

**LINCOLN BOARD OF SELECTMEN'S**

**APPROVED**

**MEETING MINUTES**

**MAY 24, 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:** Chairman, OJ Robinson and Selectman Jack Daly

**Board of Selectmen Present via Zoom:** Vice Chair, Tamar Ham

**Staff Present via Zoom:** Town Manager Burbank, Fire Chief, Ron Beard, and Administrative Assistant, Jane Leslie

**Public Present via Zoom Video Conferencing:** Mary Conn, Paul Beaudin, and Al Poulin

**Public Present:** *There was no public present*

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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 May 10, 2021 as presented."**

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

**MOTION: "To approve the Non-Public BOS meeting minutes of May 10, 2021 as presented."**

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

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**III. LUPA (Land Use Planning Application) WATER METER PARTS LETTER**

Chairman Robinson explained that the board needs to approve the updated Water Meter Parts letter to reflect a current date, and to add Selectman Daly's name to it. Selectman Ham commented that DPW Director Hadaway confirmed that everything else on this letter is correct, and the following motion was made:

**MOTION: "To approve the Water Meter Parts letter for the Land Use Planning Application."**

**Motion: OJ Robinson                      Second: Jack Daly                      All in favor.**

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**IV. CASTELBERRY FAIRS SPECIAL EVEN PERMIT APPLICATION**

Chairman Robinson explained that since the BOS agenda was posted, Terry Mullen of Castlebury Fairs has withdrawn her Special event application(s) for her summer and fall craft fairs. Ms. Mullen explained that after speaking with the Village Shops owner, they both came to an understanding that the fairs have outgrown the Village Shops venue as well as created issues with parking at this site. Robinson noted that Ms. Mullen has asked that the Board of Selectmen assist her in locating an alternate venue that could accommodate her August and October craft fairs. Chief Beard commented that he has spoken to the owners of the Days Inn and they may be able to accommodate Ms. Mullen, and would like to have the opportunity to speak with her.

**MOTION: "To accept Terry Mullin's rescinding of her two (2) Special Event Permits for the 2021 summer and fall Castleberry Craft Fairs at the Village Shops."**

**Motion: OJ Robinson                      Second: Jack Daly                      All in favor.**

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

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

#### **Lincoln Public Library**

Town Manager Burbank updated the board that the library re-opened to the public on May 17<sup>th</sup> with the following hours of operation:

Monday-Friday: 10am-5pm (Curbside service 5pm-8pm)  
Saturday: 10am-2pm

Burbank explained that Library Director, Carol Riley is currently advertising to hire a second person to work from 5pm-8pm so that there is more than one (1) staff member working during the evening hours.

#### **Spring Tax Bills**

Town Manager Burbank informed the board that the tax bills were mailed out on Friday, May 21<sup>st</sup> and the Water Report and Short-Term Rental Ordinance were included in the mailing.

#### **35 Goodbout Road – Mr. Raymond Correale**

Burbank explained that Mr. Correale reached out to him on May 12<sup>th</sup> to discuss the recent *Cease & Desist* notice that he received. Burbank explained that he informed Mr. Correale that he has until June 10<sup>th</sup> to remedy this issue. Correale subsequently spoke with Planner Bont and is working on a ZBA Variance Application that will go before the ZBA on June 16<sup>th</sup>. Chairman Robinson commented that his concern is that the ZBA has the authority to grant exceptions, waivers, and variances, however, when someone builds on the Town's right-of-way (which is *not* a setback area but rather the town's property) he does not believe that the ZBA has jurisdiction over allowing this. Robinson explained that the Board of Selectmen can grant a Real Estate Easement if they so choose, or, they can deny it, but the ZBA cannot. Robinson suggested that town attorney, Peter Malia be present for the ZBA hearing so that these two issues remain separate, and it is clarified what falls under the purview of the ZBA, and under the Board of Selectmen.

#### **Wastewater System Capacity Assessment**

Town Manager Burbank explained that Town Engineer, Ray Korber has submitted his *Wastewater System Capacity Assessment (see attached)* to the board which consists of a review of available data and information that assessed the available capacity of the Wastewater Treatment Plant (WWTP) and interceptor sewers immediately upstream of the WWTP. This analysis included an assessment of previously approved (but unbuilt) development projects on the available capacity of these assets. The purpose of this assessment is to provide information that will assist Lincoln's management team in developing strategies to manage system demand in the face of increased residential and commercial development, and eventual renewal of the WWTP NPDES Permit. Burbank noted that once the board has a chance to review the analysis, he welcomes their input.

