

LINCOLN BOARD OF SELECTMEN'S

APPROVED

MEETING MINUTES

JANUARY 11, 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, and Recreation Director, Tara Tower

**Public Present via Zoom Video Conferencing:** Town Engineer, Ray Korber

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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 January 4, 2021 as presented."**

**Motion:** Tamra Ham

**Second:** Jayne Ludwig

**All in favor.**

**MOTION: "To approve the Non-public BOS meeting minutes of January 4, 2021 as presented."**

**Motion:** Tamra Ham

**Second:** Jayne Ludwig

**All in favor.**

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## III. RIVERFRONT PARK PROJECT *Next Steps*

Chairman Robinson explained that the Selectmen have each received the Nobis Site Environmental Assessment report which is a town-funded geotechnical engineering report that presents results from their subsurface explorations of the proposed alternate parking lot associated with the Riverfront Park project site. Robinson asked Town Engineer, Ray Korber to elaborate further on the report's findings and his recommendations for next steps based on this assessment.

Ray Korber explained that there were two (2) aspects to the work that Nobis performed: (1) *Geotechnical Investigation* to ensure that there were no load-bearing capacity issues at the Burndy waste site (which is the area for the proposed alternate parking lot). Korber further explained that some of the field investigations conducted included the digging of eight (8) test pits *within* the footprint of the proposed parking lot area which yielded favorable test results (there were no load-bearing capacity issues), and, (2) an *Environmental Assessment* was performed with a soil analyses of some of the test pits that were dug *outside* of the foot print of the proposed parking lot area, and these results showed that there was some contamination of the soil. Korber explained that the contamination results were shared with NHDES who provided informative feedback on moving forward, and explained that the footprint of the proposed site of the alternate parking lot was not an issue, but rather the footprint *around* the parking lot area was going to be problematic. Korber noted that lead is one of the major contaminants, along with a fibrous material that tested positive for having an asbestos component to it.

Korber explained that in order to put the alternate parking lot in this area, they will have to do something with the contaminated soil that is *outside* of the footprint of the proposed parking lot (isolating and/or removing the contaminates). Nobis and Korber are recommending that additional site assessment work be done because they still do not know the extent of the contamination around the footprint of the parking area, or the full composition of the contaminants that were found. Korber further explained that the town

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is essentially trying to develop a brownfields site, and he is recommending that if the town wishes to proceed with this project, they have two options to consider: (1) get a Brownfields Grant to use for the site assessment work and eventual mitigation, or, (2) the town incurs the costs on its own without grant funding, and moves forward with the site assessment work and whatever remediation is required.

There was a brief discussion about the town's options going forward with just developing the alternate parking lot at this time, and possibly other aspects of the park project that are not on contaminated soil (e.g., boat launch). Recreation Director Tower questioned whether or not it was possible to adjust the boundary lines for the skateboard park and begin building once the town remediates the contamination issue in that particular area, or would they have to wait for the entire brownfields site to be cleaned up? Korber responded by asking the question, *would the town knowingly put a skatepark in an area that is contaminated and not yet remediated?* Korber did not think that the public would allow their family to visit a park that has a known contamination site within its boundaries, and thought that the town may want a clean bill of health on this property prior to making an investment in a skate park. Tower clarified that she was thinking more along the lines of moving the skatepark over to an area of the park site that has no immediate contamination, and then fencing it off from the contaminated areas of the park. Korber responded that the skatepark can be put anywhere on the town's land, and clarified his opinion on where he felt the densest area of contaminants were located.

Chairman Robinson questioned whether they can move forward with DES to determine what needs to be done, and to find out what it will cost to remediate these issues between the proposed skate park site and the alternate parking lot (including underneath the skatepark site) so that the town understands exactly what is there and what needs to be done, and then make the decision as to whether or not to clean up this area and put in the skatepark; parking lot, and kayak launch with town funding. Robinson noted that if it turns out to be costly for the town to do alone with town funds, they can then decide on whether or not to go for Brownfields Grant funding. Korber responded that he does *not* recommend taking this approach based on the previous work that has been done to date (Calex Phase I site assessment, identification of potential sources of contamination, and Calnex Phase II limited site assessment) because every time testing has been done at the site, contaminants have been found, and Korber feels that at this point the town should do a limited amount of site assessment work only in the areas of the park where the town wants to put a park feature (parking lot, skate park, walking trail, kayak launch etc.). Korber acknowledged that going forward the town needs to embrace this area of land as a full-on brownfields site, and to proceed accordingly seeking the Brownfields Grant funding for the environmental remediation.

