 owners responded that their registration is currently in the mail), and 14 unit-owners have responded that they are not doing short-term rentals this year. Burbank explained that between Jane and Lisa, approximately 25-hours last week was spent on the process of identifying short-term rental properties from the States Meals & Rooms Tax manifest, then pulling tax cards from the Vision System, and then preparing and mailing 110 correspondence out to captured short-term rental properties. Burbank feels that there has been adequate outreach to all property owners informing them of the town's Short-Term Rental Ordinance (*see attached*): (1) ordinance was previously mailed out with all 2020 fall tax bills; (2) it appeared in the 2020 Town Report, (3) noticed on the town's website, and, (4) numerous BOS discussions and public hearings discussing the short-term rental process. Burbank suspects that there are people who simply have no intention of responding to the towns requests to register their short-term rentals, and he does not have the staffing to track, and/or monitor compliance of the ordinance as written. Burbank explained that he does not know how this can be done in-house, and although a well-intentioned ordinance, the ways and means of logistically enforcing it was not really well thought-out during the drafting and implementation process.

Selectman Daly commented that he has calls in to Air B&B and VRBO (and a third large platform) and is awaiting a response, however, Daly feels that this can be done (and doesn't have to be done in-house) but rather with an outside source utilizing the funds that have already been collected (\$14,800). Daly also elaborated that the intent of this ordinance is not about money, but rather more about life-safety, and suggested that a *friendly reminder* along with the ordinance be sent out with the spring tax bill. Administrative Assistant Jane Leslie suggested also reaching out to Forest Ridge, Clearbrook, and other homeowner associations to see if they would be willing to provide a list of all known units participating in short-term rental operations. Chief Beard added that another driving force that contributed to crafting this ordinance was not to discourage short-term rentals, but rather to obtain good contact information in the event of life safety/emergency issues that may arise.

Chairman Robinson explained that he does not want this to become the primary focus of town staff in trying to locate these rental units, however, the following are suggestions that can be done: (1) insert a friendly reminder letter and copy of the short-term rental ordinance with the spring tax bill that emphasizes that the town's goal is *not* to eliminate or restrict short-term rentals, but rather to obtain oversight on life-safety issues and acquire contact

information to deal with neighborhood nuisance concerns; (2) reach out to rental management companies/home-owners associations in town to gather their short-term rental units information for the same previously stated reasons. Robinson feels that this will not be as time-consuming for town staff and should be able to be done prior to July's tax bills going out.

Town Manager Burbank reminded the public of the following fine schedule:

- The first offense from unit owner that was sent a notice of the ordinance by the town is \$100;
- The second offense, after allowing ten (10) days for registration since first offense: \$500
- Additional offenses, after allowing ten (10) days for registration since second offense: \$1,000 each.

VI. KANC REC PARKING LOT UPGRADES

The board discussed upgrades to the Kanc Rec Area and suggestions for expanding the parking lot. Town Manager Burbank explained that after his recent discussion with DPW Director, Nate Hadaway, he has made it clear that something has to be done with the Kanc parking lot because every time they plow, the pavement in the parking lot is breaking up more and more, and he would like to have it paved. Burbank noted that Hadaway suggests that if they plan on extending the parking lot, it should be extended into the old sliding hill which is a project that could most likely be done "in-house" (there is no current budget to do this work), and in addition to this project there is also an issue with some significant leaks in the snowmaking lines. Rec Director Tower commented that there is a separate CIP set up for the parking lot project. Burbank asked the board how they wanted to prioritize this project. There was a brief discussion on the process of expanding the parking lot into the old sliding hill and what it would entail for the Public Works Crew to get the project done. The board also discussed putting a parking lot on the other side of the road onto the town's land, although there was pushback on this idea from the neighbors in the immediate area.

Robinson asked if they knew exactly what needed to be done to repair the leaking snowmaking line and the costs associated with the repairs. Rec Director Tower explained that she has obtained extensive detailed information on all aspects of this repair project, and to redo the existing snowmaking lines, it would cost \$20,730; and if they were to add an additional 800' of piping to include papoose in the coverage, it would cost an additional \$5,500 for a total cost of \$26,230 (currently \$40k for ski slope in CIP). Selectman Daly commented that this problem is only going to deteriorate as time goes on, and it would be best to obtain a contractor and get the work done sooner than later (Robinson agreed).