### **NEW BUSINESS:**

#### **Meeting with the Department of Revenue Administration (DRA)**

Town Manager Burbank explained that there is an upcoming Zoom meeting scheduled with Phil Bodwell of the DRA and the town's assessors on June 8<sup>th</sup> at 10am to discuss the 2021 Revaluation Contract, and the DRA would like a member(s) of the Board of Selectmen to participate. Chairman Robinson remarked that he has another meeting scheduled earlier that day, however, if the meeting time can be moved up to 11am, he would like to attend. Burbank responded that he would reach out to DRA to request a time change for this meeting and then follow up with the board.

### **Linwood Ambulance EMS Proclamation Week – May 16<sup>th</sup> – May 30<sup>th</sup>, 2021**

Selectman Ham explained that she received an email from Chief Tauber of Linwood Ambulance concerning a proclamation for EMS Week (5/16-5/21), however, Lincoln BOS did not meet last week so they were unable to acknowledge this. The Board agreed to extend the proclamation for an additional week (5/16-5/30) and Selectman Ham read the following proclamation:

#### **EMS Week(s) Proclamation**

To designate the Weeks of May 16 - 30, 2021, as Emergency Medical Services Week WHEREAS, emergency medical services is a vital public service; and,

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24-hours a day, seven days a week; and,

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and,

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and,

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and,

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and,

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week(s); now

*THEREFORE, We, Lincoln Board of Selectmen in recognition of this event do hereby proclaim the weeks of May 16-30, 2021, as*

#### **EMERGENCY MEDICAL SERVICES WEEK(S)**

With the EMS Strong theme, ***THIS IS EMS: Caring for Our Communities***, We encourage the community to observe these weeks with appropriate programs, ceremonies, and activities.

The Board of Selectmen publicly thanked Linwood Ambulance Service for their fantastic service to the towns of Lincoln and Woodstock.

#### **Hazard Mitigation Meeting**

Chairman Robinson asked if the kick-off meeting for the Hazard Mitigation was scheduled for Thursday, May 27<sup>th</sup> at 9am via Zoom. Town Manager Burbank responded that this is correct.

#### **Asset Management Pre-Application – Wastewater Treatment Plant and Pump Stations Energy Audit**

Chairman Robinson asked if the pre-application has been completed for funding as a result of the DES Energy Audit conducted last year. Robinson noted that the application submission deadline is June 1, 2021. Burbank responded that Weston & Sampson (W&S) has completed the application and is preparing to submit it for the Wastewater Treatment Plant and Pump Stations. There was a brief discussion about which direction the board wants to proceed in the future concerning water rates and water meters. Robinson responded that at this point all options are still under consideration: (1) they can do nothing, (2) they can implement water meters with a fee, (3) water meters with a flat fee, or, (3) a hybrid type charging system.

### **NH Electric Cooperative, Inc. Abatement Request**

Chairman Robinson explained that the town had agreed to a three (3) year program on how to abate the money that the court had awarded the NH Electric Cooperative, and this is year 3 of 3. The board reviewed the following abatement request:

NH Electric Cooperative, Inc. for Lines and Land (12 Lodge Road) Map/Lot 117-122-000-00-00000 for 2021 Tax Year (Spring Tax Bill-Tax 1). According to the NH Electric Co-op v. Town of Lincoln Settlement Agreement dated March 25, 2019 (this is year three (3/3) of the settlement). This spring issue 2021 is now receiving an abatement credit in the amount of \$64,533.33 for the tax year 2021. An abatement of \$64,533.33 is requested and will be needed on each tax bill through the year 2021 Fall Tax Bill

**MOTION: “To grant the abatement in the amount of \$64,533.33 to the NH Electric Co-Operative per the Settlement Agreement dated March 25, 2019.”**

**Motion: OJ Robinson**

**Seconded: Tamra Ham**

**All in favor.**

### **OLD BUSINESS:**

#### **Solid Waste Rate Changes**

Chairman Robinson asked if there was a discussion with the Woodstock BOS about the Solid Waste rate changes. Burbank responded that Woodstock had no issues with these changes, and also unanimously agreed *not* to charge for the disposal of brush.

