

**LINCOLN BOARD OF SELECTMEN'S**

**APPROVED**

**MEETING MINUTES**

**JANUARY 4, 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 Jayne Ludwig

**Staff Present via Zoom:** Town Manager Burbank, Fire Chief, Ron Beard, Police Chief Chad Morris, Town Clerk Kristyn Brophy, Moderator, Robert Wetherell, and Administrative Assistant, Jane Leslie

**Public Present via Zoom Video Conferencing:** Dave Beaudin and Kathie Ficeto

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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 December 28, 2020 as amended."**

**Motion: Jayne Ludwig                      Second: Tamra Ham                      All in favor.**

**MOTION: "To approve the Non-public BOS meeting minutes of December 28, 2020 as presented."**

**Motion: Tamra Ham                      Second: Jayne Ludwig                      All in favor.**

**MOTION: "To approve the BOS meeting minutes of December 21, 2020 as amended."**

**Motion: Tamra Ham                      Second: Jayne Ludwig                      All in favor.**

**MOTION: "To approve the Non-public BOS meeting minutes of December 21, 2020 as presented."**

**Motion: Tamra Ham                      Second: Jayne Ludwig                      All in favor.**

**MOTION: "To approve the BOS meeting minutes of December 14, 2020 as amended."**

**Motion: Tamra Ham                      Second: Jayne Ludwig                      All in favor.**

**MOTION: "To approve the Non-public BOS meeting minutes of December 14, 2020 as presented."**

**Motion: Tamra Ham                      Second: Jayne Ludwig                      All in favor.**

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**III. TOWN MEETING PROCEDURE DISCUSSION WITH MODERATOR ROBERT WETHERELL**

Town Meeting Moderator, Robert Wetherell explained to the board that they have two options for holding the upcoming March 9<sup>th</sup> Town Meeting: (1) hold the traditional Town Meeting as it has historically been done in-person at the Linwood School, or, (2) hold the meeting virtually, similar to what the school district did last year for their annual meeting. Wetherell explained that he did not have a recommendation at this time, however, he wanted the board to be aware of their choices, and noted that the town does *not* have any jurisdiction over the date of the meeting which is the second Tuesday in March (March 9<sup>th</sup>, 2021). Wetherell also noted that in the event that there is a Covid 19 emergency (Covid 19 qualifies as an emergency) Wetherell has the discretion to declare it "unsafe to meet" and postpone the meeting in two-week increments of time until it is safe to meet. Wetherell further explained that if they decide to hold the meeting virtually, based on HB 1129, the Town must notify every registered Lincoln voter in writing that the meeting is going to be held virtually. Wetherell explained that during the first virtual meeting the

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Governing Board will present and discuss the bond articles, and then within seven (7) days they will hold a second meeting (during the 7-day period of time the voters can submit questions or comments to the board) at which time the board will then have the option to discuss any questions or comments that they received, as well as finalizing the warrant article(s) for final balloting (secret ballot format). Wetherell noted that there can still be live in-person voting in addition to the virtual meeting rather than drive-thru voting, although this would *not* take place on March 9<sup>th</sup>. Wetherell questioned whether or not the High School gym is large enough to accommodate Town Meeting participants while adhering to the 6-foot social distancing guidelines. Wetherell did not have the same concerns with in-person voting, as the recent Primary and General Election proved to be successful and safe with the additional safeguards in place.

Chairman Robinson commented that traditional Town Meetings in the school gym only utilize approximately half of the gymnasium, and questioned the room capacity if they were to use the entire gym (space seating throughout the entire gym floor/bleachers). Selectman Ham recommended that the first discussion should be with the School Superintendent to see if they would even allow the town to use the school in light of the current pandemic. Robinson commented that if space allows, and the school Superintendent agrees that the town can use the gym, he would prefer the in-person meeting format because he feels that the town residents would also favor to meet in person for real time dialogue and questions and immediate answers (rather than waiting a week for a response). Selectman Ludwig agreed and feels that more people would attend an in-person meeting rather than a Zoom meeting (not everyone is familiar with zoom or electronics) and feels it is too limiting. Robinson asked if the board had the capacity to require mask-wearing at the meeting. Wetherell explained that HB 1129 states that once people are seated (6-feet apart unless with household members) they are *not* required to wear masks.

Moderator Wetherell said he would reach out to Superintendent Judith McGann to inquire about using the school gymnasium for this year's Town Meeting/Elections. Robinson noted that if the school is only comfortable with the town using the gym at night (children in school during the day), his preference would be to hold the daytime elections at Town Hall (Conference Room) and then move over to the school gym for the business meeting at night.

Chief Morris commented that Linwood School is currently *not* allowing *any* audience members into the gym for the Basketball Season, and although a lot can change between now and March, he wasn't certain how the school would feel about using the gym for Town Meeting. The board agreed that there is still plenty of time to make decisions, and thanked Moderator Wetherell for attending tonight's meeting.