Selectman Ham commented that she is very concerned that the town will lose the LWCF grant funding (Land & Water Conservation Fund) that they had obtained for this project, and more importantly, the opportunity to *ever* qualify or receive a grant again from LWCF based on the town's failure to fulfill this grant obligation. Recreation Director Tower responded that the town has until July, 2021 to give the LWCF the town's plan, and could possibly receive a 2-year extension once the town provides LWCF with an alternative plan. Tower added that the LWCF fully supports the town's endeavors and understands that unexpected situations like this tend to occur. Korber noted that Nobis had reached out to North Country Council (NCC) to see if they had any funding opportunities for site assessment work, however, they did not have any funding available at this time. Korber added that based on Nobis' experience, obtaining Brownfields Grant funding and the actual clean-up process takes approximate 2-3 years, therefore, if the town could obtain an extension on the LWCF grant to 2023, this may align with the Brownfields Grant time frame. Korber reiterated that it is important that the town is aware, and fully understands the extent of the contamination at the Riverfront Park site *prior* to moving forward and investing money into a park that may not be safe for the residents to visit. Korber noted that he was not certain of what the town's

liability exposure would be by allowing public access to a site that the town is aware has contamination issues.

Selectman Ludwig questioned now that the town has proof of the contamination at the Riverfront Park site, should “Keep-Out” signage be posted to make the public aware. Ray Korber responded that this is a very good question, and thought this may be a question for the town’s attorney. Town Manager Burbank commented that he would reach out to the town’s property liability insurer for their opinion.

Ray Korber explained that if the board wants to proceed with this project *without* obtaining a Brownfields Grant, he would reach out to NHDES to have a conversation about exploring next steps moving forward with this initiative, and determining the scope of work for a full-scale site assessment, and then at such time, Nobis can provide the town with a cost estimate for the assessment. Korber added that the town can also submit a grant application for the Brownfields Program at this time, and always decline acceptance of the grant down the road.

Selectman Ludwig asked if there is another location in town other than Main Street that may be more suitable for the skatepark. Rec Director Tower responded that this option had never been discussed with the skate park committee, and noted that if the location was changed, they would have to start the grant process all over again.

Chairman Robinson questioned either with/without the Brownfields Grant, would the next step be the continued assessment of the contamination site? Korber explained the next steps as follows: (1) submit the full report to NHDES (they have not reviewed the full report yet), (2) schedule and hold a scoping session with DES on the report’s findings, and discuss what the site assessment/scope of work will look like going forward, (3) have DES sign off on the scope of work, and, (4) Nobis will submit a fee for service, and the town will then have in hand a scope of work, fee, and a proposal to move forward with the site assessment work. Korber explained that the timeline he has worked out with Nobis is as follows: within the next two (2) weeks he will submit the report to DES for review; schedule a scoping session with DES, develop the site assessment scope of work and costs, and also submit the grant applications to the federal agencies for Brownfields funding.

Chairman Robinson agreed with this proposal, and feels that this is the way to go in an effort to get this project moving forward. Robinson noted that he wants to do this project right, and understands that it most likely will not happen in 2021. The Select board collectively agreed to move forward with this project and have Ray Korber do all of the necessary work to prepare a scope and fee for the site assessment, as well as prepare the Brownfields application.

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#### **IV. OLD/NEW BUSINESS**

##### **Town Manager’s Report**

##### **Childcare Center**

Town Manager Burbank informed the board that the Childcare Center is currently closed due to Covid. The center is currently being disinfected, and should be re-opening shortly.

##### **Kanc Snowmaking Lines**

Town Manager Burbank informed the board that leaks have been discovered in the snowmaking line at the Kanc, and explained that it’s not a broken pipe but rather a worn-out pipe that is buried under ground. Burbank explained that DPW Director Hadaway is not certain what the solution is going to be at this time,

but seems to think there may be money left over from the groomer in the CIP that could be used towards the repair of this line when the time comes.