Robinson commented that as far as the parking lot upgrades are concerned, he would first like the board to go conduct a site visit to the Kanc parking area (possible work session) and walk the land across the street, or, the Selectmen can individually go out and visit the area on their own. Daly responded that he would make an appointment with Nate Hadaway to go visit the parking area, and Rec Director Tower agreed to join them.

VII. ONE LOVE BREWERY SUMMER GAZEBO MUSIC

Chairman Robinson explained that last year the One Love Brewery submitted a Special Event Permit to use the Gazebo on Thursday nights for outdoor entertainment over the summer months, and they have approached the town to do it again this summer. One Love Brewery owner Michael Snyder joined the meeting and explained that the gazebo music is really a community event that enhances the town and attracts a lot of people that were not guests of the One Love Brewery, but rather just locals or passerby's who stopped by with their lawn chairs and picnic food to enjoy the event. Snyder explained that they are looking to use the Gazebo from June 3rd thru October 7th on Thursday nights.

Town Manager Burbank asked for clarification on alcohol leaving the One Love premises and being brought over to the Gazebo, and whether or not this was an issue last year because the town does not allow alcohol on its property (owned or leased). Snyder responded that they have clear signage posted around the gazebo that alcohol is not allowed beyond the roped off areas, and anyone who did take alcohol outside of the premises was immediately asked to move. Upon conclusion of the discussion, Selectman Daly made the following motion:

MOTION: “To charge One Love Brewery the initial Special Event Permit fee of \$100, and waive the \$50 per additional day fee for Thursday night’s Gazebo entertainment.”

Motion: Jack Daly

Second: OJ Robinson

All in favor.

VIII. OLD/NEW BUSINESS

Town Manager’s Report

Street Sweeping:

Town-wide street sweeping is scheduled for the week of April 24th (weather permitting) and the state has already begun sweeping the state roads.

Beechwood Road Bond:

Town Manager Burbank explained that after review of the wording on the Beechwood One Bond Article (*see attached*) the town will be allowed to use the leftover funds to work on the drainage issues up near Beechwood Road. Robinson asked if the Public Works crew would be able to do the drainage project into the retaining wall this season. Burbank responded that Director Hadaway is confident that he can take care of the town’s portion of this project once the road bans are lifted on this road, and the expected paving will be done by the October 30th agreed time-frame.

Freedom Energy:

Town Manager Burbank explained that he has spoken with Gilbert Brown of Freedom Energy Logistics who explained that they are currently waiting on HB 315 (*see attached*) which is currently moving through the legislative process and would bring Purchase and Receivables (POR) to the state. Once HB 315 is passed, it will then be up to NH Electric Coop to adopt the POR and then Freedom Energy will most likely be required to submit their CCA (Community Choice Aggregation) plan to the Public Utilities Commission for approval under the *new* law as well (anticipated 2022 timeline for Lincoln’s launch).

Pleasant Street Easement (School)/Denise Heredeen driveway permit:

Town Manager Burbank explained that he has spoken with Judith McGann (SAU Superintendent) and the school is moving forward with drafting a whole new easement, and it is Burbank’s understanding that they are also working directly with Denise Heredeen to provide materials and plans for her proposed driveway location and will be registering the easement once it is completed.

West Street Road Repair Project:

Town Manager Burbank informed the board the AJ Coleman is prepared to resume the West Street Road Repair project on June 15th and will be picking up where they left off. Burbank noted that Public Works has begun notifying residents that this project will be resuming on June 15th.

Town Hall HVAC Evaluation (NHEC Program)

Town Manager Burbank explained that NHEC in collaboration with a company named EEI (Energy Efficiency Institute, Inc.) came to evaluate the Town Hall Building last week. Both he and DPW Director Hadaway met with the representative who did testing and surveying around the Town Hall building, and will be supplying a report along with a cost estimate to get the building up to efficient energy and air quality standards. There was a brief conversation on grant opportunities that will help alleviate future repair expenses.

OLD BUSINESS

Trustee of the Trust Fund Vacancy

Chairman Robinson explained that the board received an email from a Lincoln resident expressing interest in filling the vacant Trust Fund seat. Selectman Daly spoke very highly of Mr. Mansharamani and feels that he would be an asset to the Trust Fund Committee. Chairman Robinson commented that he would like to meet with Mr. Mansharamani, however, if Selectman Daly knows him personally, he trusts his judgement to appoint him to the Board of Trustees and the following motion was made:

MOTION: “To appoint Vikram Mansharamani as a Trustee on the Trust Fund Committee.”