### **Public Hearings**

Chairman Robinson noted that the Budget Committee is having a public hearing on the Budget (February 4<sup>th</sup>) and the Planning Board will be having a public hearing on the proposed Zoning Amendments (January 6<sup>th</sup> and January 27<sup>th</sup> *if needed*) and asked if these hearings were going to be conducted via zoom. Town Manager Burbank responded that at this point, all meetings are being conducted via zoom

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## **IV. RIVERFRONT PARK PROJECT *Next Steps***

Town Manager Burbank discussed "next steps" and decisions that he needs from the Board of Selectmen on how they want to proceed regarding funding for the required environmental work that needs to be done at the Riverfront Park site (grants, in-house funding of the project, or both) and if they intend on moving forward with the project. Burbank explained that there needs to be a series of wells and test borings dug to identify two things: (1) determine the extent of the contamination of the area of interest, and, (2) determine the make-up and chemistry of the contamination which will determine if it is feasible to proceed with the parking lot and proposed skate park. Burbank explained that he has a phone call scheduled with North Country Council next week to discuss the Town's 2021 upcoming projects, and he plans on

discussing Brownfield Grant funding options for this project. Burbank added that a letter is being submitted to the Northern Borders Regional Commission requesting an extension of the Riverfront Park grant agreement (and the Water Storage Tank project grant). Burbank noted that he feels that the town can do as much work as possible with the town's portion of the funds (\$200k), and not touch the grant money. Selectman Ham asked what the total cost estimate was for this next set of test borings that need to be dug? Burbank responded that they will not know that information until they actually get in there and map the contaminated area (depth & area). Ham feels that if they can provide this dollar amount and it's within reason, the town will be able to pay for this out of the money that it currently has, and if it's extremely expensive, the town can then apply for the Brownfield funding. Ham further explained that if they give up this grant, the town will not be eligible for this type of grant *ever* again, which is clearly stated in the actual grant agreement. Ham explained that the grant funds must be spent on completing the project as specified in the grant agreement (parking area; facilitate the implementation of the skate park, and spot for public river access) and the town's matching funds that the taxpayers voted in can be used to prepare the site for the above-mentioned.

Chairman Robinson suggested spending \$20k on the drilling and test pit analysis to see what is under the ground, and stipulating that they are to specifically do this in the area of the skate park and parking area so that they can get a better idea of what needs to be done to complete this facet of the project. Town Manager Burbank wanted to clarify with the board that they are okay with the skate park being built next to a contaminated soil area, and stated for the record that he was not comfortable with doing this at all because they do not know the extent of the contaminants that are under the ground. Burbank noted that they are not addressing the main issue, and rather skirting it. Robinson disagreed with this and explained that they are going to tackle this in two sections and begin with the parking area (drill and test area) and remove the contaminants from the soil so that it is safe. If they need to erect fencing to protect the public from the other contaminated area, they will then do that. Burbank responded that this was the information he needed, and he is now prepared to take the next steps to move this project forward.

Selectman Ham clarified that she is not disregarding anything that may be unsafe, but rather, if the test results come back that this entire area is unsafe (and will never be safe) then a park will never be erected there, and they will look for an alternative site.

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## **V. OLD/NEW BUSINESS**

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

#### **Solid Waste Facility Supervisor:**

Town Manager Burbank informed the board that he is pleased to announce that he has hired a new Solid Waste Facility Supervisor, John Mackay, who is scheduled to begin work on Monday, January 11<sup>th</sup>.

#### **Police Department Personnel Update:**

Town Manager Burbank informed the board that Officer Teighlar Carney-Henrick will be leaving Lincoln Police Department on January 11th and taking a Detective's position with the Haverhill Police Department. Burbank added that Chief Morris is currently interviewing a certified Police Officer who has expressed an interest in joining the Lincoln Police Department, and is currently going through the background screening process.

#### **The Pines Detention Ponds:**

Town Manager Burbank informed the board that Chief Beard confirmed that during the last heavy rain event, he felt that the ponds were in fact acting the way that they were designed to. Chief Beard added that they have a little more work to do up at The Pines, and should be providing the town with the as-builts

from Horizon Engineers shortly.