Rec Director Tower commented that she has been receiving a lot of feedback and gratitude from the public that the Kanc ski area managed to open this winter. Chairman Robinson asked if there have been any issues with crowds and people having to be turned away due to overcapacity issues. Tower explained that this has not been a problem, and has actually worked out very well. Tower added that the Interact Club has donated 8 picnic tables for the skiers to sit and eat snacks and lunch on nice days. Selectman Ham asked Tower to thank the staff on behalf of the Board of Selectmen for doing a great job!

## **NEW BUSINESS**

### **BOS Annual Report**

Chairman Robinson asked the board if they had any additional comments on the proposed Selectmen's Annual Report that he drafted. After a brief discussion and several edits from Selectman Ludwig, the board agreed to forward their report Administrative Assistant Jane Leslie for the Town's Annual Report.

### **Town Meeting**

Selectman Ludwig asked if Moderator Wetherell has communicated that he has reached out to Superintendent McGann on using the school for the upcoming March Town Meeting. Town Manager Burbank responded that he has not heard from Moderator Wetherell as of this time.

## **OLD BUSINESS:**

### **CRVI Lawsuit Document Request**

Town Manager Burbank informed the board that all of the requested documents for the CRVI lawsuit have been forwarded to the town's attorney.

### **Water Committee Meeting (January 7, 2021)**

The board discussed the recent Water Committee meeting. Chairman Robinson was not able to attend, and Selectman Ham provided an update on the meeting. Ham explained that the Water Committee voted overwhelmingly for *Option 2* on the Raftelis proposed rate structure, however, noted that Denis Ducharme had suggested that a separate commercial rate be added as he had concerns about the quarterly 9,000-gallon usage allotment. Paul Beaudin also voted for option 2, but with public hearings and input from the taxpayers prior to any future rate changes. Beaudin's concern was that the Selectmen would make changes without public input. Robinson noted that it has always been the Selectmen's process to get public input, and he therefore agreed with this stipulation. Ham went on to explain that there was also discussion about irrigation and pool rates, and seasonal rates (for seasonal homeowners). Ham explained that Paul Beaudin was asking for a separate seasonal homeowner rate, however, Ham felt that the only way to address the seasonal homeowner rates would be to charge per 1000-gallons of usage from the start, and not the quarterly 9000-gallon usage allotment (everyone would pay for what they use). Ham also noted that there was some discussion about doing a water meter test for the first year and not charging for water, but rather tracking the usage. Burbank noted that Ray Korber felt by tracking and not charging, the town would not obtain true conservation data because the water users would be aware that they are not paying for the water, and there would not be any revenue collected to go towards the bond costs. Ham explained that 11 of the committee members present at the meeting were Lincoln residents, and 10 of them voted for option 2 (Ham voted for option 1). Chairman Robinson thought it was encouraging that the Water Committee

voted overwhelmingly for Option 2, as this gives them something to bring before the voters. Selectman Ham suggested that the board compile a draft plan/ordinance on how the water meters will be billed, and any rules and regulations surrounding this process. The Board also discussed scheduling the Bond Hearing for the water meters on the same evening as the Budget Committee's Public Hearing on February 4<sup>th</sup>.

#### **Short-Term Rental/Planning Board Fees**

Selectman Ludwig asked where the revenues from the short-term rental registration and the increased Planning Board fees were going. Selectman Ham explained that the revenues, by law, must be deposited into the general fund (this is not an option) and must be used as offsetting revenue for the following years tax rate.

#### **Public Participation**

*There was no public participation.*

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#### **IV. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (a,c,e)**

*There was no Non-Public session this evening.*

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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.**

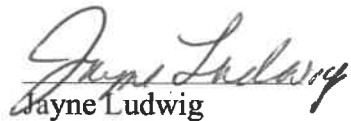
The meeting adjourned at 7:05 p.m.

  
Respectfully Submitted,  
Jane Leshe

Approval Date: January 25, 2021

  
Chairman O.J. Robinson

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Tamra Ham

  
Jayne Ludwig