Motion: Jack Daly

Second: OJ Robinson

All in favor.

Taxpayer Request for Payment Plan

Chairman Robinson explained that the Tax Collector had recently submitted a payment plan request from a taxpayer having problems paying their 2020 tax bill. Robinson explained that the board had motioned to abate the \$20 in interest and agreed to a payment plan that would have had the tax bill paid in full prior to July 1st. Robinson asked if there was any news from the Town Clerk on whether or not she relayed this information to the taxpayer? Town Manager Burbank responded that he has not heard anything from the Town Clerk but would follow-up on the status.

NEW BUSINESS

Current Water & Sewer Calculation in South Peak

Chairman Robinson explained that Chief Beard researched what has been built as well as units that are under construction in South Peak (*see attached*). Robinson explained that per the basis of design, there are 160 single-family homes, and they are supposed to have four (4) bedrooms with a water usage of 150 gpd (gallons per day) each which equates to a total of 96,000 gpd. There was a brief discussion on the information provided in the attached email. Chief Beard explained that the reason he did this research was to find out how much this vested project is using today based on what is currently built, and how much capacity is left. Beard feels that CRVI will expect the town to uphold the original South Peak Agreement, but at the current pace, Beard feels that CRVI should be invited to come in and speak to the board because clearly at this pace, they will be expecting two-times the amount of water and sewer service that the town agreed to. Robinson suggested scheduling a meeting and bringing all interested parties to the table to discuss this matter further (Robinson noted that he will not be available on 4/19) but recommended scheduling the meeting for after April 19th with the three (3) key stakeholders. Robinson suggested Burbank first reach out to the stakeholders and explain to them what the board is looking to do, and then confirm a convenient time next month for them to meet with the Selectmen.

Y-Birch Kids LLC Agreement

Chairman Robinson explained that the two (2) sides have reached an agreement in the assessment of Y-Birch Kids LLC Property, and this agreement was reached through a mediation process prior to going to court. Robinson made the following motion:

MOTION: “The two (2) sides have reached an agreement in the assessment of Y-Birch Kids LLC Property, and we reached this agreement through mediation prior to going to a scheduled upcoming court date and set the assessments at the following amounts:

For the year 2016: \$1,306,300; For the year 2017: \$1,356,300, For the year 2018: \$1,406,300, For the year 2019: \$1,456,300, For the year 2020: \$1,506,300, and, For the year 2021: \$1,556,300.”

Motion: OJ Robinson

Second: Jack Daly

All in favor.

Chairman Robinson explained that this agrees with the settlement and the Board of Selectmen are authorizing Finance Director Johnna Hart to abate these taxes based on these new assessment values.

Y-Birch Settlement Agreement - Red Line Copy

Chairman Robinson and Selectman Daly have each reviewed the red line copy of the Y-Birch Settlement agreement and had no issues with this and made the following motion:

MOTION: “To approve the red line changes as presented to the board.”

Motion: Jack Daly

Second: OJ Robinson

All in favor.

Sansoucy Contract

Town Manager Burbank explained that Skip Sansoucy represents the town on its utility assessments (PSNH, NHEC, Eversource etc.), and he is now taking on a national project with ski resorts nationwide and is proposing to the town to take over the ski resorts (Commerford Nieder Perkins (CNP) currently assesses the towns ski resorts). Robinson had questions concerning the town’s current contract with CNP who is currently working on the town’s reval, and how this change would affect this. Town Manager Burbank said he would review the proposed contract and follow-up with the board.

Public Participation

Paul Beaudin commented that the access for Town Hall is not really for the Selectmen that the people were concerned about, but rather for the general public. Beaudin noted that Selectman Ham had expressed concerns during the previous meeting that once vaccines were available to 16 and older, the Town Hall should be opened up.

Paul Beaudin asked what the “red line” changes were that the board just voted on, and if there was any additional information that could be provided so that the public was aware of what they were voting on. Chairman Robinson responded that these were tax abatements for assessment issues. Robinson explained that once the document is fully executed it will become public information. Robinson read the following:

“Pursuant to RSA 76:17, Y-Birch has tax appeals regarding the assessment of the taxable real estate associated with 6 Y-Birch Circle, Lincoln, NH (Tax ID 121-039000-00) (the “Property”) for tax years 2016-2019 pending before the Grafton County Superior Court in the above-referenced dockets. Y-Birch has also recently submitted an abatement application for tax year 2020 to the Board of Selectmen of the Town which, if not resolved, could lead to further litigation. (Collectively, the “2016-2020 Tax Dispute.”). Y-Birch and the Town wish to resolve all issues regarding the assessment of the Property for 2016-2020 and resolve issues regarding the assessment of the Property until the Town puts in place its next general, town-wide revaluation, currently estimated to take effect in 2022.”