**Fire Department/Code Enforcement/Building Maintenance Position:**

Town Manager Burbank explained to the board that he wanted to propose a shared position with the Fire Department, Code Compliance, and Building Maintenance. Burbank noted that this would be a full-time 40-hour a week position that would primarily report to Chief Beard. Burbank has also discussed this with DPW Director Hadaway, who said he really doesn't have the staffing to cover building maintenance and could use someone for that. Burbank explained that he could fund this position for a total of \$60k for the first year (wages and benefits) and is aware that this would have to be presented to the Budget Committee as well. Selectman Ludwig commented that she really needed to think about this and was not prepared to either support/not support this position at this time. Robinson commented that this person would add to the security of the Fire Department's response efforts, and guarantee that at least two people (Ron and employee) would always be available to respond to emergency calls. Chief Beard added that based on recent conversations, there are upwards of 10 new homes slated to be built in 2021 up at The Landing, and another 10 homes up at South Peak, as well as Phase II of the Riverwalk Resort (Dennis Ducharme has confirmed he is proceeding with the project in 2021) and two (2) additional hotels. Beard noted that having a part-time employee to help him with the Code Compliance aspect of all of this new construction would be a tremendous help. Selectman Ludwig asked if this is something that the Lincoln voters would have an opportunity to weigh in on? Robinson responded that this will be presented to the Budget Committee and also at the Budget Committee hearing (the Board of Selectmen need to make a recommendation).

Chairman Robinson made the following motion:

**MOTION: "To amend the budget and add a line item in the Fire Department budget for a new shared employee for 50% wages; and add a line item in the Public Works Department budget for a new shared employee for 50% wages, and all other benefits to come out of Personnel Administration."**

**Motion: OJ Robinson**

**Seconded: Tamra Ham**

**All in favor.**

**Water Committee Schedule:**

Town Manager Burbank wanted to confirm the upcoming date and time for the Water Committee meeting. Selectman Ludwig confirmed that the meeting is scheduled for Thursday, January 7<sup>th</sup> at 3pm. Burbank noted some of the discussion topics as follows: (1) updated meter costs, (2) reviewing Woodstock's allotment base rate and variable rate.

**OLD BUSINESS:**

**Health Appropriations**

Selectman Ludwig reviewed the non-profit request letters for the Health Appropriations. Ludwig explained that she would review these requests further with the Budget Committee.

**Maltais Farm Road**

Selectman Ludwig asked if the resident over on Maltais Farm Road who attended a Selectmen's meeting a few months ago and built an unpermitted structure that extended into the town's right-of-way ever remedied the situation. Chief Beard responded that the property owner is supposed to get a survey done on his property and then return to meet with the Board of Selectmen. Beard said he would follow-up on this and report back to the board.

## **NEW BUSINESS:**

### **Zoom Meeting Responsibilities**

Chairman Robinson discussed the many tasks that Chief Beard does for the town, and feels that most recently, as the host of the various zoom meetings (BOS, Planning/Zoning Board, Water Committee, Budget Committee) Beard has to stay and operate the zoom meeting platform from the minute the meeting begins until it ends, and questioned whether or not the Chairmen of the various committees should host their own board/committee meetings. Robinson noted this may entail the town purchasing additional computers for the Chairmen, but this would alleviate the many hours of time that Beard spends hosting and recording meetings. There was a brief discussion on the best course of action to allow the various boards/committees operate their own zoom meetings, and the board agreed to begin testing this with the BOS.

### **Kanc Rec Ski Area**

Selectman Ham commented that the Kanc Ski Area opened up the day after Christmas, and everything has gone exceptionally well. Ham gave a special shout out to Jim and Vicky Martin for all their help with the *many* changes that were required to make this operation run safely and successfully. Ham noted that *everything* that the Martin's have done at the Kanc has been done at their own expense, and at no cost to the town. Ham reiterated that the Martin's efforts have made skiing at the Kanc this winter a reality in light of the current pandemic. Ham did note that the only issue that remains at the Kanc is the parking lot (there's not enough) and she would like to address this problem this year. Ham gave a big Thank You to everyone working at the Kanc.

### **Treasurers Position**

Julie Rolando (interim Town Treasurer) has sent an email updating the board that Janet Peltier, the new Town Treasurer is scheduled to take over on January 15<sup>th</sup>, and the training is going well.

### **Public Participation**

*There was no public Participation*

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## **IV. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (e) Discuss Attorney Azarian Letter**

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

**Motion: OJ Robinson**

**Second: Tamra Ham**

**All in favor.**

**The BOS went into Non-public session at 7:17 p.m.**

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

**Motion: OJ Robinson**

**Second: Tamra Ham**

**All in favor.**

**The Board came back into public session at 7:33 p.m.**

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## **VI. ADJOURNMENT**

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

**MOTION: "To adjourn."**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**All in favor.**

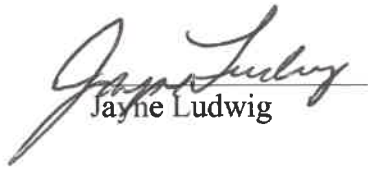
**The meeting adjourned at 7:34 p.m.**

Respectfully Submitted,  
Jane Leslie

  
Approval Date: January 4, 2021

  
Chairman O.J. Robinson

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Tamra Ham

  
Jayne Ludwig