

LINCOLN BOARD OF SELECTMEN'S

MEETING MINUTES

AUGUST 9, 2021 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

APPROVED

Board of Selectmen Present: Chairman, OJ Robinson, Vice Chair, Tamra Ham and Selectman Jack Daly

Staff Present: Town Manager Burbank, Fire Chief Ron Beard, Police Chief Chad Morris, DPW Director Nate Hadaway, Recreation Director Tara Tower, and Administrative Assistant, Jane Leslie

Public Present via Zoom: Raymond Berglund, 11 School Street Property Owner, Mark Ehrman, and Jennifer Cuddy

Public Present: David Beaudin, Randy Boyle, Charlene Boyle, Jimmy Boyle, Alan Patterson, Kaitlyn Hubbard and Dan Nelson

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:00 pm.

II. SITE VISIT TO THE KANC REC TO VIEW PARKING OPTIONS

The Board of Selectmen met at the Kanc Rec, located at 62 Forest Ridge Road and discussed adding to the existing parking lot to the east, and using some of that material (dirt, etc.) to move the sliding hill to the north. The intent is to add 30+ additional parking spaces, plus room to park busses during special events and busy weekends in the winter.

Jimmy Boyle, Randy Boyle, and Alan Patterson were all very opposed to using the pie-shaped land across Forest Ridge Road for additional parking due to the very fast traffic on that road, as well as for safety concerns. Selectman Daly was also opposed to using this land for additional parking, and suggested using the land behind right field (west of Papoose) to build a new sliding hill. Rec Director Tower pointed out that the town does *not* own that land behind right field. Daly also suggested that the town sell the pie-shaped land across the street with deed restrictions so that it remains undeveloped in perpetuity, or to bring it before Town Meeting to turn this piece of land into Conservation Land in perpetuity.

The Public Works Department will do and/or coordinate the work with Rec Director Tower. DPW Director Hadaway will begin working on a preliminary budget with Tower prior to the Recreation Departments CIP meeting. The new parking lot will be asphalt, and may take more than one-year to complete depending on budget and availability of the Public Works crew.

Chairman Robinson recessed the meeting at 5:21 pm, and the Selectmen returned to Town Hall.

Chairman Robinson reconvened the Selectmen's meeting at Lincoln Town Hall at 5:42pm

Chairman Robinson summarized the board meeting that opened up at the Kan Rec for the purpose of looking at several options for expanding the parking facilities. Robinson explained that the board had previously discussed the pie-shaped parcel of town-owned land directly across Forest Ridge Road as an option for expanding the parking. Rec Director Tower and DPW Director Hadaway have also looked at this property, and the plan that was discussed and agreed upon tonight is to look at taking the sledding hill and moving it back (the angle will remain the same) and then taking land in front of the sliding hill (adjacent to the parking area) and leveling that out for additional parking in that area, as well as utilizing the fill material from that to help relocate the sledding hill further away from the parking. Robinson explained that at this point they are going to be looking at funding this project through the CIP (already

some funds in CIP for the Kanc) and continuing this funding through the CIP with the hopes of starting this project next year.

III. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: “To approve the BOS meeting minutes of July 26, 2021 as amended.”

Motion: Tamra Ham

Seconded: Jack Daly

All in favor

MOTION: “To approve the Non-Public BOS meeting minutes of July 26, 2021 as presented.”

Motion: Tamra Ham

Seconded: Jack Daly

All in favor

IV. JAYNE LUDWIG – PLEASANT STREET PROPERTY DISCUSSION

Chairman Robinson explained that Jayne Ludwig had requested to be put on the Selectmen’s agenda for a discussion on Pleasant Street, however, Ms. Ludwig was unable to attend tonight’s meeting. Robinson asked if there was anyone else that would like to speak on this since it was part of the agenda.