Paul commented that he has spoken with Chief Beard about Centex and the South Peak units and where they are at in reference to the installation of their tank. Paul questioned the gallon-usage and feels that some of the numbers presented were conflicting. There was a brief discussion about elevations and unit sizes and Beaudin commented that he feels it is good that they are looking at this.

IV. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (e) CRVI Assessment ongoing litigation issue

MOTION: “To go into Non-public session pursuant to RSA 91-A:3 (III) (e)”

Motion: OJ Robinson

Second: Jack Daly

All in favor.

The BOS went into Non-public session at 7:30 p.m.

MOTION: "To re-enter public session."

Motion: Jack Daly

Second: OJ Robinson

All in favor.

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

VII. ADJOURNMENT

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

MOTION: "To adjourn."

Motion: Jack Daly

Second: OJ Robinson

All in favor.

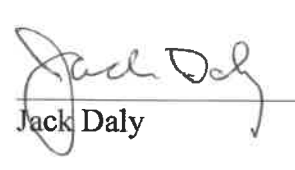
The meeting adjourned at 7:40 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: April 19, 2021


Chairman O.J. Robinson

Tamra Ham


Jack Daly



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TOWN OF LINCOLN PUBLIC NOTICE

Re: STREET SWEEPING

**PUBLIC WORKS STREET SWEEPING OPERATIONS
WILL BEGIN THE
WEEKEND OF APRIL 24, 2021**

**WE WILL BE REMOVING SAND ONLY
FROM TOWN STREETS & ROADS**

**PLEASE
DO NOT MIX LEAVES, BRANCHES, BRUSH
Or OTHER DEBRIS
WITH THE SAND, AS WE ARE UNABLE
TO PICK UP THESE ITEMS.**

**NATE HADAWAY
PUBLIC WORKS DIRECTOR**

Regulations Relative to Permits for Short Term Rentals

The Town of Lincoln will allow Short Term rentals but wants to ensure the safety of occupants, minimize neighborhood disruption, and maintain fairness related to paying for Town services.

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.

On or before January 1, 2021, all Short-Term Rental units must be registered with the Town. A registration form is available online at www.lincolnnh.org or at the Town office. Upon registration, a Short Term Rental permit shall be issued.

There is a \$50 annual fee to register Short-Term Rental units per tax parcel.

The owner of any unregistered Short-Term Rental unit will be fined as follows starting April 1, 2021:

First offense from unit owner that was not sent a notice of this ordinance by the Town: written warning

First offense from unit owner that was sent a notice of this ordinance by the Town: \$100

Second offense, after allowing 10 days for registration since first offense: \$500

Additional offenses, after allowing 10 days for registration since second offense: \$1,000 each.

The Town has the right to revoke a permit for any Short-Term Rental unit that becomes a nuisance. This action will require a minimum of three incidents within one year, validated by the Lincoln Police Department or NH State Police, where the contact person was notified of problematic occupant actions. Any unit owner found to be operating as a Short Term Rental after revocation will be fined \$1,000 per 10-day period.

If a permit is revoked, the owner may appeal the decision to the Board of Selectmen within 30 days of the date of revocation, and the Selectmen shall hold a hearing on the appeal within 45 days and either affirm the revocation or overturn the revocation. If the revocation is overturned, the Selectmen can impose conditions upon the reinstatement of the permit.

Any comments or complaints related to Short Term Rentals can be submitted online at www.lincolnnh.org or at the Town Office.

Approved by the Town of Lincoln Board of Selectmen on July 13th, 2020.


O.J. Robinson


Jayne Ludwig


Tamra Ham

Amendment to HB 315

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Aggregation of Electric Customers; Definition; Aggregation. Amend RSA 53-E:2, I to read as
4 follows:

5 I. "Aggregation" means the grouping of retail electric customers to provide, broker, or
6 contract for ~~[electric power supply and]~~ energy services for such customers.

7 2 New Paragraph; Definition; Energy Services. Amend RSA 53-E:2 by inserting after paragraph
8 V the following new paragraph:

9 V-a. "Energy services" means the provision of electric power supply solely or in combination
10 with any or all of the services specified in RSA 53-E:3.