Selectman Daly commented that there was one issue with Woodstock BOS concerning the paving of the road that leads into the Solid Waste Facility (Recycle Road), and a member of the Woodstock Board did not feel that that the paving was part of the “maintenance” of the facility and therefore should not be considered a shared expense. Selectman Ham clarified that the Town of Lincoln is solely responsible for the maintenance of the road from Main Street to the railroad tracks, however, from the railroad tracks into the Solid Waste Facility and throughout the recycling center, it is a shared expense. Ham went on to explain that the heart of the issue is whether or not the paving of this portion of the road and facility is a maintenance issue. Ham explained that the joint boards agreed to research a specific document/agreement that was signed approximately 12-15 years ago that details housekeeping items such as this; then distribute it to both boards, and schedule a follow-up joint meeting to figure this out within the next couple of weeks (prior to DPW Director Hadaway beginning this paving project). Selectman Daly added that Selectman Rand had indicated that he would be reaching out to Woodstock’s legal counsel as well. Ham suggested this be put on the next BOS Agenda (June 7, 2021) to discuss further.

#### **Mask Mandates**

The Board of Selectmen received an email from resident Amy Barnaby questioning whether or not the town ever voted on enacting a town-wide mask mandate, and if this mandate had ended. Chairman Robinson explained that he responded to this email and noted that the board had adhered to the State’s orders and never voted on the local level to enact a town-wide mask mandate. Ham explained that she conducted research on Ms. Barnaby’s question(s) concerning which State Statute’s authorize the town to enact a mask mandate. Ham cited **RSA 41:11-a (I) Town Property** as follows:

**I. The selectmen shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, and RSA 202-A:6.**

Ham followed up by explaining that the Board of Selectmen have the authority by statute to require masks in or around any municipal property.

### **Public Participation**

Paul Beaudin commented that he read on the Town's website that two (2) police officers were recently hired, and it was his understanding from previous discussions after the budget was reduced that one (1) officer would be hired in July, and a second officer in December, and asked for clarification. Chairman Robinson confirmed that one (1) officer was going to be hired in July and one (1) in December, however, there was also two (2) existing vacant positions that needed to be filled as well.

Paul Beaudin asked if he would be able to get a copy of the Wastewater System Capacity Assessment. Robinson responded that Town Hall would email him a copy. Beaudin also commented from a taxpayer perspective that he was not happy with Woodstock's decision to not charge for brush. Beaudin does not feel it is fair to all of the taxpayers to not charge for brush disposal, and to not recover costs for an expense that both of the towns incur.

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### **VI. NON-PUBLIC Session *Pursuant to RSA 91-A:3(III) (c,e) CRVI Litigation and Personnel Update***

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

**Motion: OJ Robinson**

**Second: Tamra Ham**

**All in favor.**

The BOS went into Non-public session at 6:15 p.m.

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

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

The Board reconvened public session at 6:45 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**

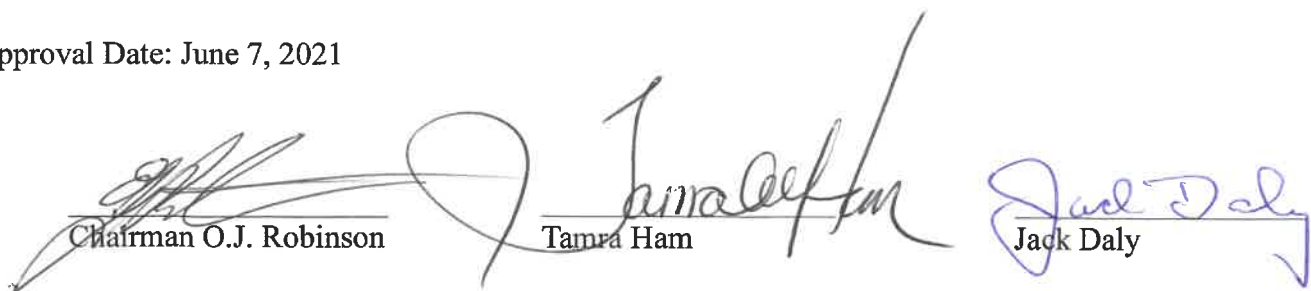
**Second: Jack Daly**

**All in favor.**

The meeting adjourned at 6:46 p.m.