Raymond Berglund, 11 School Street property owner addressed the board and stated that he may be a party to this discussion that Ms. Ludwig wanted to bring before the Select Board tonight. Mr. Berglund went on to explain that he is the son of Ken and Grace Berglund (15 School Street) and his family history in Lincoln goes back 150-years. Mr. Berglund continued to explain that his goal was to keep his home preserved in the “old mill” style housing that is synonymous with “old mill towns.” Berglund introduced Jennifer Cuddy as his Project Manager who oversees the work being done, as he currently lives overseas (called in from Germany) and explained that they have run into some global supply issues which has prolonged his home renovation project, as well as prevented him from moving in on his scheduled move-in date. Mr. Berglund told the board that he is always available to speak with, and Ms. Cuddy is also accessible and available as well.

Chairman Robinson asked Ms. Cuddy if she had anything that she would like to add to this discussion. Ms. Cuddy responded that throughout the duration of this project, they have always tried to be mindful of everything that they have done on School Street, and have kept in contact with their surrounding neighbors throughout the duration of the renovations, and have actually received a lot of great feedback. Cuddy further explained that she has always been accessible by phone 24/7 for anyone having any questions or concerns, and they have successfully dealt with minor situations that have occurred during the renovation project.

Selectman Daly asked Mr. Berglund and Ms. Cuddy if they could explain what they feel the actual issue is on School Street, and why it is on the agenda tonight. Town Manager Burbank and Selectmen Ham responded that this was Ms. Ludwig’s complaint and request to be put on the agenda. Daly responded that he has no idea why this is being discussed tonight, and he would like to hear from Mr. Berglund and/or Ms. Cuddy because they are present tonight in response to a complaint. Ms. Cuddy replied that there is a complaint on a remodel on School Street concerning a discrepancy on the topography in the back yard, and the issue at question is the fact of whether or not the rain and the water is flowing from her client’s yard (11 School Street) into Jayne Ludwig’s backyard (12 Pleasant Street). Cuddy explained that the topography of the back third of the yard has not changed at all (the front portion has) however, this does not appear to be affecting Jayne’s landscaping. Cuddy further remarked that after observing several rain storms, she feels that some of the issue has to do with the fact that there was a roof that was connected from Jayne Ludwig’s garage to her client’s garage that was not supposed to be there, and it was taking

away a lot of the runoff. Selectman Daly thanked Ms. Cuddy for the clarification.

Mr. Berglund reiterated that the job was supposed to be done by now (landscaping, sod etc.) and there is going to be further work done in the backyard to clean it all up and make it right, and if there are any issues now (which he does not feel there are) it should all be remedied upon completion of his project.

V. OLD/NEW BUSINESS

Town Manager's Report:

Community Choice Aggregation (CCA) Program:

Town Manager Burbank informed the Board that HB 315 passed last week which means that the Community Choice Aggregation (CCA) project will be starting up again. Gilbert Brown of Freedom Energy Logistics explained that they recently partnered with the largest CCA Aggregator in New England which will increase a vast number of resources that will ensure the first iteration of the program goes smoothly.

Broadband Infrastructure Program:

Town Manager Burbank explained that he had forwarded the board some information that he recently received from the Grafton County Broadband Committee concerning a grant funding request for a fiber optic "backbone network" through population centers that will benefit all of Grafton County. Burbank questioned whether or not the board wanted to begin thinking about participating in a broadband program which may have something to do with the town's ARPA (American Rescue Plan Act) funds that Lincoln is slated to receive in the coming weeks. Burbank noted that when he originally applied for the ARPA funding, he had noted on the application that the funds would be used for a new water storage tank.