11 3 Municipal and County Authority; Agreements. Amend RSA 53-E:3, II(a) to read as follows:

12 II.(a) Enter into agreements and provide for **energy services, specifically:**

13 (1) The supply of electric power ~~and capacity~~.

14 (2) Demand side management.

15 (3) Conservation.

16 (4) Meter reading, ~~with commission approval for meters owned or controlled~~
17 **by the electric distribution utilities or used for load settlement.**

18 (5) Customer service **for aggregation provided services.**

19 (6) Other related services.

20 (7) The operation of energy efficiency and clean energy districts adopted by a
21 municipality pursuant to RSA 53-F and as approved by the municipality's governing body.

22 4 Municipal Aggregators. Amend RSA 53-E:3-a to read as follows:

23 53-E:3-a Municipal Aggregators Authorized. Municipal aggregators of electricity load under
24 this chapter, and municipalities operating municipal electric utilities under RSA 38, are expressly
25 authorized to aggregate ~~[other]~~ **energy** services ~~[commonly and regularly billed to customers]~~ **as**
26 **described in RSA 53-E:3.** Municipalities may operate approved aggregation programs as self-
27 supporting enterprise funds including the use of revenue bonds pursuant to RSA 33-B and RSA 374-
28 D and loans from other municipal enterprise funds as may be approved by the governing body and
29 the legislative body of the municipality. Any such loans from other municipal enterprise funds shall
30 be used for purposes that have a clear nexus to the primary purposes of such other funds, such as
31 generation, storage, or sale of power generated from sites, facilities, or resources that might
32 otherwise be operated or produced by the other enterprise fund. Nothing in this chapter shall be

Amendment to HB 315

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1 deemed to limit the capacity of customers to select any service or combination of services offered by
2 such municipal aggregators or to limit the municipality from combining billing for ~~[any or all utility]~~
3 **energy services with other municipal** services.

4 5 Regulation of Aggregators. Amend RSA 53-E:4, I to read as follows:

5 I. An aggregator operating under this chapter shall not be considered a **public** utility
6 ~~[engaging in the wholesale purchase and resale of electric power]~~ **under RSA 362:2** and shall not
7 be considered a municipal utility under RSA 38. ~~[Providing electric power or energy services to~~
8 ~~aggregated customers within a municipality or county shall not be considered a wholesale utility~~
9 ~~transaction. However,]~~ A municipal or county aggregation may elect to participate in the ISO New
10 England wholesale energy market as a load serving entity for the purpose of procuring or selling
11 electrical energy or capacity on behalf of its participating retail electric customers, including itself.

12 6 Regulation of Aggregators. Amend RSA 53-E:4, IV to read as follows:

13 IV. For the purpose of obtaining interval meter data for load settlement, the provision of
14 energy services, and near real-time customer access to such data, a municipal and county aggregator
15 may contribute to the cost of electric utility provided meter upgrades, jointly own revenue grade
16 meters with an electric utility, or provide its own revenue grade electric meter, which would be in
17 addition to a utility provided meter[;]. **Such metering shall only be implemented** subject to the
18 commission finding **it is** in the public good, **assuring that meters used for distribution tariff**
19 **implementation remain under the control and majority ownership of the electric**
20 **distribution utility**, and ~~[approval of]~~ **otherwise approving** the terms and conditions for such
21 arrangements, including sharing or transfer of meter data from and to the electric distribution
22 utility.

23 7 Financial Responsibility. Amend RSA 53-E:5 to read as follows:

24 53-E:5 Financial Responsibility. Retail electric customers who choose not to participate in an
25 aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall
26 require them to pay, any costs associated with such program, through taxes or otherwise except for
27 electric power supply or energy services consumed directly by the municipality or county, or
28 incidental costs, which may include costs necessary to comply with the provisions of this chapter up
29 to the time that the aggregation starts to produce revenue from participating customers, **but shall**
30 **not include any capitalized or operating costs of an aggregation program.**

31 8 Electric Aggregation Plan. Amend RSA 53-E:6, I to read as follows:

32 I. The governing body of a municipality or county may form an electric aggregation
33 committee to develop a plan for an aggregation program for its citizens. A municipality or county
34 may join other municipalities or counties in developing such plans. **A county plan may provide an**
35 **aggregation program for all or a subset of municipalities within the county that request to**
36 **participate by a majority vote of their respective governing bodies.**

37 9 Aggregation Program. RSA 53-E:7 is repealed and reenacted to read as follows:

Amendment to HB 315

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1 53-E:7 Aggregation Program.