Respectfully Submitted,  
Jane Leslie

Approval Date: June 7, 2021



Chairman O.J. Robinson      Tamra Ham      Jack Daly



## MEMORANDUM

**To:** A. Burbank, Lincoln  
N. Hadaway, Lincoln  
C. Bont, Lincoln

**From:** R. Korber, KVPartners

**Date:** 5/24/21

**Re:** Wastewater System Capacity Assessment

KVPartners completed a review of available data and information to assess available capacity of the wastewater treatment plant (WWTP) and interceptor sewers immediately upstream of the WWTP. The analysis also includes an assessment of previously approved but unbuilt development projects on the available capacity of these assets. The purpose of this assessment is to provide information that will assist Lincoln's management team in developing strategies to manage system demand in the face of increased residential and commercial development and eventual renewal of the WWTP NPDES Permit. It is noted that this analysis is based on available information, is conceptual and should be used for planning purposes only.

**Available WWTP Capacity:**

WWTP flow data was analyzed for the 2018-2020 calendar years. A summary of WWTP hydraulic loading rates and available capacity are as follows:

**Table 1**  
**WWTP Hydraulic Loading**

Year	Influent Flow			Effluent Flow			Available Capacity	
	ADF	MDF	RAF	ADF	MDF	RAF	Design	Permit
2018	0.61	1.56	0.76	0.64	1.95	0.76	47%	73%
2019	0.61	1.57	0.68	0.57	1.55	0.68	47%	65%
2020	0.56	1.32	0.50	0.45	1.04	0.50	43%	48%

**Notes:**

1. ADF = Average Day Flow; MDF = Maximum Day Flow; RAF = 3-Month Running Average Day Flow
2. Design Flow = 1.3 MGD
3. NPDES Permit Actionable Threshold = 1.04 MGD (80% Design Flow)
4. Flow is in million gallons per day (MGD)
5. Available capacity is based on influent flow
6. Decrease in 2020 loading may be pandemic related and not reflective of typical conditions

Based on the data analyzed, the WWTP is currently operating at approximately 47% of design flow (1.3 MGD) capacity and 69% of the actionable threshold (1.04 MGD) to engage with permitting authorities on plant performance. As stated in the NPDES Permit:



*"When the effluent discharged for a period of 3 consecutive months exceeds 80 percent of the 1.3 MGD design flow (1.04 MGD), the permittee shall submit to the permitting authorities a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans. Before the design flow will be reached, or whenever treatment necessary to achieve permit limits cannot be assured, the permittee may be required to submit plans for facility improvements."*

**Available Interceptor Capacity:**

Interceptor capacity immediately upstream of the WWTP (refer to Figure 1) was analyzed. In summary, the peak flow capacity of this reach of interceptor is approximately 8 cfs. The current peak hydraulic loading is estimated to be 3.7 cfs or 46% of available capacity.

**Capacity Allocation:**

The Board of Selectmen issued a policy stating that certain development projects previously approved by the Planning Board are vested and are to be provided wastewater service. This requires that a portion of the available wastewater system capacity be allocated to those approved but unbuilt developments. Refer to Table 2 and Table 3 for the status of vested development projects.

**Table 2**  
**Residential Development Projects**

Development	Residential Units <sup>1</sup>		
	Total	Built	Unbuilt
The Landing	82	11	71
The Rapids	78	-	78
Forest Ridge	498	222	276
Coolidge Falls	132	108	24
South Peak Resort	1018	72	946
<b>Totals:</b>	<b>1808</b>	<b>413</b>	<b>1395</b>

**Notes:**

1. Data by Lincoln Planning Department, Sept. 2018

**Table 3**  
**Commercial Development Projects**

Development	Commercial Units		
	Total	Built	Unbuilt
Riverwalk	91	-	91
Fairfield Inn	98	-	98
Hampton Inn	93	-	93
<b>Totals:</b>	<b>282</b>	<b>-</b>	<b>282</b>

An estimate of the average day flow from the unbuilt residential and commercial units was determined. For residential units, it was assumed that the unbuilt units are single-family units discharging domestic wastewater



only. While we understand that some of these units may represent a transient population, for the purposes of this analysis we assumed these units would be occupied year-round or have occupancy rates that would reflect year-round use and demands on the system. We believe this is a conservative assumption and sufficient for planning purposes. For commercial units, demand estimates are obtained from loading analyses completed by consultants of the respective projects. Based on these assumptions it is estimated that 0.32 MGD be allocated to the vested projects. The impact to the WWTP hydraulic loadings is summarized as follows:

Current ADF:	0.61 MGD
Allocated Capacity:	<u>0.32 MGD</u>
Projected ADF:	0.93 MGD

The wastewater collection system must have sufficient capacity to ensure there are no illicit discharges to the environment (sanitary sewer overflows) and therefore must handle peak flows. On a peak flow basis, the impact to the interceptor (refer to Figure 1) is summarized as follows:

Current Peak Flow:	3.7 CFS
Allocated Capacity:	<u>1.3 CFS</u>
Projected Peak Flow:	5.0 CFS

#### **Conclusions:**

Based on the analysis, the following conclusions can be made:

- **WWTP:** The ADF under full buildout of the vested developments is projected to be 0.93 MGD. This represents 72% of the WWTP design capacity (1.3 MGD) and 89% of the actionable threshold (1.04 MGD) to engage with permitting authorities on WWTP performance. There is sufficient WWTP capacity to accommodate current demands plus demands expected from the full buildout of vested developments. In addition, the anticipated hydraulic loading will not trigger a regulatory response under the current NPDES Permit.
- **Interceptor:** The peak flow under full buildout of the vested developments is projected to be 5.0 CFS or 63% of interceptor capacity. There is sufficient interceptor (refer to Figure 1) capacity to accommodate current demands plus demands expected from the full buildout of vested developments.

#### **Recommendations:**

Based on the analysis, the following management strategies are recommended for the town's consideration:

- Complete annual assessments on available wastewater system (treatment and collection) capacity to track trends in system demand. Since increases in demand is dependent on development activity in the community at any given time and since some of the vested developments have been in place for over a decade and buildout rates have historically been slow and sporadic, completing annual assessments will inform the town on the timing of system upgrades to address capacity limitations.
- Require capacity analyses be completed on any new development as part of the town's site, subdivision and land use permit application approval process. Understanding potential system impacts in advance will inform the town on the timing of system upgrades to address capacity limitations.
- Negotiate agreements with developers for developer funding of off-site system improvements when new developments trigger capacity limitations.

- Implement water conservation initiatives to maximize investments already made in existing infrastructure. This may include but not be limited to: a water meter replacement program and adoption of a rate structure to incentive water conservation; mandatory use of low-flow fixtures in new construction; and public education and outreach initiatives.
- Set termination dates for previously approved developments to free up allocated capacity so as not to trigger capital improvements that may not be required in the future should those developments not become a reality.
- Establish a regulation that sets a time period for the expiration of subdivision and site plan approvals. For example, any approved subdivision or site plan for which a building permit has not been obtained within two years of the date of the original approval shall be considered void. This will better ensure that system capacity is available to support viable projects that achieve Lincoln's economic development goals and objectives.
- When appropriate, complete collection system capacity assessments to determine if there are extraneous flows (infiltration and inflow) in the system that can be cost-effectively removed to increase available capacity.
- When appropriate, complete a facility study to determine suitable upgrades to increase the capacity of the WWTP. The study should be completed within the context of any new or revised effluent limits under a renewal of the NPDES Permit.