Selectman Daly commented that he went back and reviewed some of the meeting minutes from the Grafton County Broadband Committee and explained that it appears that they are trying to get individual communities that participate to commit all of their ARPA funds to this project, and if additional funding is required, the towns would have to come up with this funding on their own. Chairman Robinson responded that he does not believe that they are asking towns to *divert* their funds into this program, but rather, the county is looking to use *their* ARPA funds, and then teach individual communities how to build networks within their locality with *their* ARPA funds and other grants. Robinson also noted that the deadline for responding to this request is next week, so if they are going to support it, they must make their decision sooner than later. Robinson's opinion on this matter is that the county would like to secure *their* ARPA funds (separate from the town's) and are asking the individual communities for letters of support to further enhance their chances of receiving this money. Daly responded that based on his reading of their meeting minutes, the county is in fact looking for the local municipalities to commit *their* ARPA funding towards this initiative.

Robinson also noted that the Town of Lincoln is scheduled to receive a total of \$180k +/- which will be received in two (2) separate payments. Robinson asked Town Manager Burbank to reach out to the county to confirm whether or not they are requesting Lincoln contribute all of their ARPA funds towards their broadband initiative, or just a letter of support that the town thinks this is a valuable effort for the federal government to spend money on.

Ladies Bathtub:

Chairman Robinson followed up on the July 26th Board of Selectmen's discussion regarding the Ladies Bathtub and the issues around parking, and who can park there, and noted that Peter Malia (town counsel)

is currently away on vacation. Burbank commented that he has spoken with Jason Dennis (Peter Malia's associate) who had been briefed by Peter Malia on this issue, and he is of sound opinion that the town can absolutely designate the parking for *any* residential group (Lincoln-Woodstock residents, taxpayers etc.) and utilize a sticker system. Burbank went on to explain that as far as "other people" accessing the bathtub from *another* entry point, there really is not much that the town can do to police this. Burbank added that if you try to shut down the public land to a certain group of people, the town could potentially run into other legal challenges.

Robinson commented that this is not on the agenda tonight, however, he suggested this item be put on the September 20th agenda so that the one issue concerning parking restrictions can be discussed: (1) moving forward with a sticker program (new sticker, dump sticker etc.) (2) only Lincoln residents, Lincoln/Woodstock residents, taxpayers, etc. Robinson noted that by the time this whole situation is figured out summer will be over, but it will at least help arrive at a decision and assist in getting the word out on social media, and informing the public prior to the next summer swim season.

BOS Public Hearing – August 23, 2021:

Chairman Robinson asked if Planner Bont had sent out the abutter's notices for the public hearing that the Board of Selectmen will be sitting in on regarding a request from Lawrence & Doriann Jasinski (196 Black Mountain Road) to build living space above a nonconforming garage. Town Manager Burbank responded that the abutters notices are being mailed out this week.

FairPoint Settlement Agreement:

Chairman Robinson explained that they received a letter from DTC Lawyers who had represented the town (along with other municipalities) in the FairPoint assessment case, and based on the last decision of the court, the town had agreed to accept the settlement that was offered to all of the municipalities. Selectman Ham noted that the attorney is recommending that the board deliberate and consider the agreement in a non-public session (pursuant to RSA 91-A:3, II(e) and (i)) and then motion to seal the non-public minutes when they return to public session until the FairPoint lawsuit has been settled.

Denise Heredeen Legal Correspondence:

Chairman Robinson explained that the board received a letter from an attorney hired by Denise Heredeen, a Lincoln property owner and taxpayer (25 School Street) who is dealing with both town and school district officials in an attempt to resolve the issue of access from one of her properties to the municipal street system. Robinson further explained Ms. Heredeen was seeking an easement for a driveway to be connected from her property over a small portion of the school's property to connect to the hammerhead turnaround. Town Manager Burbank summarized the original agreement (easement) between the town and school that was done years ago, and explained that it had never been recorded with the Registry, and the hammerhead was *not* constructed as designed. At the present time, attorneys for both the town and school district are working together to remedy this issue.

Selectman Ham noted that the letter states that Ms. Heredeen has been attempting to resolve this issue with both town and school officials for years, however, Ham explained that the first time the board heard of this one (1) issue was a little over a year ago. Burbank responded that Ms. Heredeen has not been happy since the beginning of the Pleasant Street project when the hammerhead was installed years ago (2007) and this is what is currently being sorted out now. Ham added that Ms. Heredeen only has until December 31st of this year to unmerge her lots.