2 I. The governing body of a municipality or county may submit to its legislative body for
3 adoption a final plan for an aggregation program or any revision to include an opt-out aggregation
4 program, to be approved by a majority of those present and voting.

5 II. Every electric aggregation plan and any revision of a plan to include an opt-out default
6 service program shall be submitted to the commission, either before or after being submitted by the
7 governing body to the legislative body for approval, to determine whether the plan conforms to the
8 requirements of this chapter and applicable rules of the commission. The commission shall approve
9 any plan submitted to it unless it finds that it does not meet the requirements of this chapter and
10 other applicable rules and shall detail in writing addressed to the governing bodies of the
11 municipalities or counties concerned, the specific respects in which the proposed plan substantially
12 fails to meet the requirements of this chapter and applicable rules. Failure to disapprove a plan
13 submitted hereunder within 60 days of its submission shall constitute approval thereof. A
14 municipality or county may submit a plan that is revised to comply with applicable requirements at
15 any time and start the review process over. Any plan submitted to the commission under this
16 paragraph shall also be submitted on the same date to the office of the consumer advocate under
17 RSA 363:28 and any electric distribution utility providing service within the jurisdiction of the
18 municipality or county. The consumer advocate, utilities, and members of the public may file
19 comments about such plans within the first 21 days of their submission. Commission review and
20 approval of electric aggregation plans shall not require a contested case but shall allow time for
21 submission and consideration of any such comments.

22 III. If the plan is adopted or once adopted is revised to include an opt-out service, the
23 municipality or county shall mail written notification to each retail electric customer within the
24 municipality or county service area. To enable such mailed notification and notwithstanding RSA
25 363:38, after an aggregation plan is duly approved the electric distribution utility or utilities serving
26 an adopting municipality or county shall provide to such municipality or county a current list of the
27 names and mailing addresses of all electric customers taking distribution service within the
28 municipality or county service area, and for such customers on utility provided default service, the
29 account numbers and any other information necessary for successful enrollment in the aggregation.
30 Notification shall include a description of the aggregation program, the implications to the
31 municipality or county, and the rights and responsibilities that the participants will have under the
32 program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail
33 electric customer shall be included in a program in which the customer does not know all of the rates
34 or charges the customer may be subject to at least 30 days in advance and has the option, for a
35 period of not less than 30 days from the date of the mailing, to opt out of being enrolled in such
36 program, unless the customer affirmatively responds to the notification or requests in writing to be
37 included in the program.

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1 IV. Within 15 days after notification of the plan has been sent to retail electric customers in
2 the service area, a public information meeting to answer questions on the program shall be held.

3 V. Services proposed to be offered by or through the aggregation shall be on an opt-in basis
4 unless the adopted aggregation plan explicitly creates an opt-out alternative default energy service
5 program where the rate or price is known at least 30 days in advance of its application and, for a
6 period of not less than 30 days from the date notification is mailed, the customer has the opportunity
7 to opt out of being enrolled in such program, by return postcard, website, or such additional means
8 as may be provided. Customers who are on default service provided by an electric distribution utility
9 shall be enrolled by the aggregator in an aggregation provided alternative default service if they do
10 not elect to opt out. Customers opting out will instead remain on utility provided default service.
11 Customers taking energy service from a competitive electricity supplier shall not be enrolled in any
12 aggregation program, unless they voluntarily opt in.

13 VI. New customers to the electric distribution utility after the notification mailing required
14 by paragraph III shall initially be enrolled in utility provided default service unless the customer has
15 relocated within a single utility's service area and is continuing service with a competitive supplier
16 or a municipal or county aggregation program. Upon request of an aggregator, but not more
17 frequently than monthly and notwithstanding RSA 363:38, the utility shall make available to each
18 operating municipal aggregation, or county aggregation where there is no municipal aggregation, the
19 names, account numbers, mailing addresses, and any other information necessary for successful
20 enrollment in the aggregation of customers that are new to or then currently on electric distribution
21 utility provided default service after they have provided the customer list for the initial customer
22 mailing required by paragraph III and that are located within the aggregation service area. The
23 aggregation shall periodically mail a written notification to such new customers that have not
24 previously opted out of the aggregator's service and shall enroll them in the aggregation consistent
25 with the opt-in or opt-out requirements of this paragraph and paragraph III.