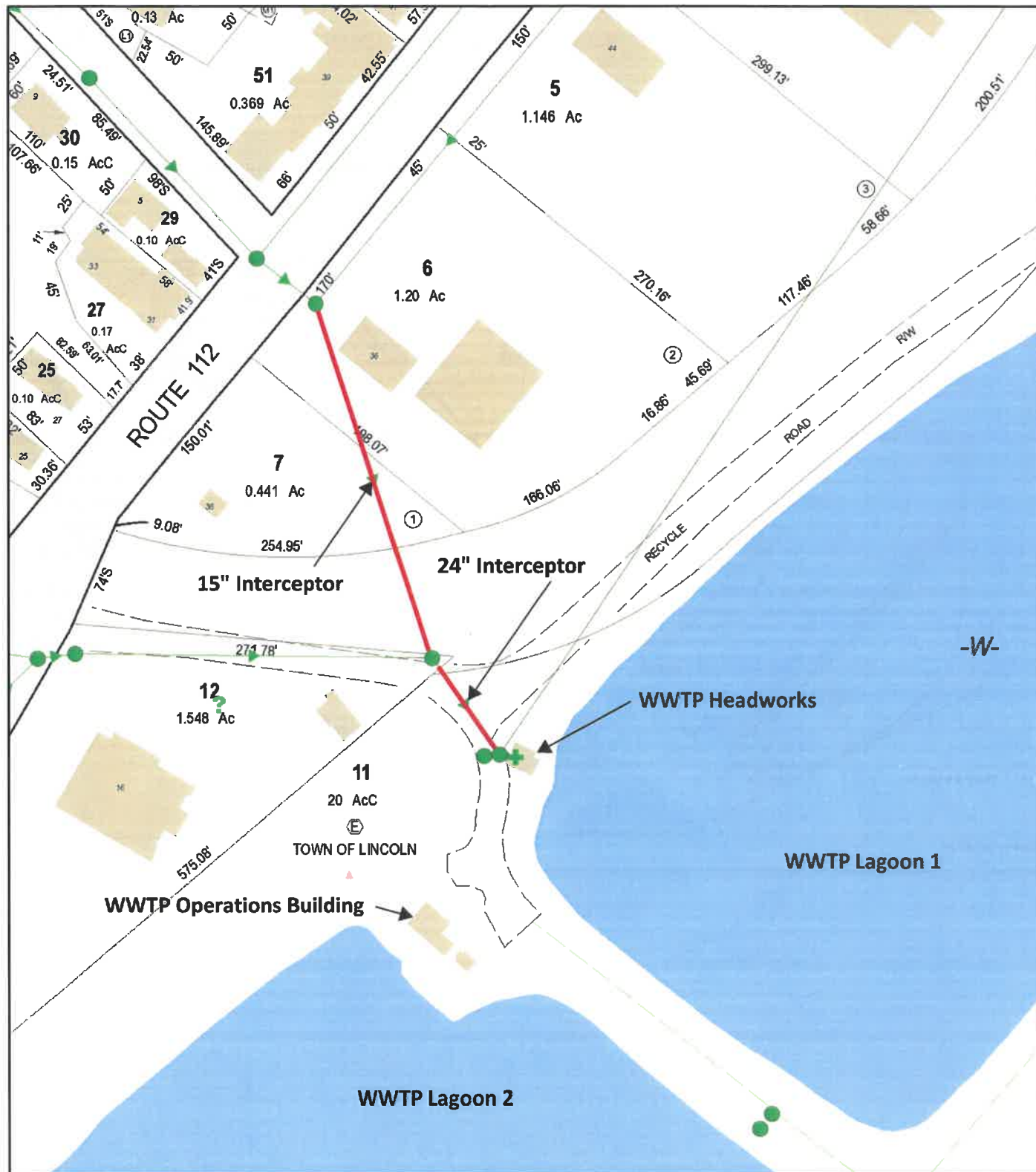
## Figure 1 - Sewer Interceptors

Wastewater System Capacity Assessment  
Lincoln NH

Scale: 1" = 100'