Chairman Robinson commented that more recently, it was his understanding that this had been looked at and she would be able to have a driveway exit out into the hammerhead. Burbank replied that Ms.

Herdeen needs a certain amount of land when she subdivides, exclusive of easements, because she is trying to put a second house on to her property. Robinson commented that if the amount of acreage that Ms. Herdeen has does not meet the minimum requirement (exclusive of easements) she can *not* build a second home, and the question he is hearing is that this is because the hammerhead that the town installed was not done according to the original design.

West Street Road Repair Project:

Chairman Robinson asked if all was going well with the West Street project. Burbank responded that they have run into a few problems with some underground issues, but the project is progressing.

Water Storage Tank:

Chairman Robinson asked Town Manager Burbank if he has heard from the Forest Service concerning the water storage tank? Burbank replied that there is a meeting scheduled for this Friday (8/13) however, he is unable to attend, but DPW Hadaway and engineers from Weston & Sampson will be attending along with Loon Mountain.

Riverfront Park Project:

Chairman Robinson asked if there were any updates on the Riverfront Park Project. Burbank responded that he will have to check with Ray Korber and follow-up with the board.

CRVI Request:

Chairman Robinson explained that a request has been received from CRVI and FC-LOON for the board to reconsider a decision that they made on July 6, 2021 regarding the restriction on the issuance of land use permits up on South Peak. Robinson asked the board if they want to discuss this in relation to any information or correspondence from Attorney Malia, and if so, they can do this during non-public, or if there are any comments or suggestions regarding the public hearing aspect of this, which they can do during public session.

Robinson noted that the letter from CRVI and FC-LOON appears to be missing some key aspects and does not address all of the issues, and makes assumptions about some of the board's reasonings for doing this in the first place. Robinson feels that the current water system set-up is detrimental and dangerous to the town, and there was nothing in the letter that appears to address any of these concerns. The board was in agreement that unless town counsel says otherwise, they are not in favor of holding another hearing on changing the decision that they made on July 6th. Ham asked Town Manager Burbank to relay this information to the attorney.

Public Participation

Castleberry Fairs:

Selectman Daly asked Chief Morris if he and Terry Mullen (Castleberry Fair promoter) have discussed and agreed on the Police Department detail for her event scheduled this coming weekend? Chief Morris responded that they have spoken, and everything is set to go.

National Night Out:

Chief Morris said the National Night Out was a great time for all. Morris personally thanked Kara Baker for all of her hard work and organizing of this event. Selectman Ham thanked Kara for donating all of the leftover ice cream to the children at the Kanc Camp, Adventure Camp, and Childcare Center. Chairman Robinson said it was an excellent night with both the police and fire departments, and the physical arrangement of the activities was great this year. Ham thanked both Police and Fire Chiefs and their

departments as well as Woodstock and Linwood Ambulance.

VI. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c,e,i) Attorney correspondence, and one (1) personnel issue.

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

Motion: OJ Robinson

Seconded: Tamra Ham

All in favor

The Board of Selectmen went into Non-public session at 6:30pm

MOTION: “To re-enter public session.”

Motion: OJ Robinson

Seconded: Tamra Ham

All in favor

The Board of Selectmen came out of Non-public session at 7:27pm and made the following motion:

MOTION: “To seal tonight’s Non-Public Meeting Minutes until such time that the entire FairPoint lawsuit has been settled.”

Motion: Tamra Ham

Seconded: Jack Daly

All in favor

VII. ADJOURNMENT

After reviewing the weekly payables and with no further business to attend to, the Board made the following motion:

MOTION: “To adjourn.”

Motion: Tamra Ham

Second: Jack Daly


All in favor.

The meeting adjourned at 7:30 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: July 26, 2021


Chairman O.J. Robinson


Tamra Ham


Jack Daly