26 VII. Municipal aggregations shall take priority or precedence over any county aggregations
27 and each such aggregation shall be responsible for assuring that customers are enrolled with the
28 correct aggregation.

29 VIII Customers enrolled in a municipal- or county-provided default service shall be free to
30 elect to transfer to utility provided default service or to transfer to a competitive electricity supplier
31 with adequate notice in advance of the next regular meter reading by the distribution utility, in the
32 same manner as if they were on utility provided default service or as approved by the commission.
33 No such customer shall be required to pay any exit fee or charge for such transfer. Customers
34 requesting transfer of supply service upon dates other than on the next available regular meter
35 reading date may be charged an off-cycle meter reading and billing charge. Upon request of the
36 customer the aggregator shall transfer the customer back to utility provided default service.

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IX. Once adopted, an aggregation plan and program may be amended and modified from time to time as provided by the governing body of the municipality or county. In all cases the establishment of an opt-out default service program shall be approved as provided in paragraphs I, II, and IV.

X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to the extent authorities granted to municipalities and counties by this chapter materially affect the interests of electric distribution utilities and their customers, to reasonably balance such interests with those of municipalities and counties for the public good, which may also be done through adjudicative proceedings to the extent specified or not addressed in rules. Such rules shall include but not be limited to rules governing the relationship between municipal and county aggregators and distribution utilities, metering, billing, access to customer data for planning and operation of aggregations, notice of the commencement or termination of aggregation services and products, and the reestablishment of a municipal or county aggregation that has substantially ceased to provide services. Where the commission has adopted rules in conformity with this chapter, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

10 New Section; Billing Arrangements. Amend RSA 53-E by inserting after section 8 the following new section:

53-E:9 Billing Arrangements.

I. For purposes of this section the term "supplier" shall mean an aggregator functioning as a load serving entity under this chapter or a competitive electricity supplier serving an aggregation under this chapter. The term shall also include competitive electricity suppliers generally to the extent and for such customer rate classes as the commission finds, after notice and hearing, that it is for the public good. Such a determination shall be on a utility-specific basis, if proposed and assented to by the utility.

II. Each electric distribution utility shall propose to the commission for review and approval a program for the purchase of receivables of the supplier in which the utility shall pay in a timely manner the amounts due such suppliers from customers for electricity supply and related services less a discount percentage rate equal to the utility's actual uncollectible rate, adjusted to recover capitalized and operating costs specific to the implementation and operation of the purchase of receivables program, including working capital. Additionally, such discount rate adjustments shall include a pro rata share of the cost of administering collection efforts such that the utility's participation in the purchase of receivables program shall not require the utility or non-participating consumers to assume any costs arising from its use. Such pro rata costs must include, but not be limited to, any increases in the utility's bad debt write-offs attributable to participants in the purchase of receivables program, as approved by the commission. However, the allocation of costs arising from different rate components and determination of the uncollectible rate shall be equitably allocated between such suppliers, utility provided default service, and other utility charges that are

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1 a part of consolidated billing by the utility as approved by the commission. The discount percentage
2 rate shall be subject to periodic adjustment as approved by the commission.

3 11 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

Town Hall

From: Town Manager
Sent: Friday, April 2, 2021 1:31 PM
To: Fire; O.J. Robinson; Tamra Ham; Jack Daly
Cc: Planning; Lisa Peluso; Town Hall; pj_b@roadrunner.com
Subject: RE: Current water and sewer calculation in South Peak

Ron:

Great job in summarizing our situation!!

Butch

From: Fire <fire@lincolnnh.org>
Sent: Friday, April 2, 2021 12:32 PM
To: Town Manager <townmanager@lincolnnh.org>; O.J. Robinson <robinsonbos@lincolnnh.org>; Tamra Ham <hambos@lincolnnh.org>; Jack Daly <dalybos@lincolnnh.org>
Cc: Planning <planning@lincolnnh.org>; Lisa Peluso <LPeluso@lincolnnh.org>; Town Hall <townhall@lincolnnh.org>; pj_b@roadrunner.com
Subject: Current water and sewer calculation in South Peak

Good morning

I have done some research on what has been built and units under construction. Per the basis of design there are 160 single family homes and are supposed to have 4 bedrooms with a water usage of 150 gpd each which equates to a total of 96,000 gpd.