**KVPartners**

Date: 5/20/21



Source: Town of Lincoln GIS



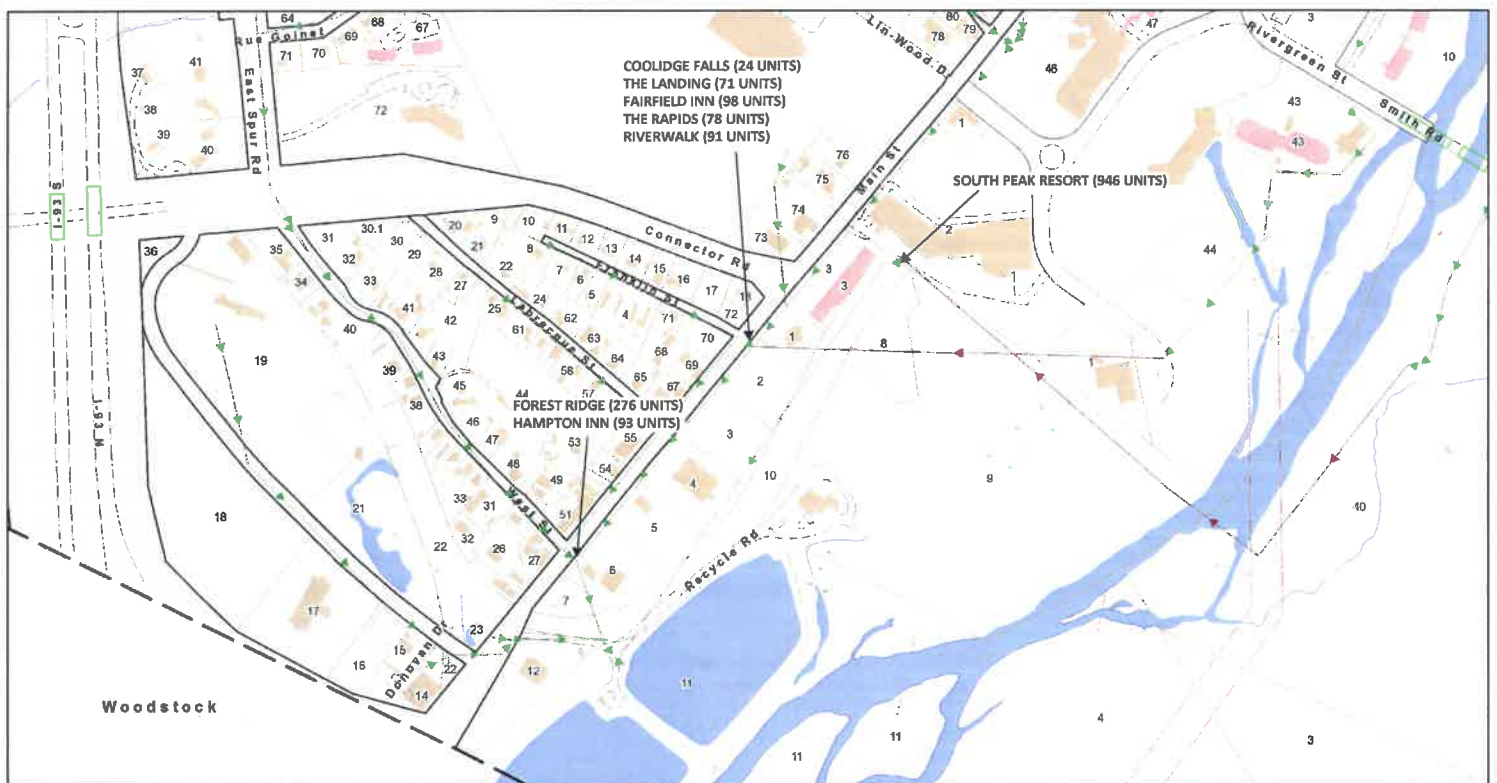
Date: 5/20/21

**Figure 2 - Capacity Allocation Distribution**

Wastewater System Capacity Assessment  
Lincoln NH

Scale: 1" = 300'

KV Partners



Source: Town of Lincoln GIS



## TOWN OF LINCOLN

Selectmen's Office  
148 Main Street - P.O. Box 25  
Lincoln, New Hampshire 03251-0025

O.J. Robinson   Tamra Ham   Jack Daly

Phone: (603)745-2757 - Fax: (603)745-6743 - Email: [TownHall@LincolnNH.org](mailto:TownHall@LincolnNH.org)

May 24, 2021

### Water Meter Parts:

As of April 12, 2006, all new construction requires water meters, and all new homes will be required to have the following parts of the water meter.

Part#S0048	5/8 x % SR ECR METER 10G w/pad	1
Part#S2570	5/8 x % #2 Korner Horn	1
Part#S2070	% CP Setter Pack Joint (other sizes available)	2
Part #52035	% #7 Dual Check Backflow Preventer 1-3k	1
Part#S2033	% Korner Horn Ball Valve	1
Part #50323-01	MXU 510R Non-Pit Single Port- Wired installation	1

If two (2) or more meters are being installed in the same building, they can share a dual port MXU, which will reduce the install cost per meter.

Part #50323-11'                      MXU 501R Non-Pit Dual Port-wired installation

These items can be purchased by calling MBS, a division of EJ Prescott at (603) 224-8425.

### **\*\*METER INSTALLATION RULES/REQUIREMENTS\*\***

1. Meter shall be installed within three feet (3') from point of entry of building, foundation, wall or floor.
2. The meter shall be placed in a clean, dry, and warm place always free from debris, which may be safely and easily accessed by a person for the purpose of reading, maintaining, or changing of the meter.
3. Inspection of the meter will ONLY be done for a *Land Use Compliance Certificate* upon completion of all work, including installation of touch pads and/or touch coupler.

If you have any questions, please call Public Works Director, Nate Hadaway at (603) 745-6250.