Currently there are 41 single family homes with a total of 332 bedrooms at 150 gpd which equates to 49,800 gpd. The ARB has permitted all of the homes and the per unit bedroom count is double the approved Basis of design criteria. At the current pace they will only be able to build 39 more single family homes and will reach the 96,000 gpd threshold. Also at this pace I question whether there current infrastructure will support the other 80 units based on the fact that they sized there sewer mains and pumps on a certain amount of flow which is in the basis of design.

Another topic is the Riverside Terrace multi-family units. Those units in the basis of design were supposed to be 2 bedroom units but they are 4 or 5 bedroom units.

The reason I did this research is to find out how much this vested project is using today based on what is currently built and how much capacity is left. We all know that CRVI will expect the town to uphold the original south peak agreement but at their current pace I believe CRVI should be invited to come in and speak to the board because clearly at this pace they will be expecting 2 times the amount of water and sewer service that the town agreed too.

On another subject in the basis of design it is specified when they are required to install the water tank. The high pressure zone that is to supply water to 27 single family units with a max of 16,200 gpd then the tank is to be installed. Currently the booster pump station is only supplying Hemlock Drive and based on what is built and under construction there are 14 single family homes with a total of 109 bedrooms at 150 gpd equates to 16,350 gpd which is 150 gpd over the original requirement. With only serving Hemlock Drive once they put Crooked Mtn road on-line they will far exceed the design criteria in the high pressure zone. ↵

Any questions please feel free to call or email me.

Have a great weekend,

Ronald Beard

Fire Chief

Health Officer

Code Enforcement

Article 04: Planning - Amend Article VIII Board of Adjustment

Amend Article VIII Board of Adjustment, Section A Board of Adjustment, add Paragraph 3 with specific criteria for Request for Special Exception Under Sign Ordinance.

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town's Land Use Plan Ordinance as follows:

To see if the Town will vote to amend Article VIII Board of Adjustment, Section A, Board of Adjustment, by adding Paragraph 3 with specific criteria required to grant a Request for Special Exception Under the Sign Ordinance. (Full text is available for review at the Town clerk's Office prior to March 10th, 2015, and at the polling place on voting day.) (Recommended by the Planning Board)

☐ Yes ☐ No

Article 05: Bond-East Branch Pemi River Levee

To see if the Town will vote to raise and appropriate the sum of one million four hundred eleven thousand two hundred fifty dollars(\$1,411,250) to rebuild the East Branch Pemigewasset River Granite Block Levee originally constructed in 1960, and to authorize the issuance of not more than one million three hundred ten thousand dollars(\$1,310,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33); to authorize the Selectmen to issue, negotiate, sell and deliver such bonds or notes and to determine the rate of interest thereon and the maturity and other terms thereof; to authorize the Selectmen to apply for, obtain and accept federal, state or other aid, if any, which may be available for said project and to comply with all laws applicable to said project; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto. The balance of the appropriation of one hundred one thousand two hundred fifty dollars (\$101,250) is to be raised by taxation, with ninety thousand dollars (\$90,000) to be used to reduce the amount needed to be bonded and eleven thousand two hundred fifty dollars (\$11,250) to be used toward bond costs and legal costs. The Selectmen and Budget Committee recommend this appropriation. (2/3 ballot vote required).

☐ Yes ☐ No

Article 06: Beechwood One

To see if the Town will vote to raise and appropriate the sum of one million two hundred eleven thousand two hundred fifty dollars(\$1,211,250) to rebuild Beechwood One Roads, drainage and utilities to authorize the issuance of not more than one million two hundred thousand dollars(\$1,200,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33); to authorize the Selectmen to issue, negotiate, sell and deliver such bonds or notes and to determine the rate of interest thereon and the maturity and other terms thereof; to authorize the Selectmen to apply for, obtain and accept federal, state or other aid, if any, which may be available for said project and to comply with all laws applicable to said project; and to authorize the Selectman to take any other action or to pass any other vote relative thereto. The balance of the appropriation eleven thousand two hundred fifty dollars (\$11,250) to be raised by taxation for bond costs and legal costs. Without impairing the general obligation nature of the bonds, to authorize the Selectman to enter into an agreement with Loon Mountain Recreation Corporation to pay the Town 50% of the annual bond debt service payment, up to six hundred thousand dollars (\$600,000) for the entire duration of the bond.

The Selectmen and Budget Committee recommend this appropriation. (2/3 ballot vote required).

☐ Yes ☐ No

