

**LINCOLN BOARD OF SELECTMEN'S  
MEETING MINUTES  
SEPTEMBER 27, 2021 – 5:30PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

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

**Staff Present:** Fire Chief Ron Beard and Administrative Assistant Jane Leslie

**Staff Present via Zoom:** Town Manager Burbank

**Public Present via Zoom:** Paul Beaudin, Tim Clark and Mary Conn

**Public Present:** Debbie Celino, Jim Welsh and Bill Conn

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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 public meeting minutes of September 20, 2021 as amended.”**

**Motion:** Tamra Ham

**Seconded:** Jack Daly

**All in favor**

**MOTION: “To approve the BOS non-public meeting minutes of September 20 2021 as presented.”**

**Motion:** Tamra Ham

**Seconded:** Jack Daly

**All in favor**

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**III. SOUTH PEAK DEVELOPMENT (Square Footage/Bedrooms) *Discussion Cont’d***

Chairman Robinson explained that this discussion is a continuation from the Board’s September 13<sup>th</sup> meeting when they read and discussed a letter submitted to the Select Board by Planning Board Chair, Jim Spanos (*see attached*). Robinson noted that this letter was developed after a lengthy Planning Board discussion primarily focusing on the concern over the fire flow availability in certain parts of South Peak, as well as the enforcement of the square footage and number of bedrooms that were part of the original site plan approval. Robinson explained that collectively as a board, they must determine, (1) what action (if any) they want to take in regards to the fire flow availability issue, and, (2) what action (if any) on the building square footage, and the number of bedrooms (based on the Engineering Basis of Design for South Peak, the number of bedrooms that were utilized by the developer’s engineers for residential use which was between 1.75 and 4.0). Robinson noted that the way they would need to calculate the square footage when enforcing the approved master plan is by the definition that was part of that master plan which excludes garages and unfinished basements (this is different from how an assessor would calculate square footage). Robinson further explained that the Planning Board is requesting that the Select Board communicate to town staff the importance of future applications for construction in South Peak, and to comply with the approved size requirements for residential structures (this letter was also sent to the South Peak Architectural Review Board).

The board discussed the basis of design process, and Robinson read the following definition for ***Building Square Footage***: *The sum of all gross horizontal areas of all floors of a building measured from the exterior face of walls of heated, finished space including but not limited to, stairways (counted on the main level only), lofts halls, habitable attics, closets, storage, mechanical and utility areas. Garages and unfinished space in basements are excluded.* There was a brief discussion on what constitutes finished space, and Robinson commented that the building square footage with this definition is fairly clear, and this is what town staff should be enforcing when a building permit application comes in. Robinson continued to explain that the number of bedrooms is a design number, and although he understands the

various opinions on enforcing this, he feels that they would be inviting potential litigation by doing the same, and it is simply not good for the development or the town. Robinson addressed the lack of adequate water pressure and volume of water from the hydrants, and explained that this is an ongoing issue that the town is dealing with, and he is not certain if it will be resolved by the developer, or a judge. Selectman Ham commented that the firefighting capability is the responsibility of the PORS and not the town in the high-pressure zone.

Town Manager Burbank commented for the record that there still remains life-safety issues up at South Peak for all approved construction due to finished basements with below grade bedrooms and no second means of egress.

Paul Beaudin made several comments as follows: (1) the basis of design was included in the phase II master plan document for Centex. Beaudin continued to explain that an assessor's definition of a *bedroom* states that it has to have a closet, and furthermore in the application for the land use permit there is a form that asks for the number of bedrooms which must be signed off on, as well as a sworn construction control affidavit. Beaudin suggested that one of their options could be to change the verbiage in the land use compliance certificate to give Fire Chief/Code Compliance Officer Ron Beard the ability to inspect the property upon information of non-compliance, as well as language for penalties and fines for non-conformance in regards to the same which would give the town the ability to inspect. Beaudin further explained that in the town's sub-division regulations there is language that states that all sub-divisions shall include fire hydrants post-development, which it appears South Peak is also in violation of. Beaudin noted that he is in agreement with Robinson about the definition of square footage, as this was the approved language that they have to use, however, it was also the approved language with the basis of design, and he feels both need to be enforced.

Robinson summarized that as far as fire suppression goes, permits are no longer being issued in the South Peak high-pressure zone to prevent further problems from arising, and questioned whether or not there was sufficient or marginal water available in South Peak in the *non-high pressure zone* areas. Chief Beard responded that there is sufficient water available below the 950' elevation between the two PRV's. Robinson recommends instructing town staff to begin enforcing the square footage, and noted that Planner Carole Bont had integrated language into a recent permit concerning future construction of *unapproved bedrooms, and any additional finished bedrooms would violate the original written approval*. Robinson would like to see this language on all permits going forward, and asked the board if they wanted to add language specific to penalties and fines for adding unapproved bedrooms. Selectman Daly thought that they should first run this by town counsel to avoid any conflicts with RSA's. Chief Beard added that they would also have to amend the Land Use Planning Ordinance so that it could become part of the permitting process, which would also require a town meeting vote.

Paul Beaudin commented that the Planning Board submitted a letter to the Board of Selectmen asking them to comply with the master plan and the basis of design, and if the Board of Selectmen do *not* adhere to the Planning Board's letter of request, their only other option will be to ask for a revocation of recorded approval. Beaudin feels that in the best interest of moving forward, some kind of compromise be reached.

Chairman Robinson suggested that they come up with a proposed direction to give to town staff that includes the building square footage; includes language regarding an inspection following any complaint or credible evidence by the Code Enforcement Officer, includes language that all life-safety rules apply, includes language that Planner Bont included in her recent permits regarding future construction of unapproved bedrooms (any additional finished bedrooms would violate the original written approval) and, includes language regarding penalties and fines for any additional construction that is not approved. Robinson

further explained that they can then have an attorney review all of this to ensure that it is legal and enforceable, and the board can then collectively discuss adopting the same (if the board agrees). Selectman Daly suggested that once this is all drafted, they present this to the Planning Board for comment and additions (if necessary).

Robinson cited an example from a recent permit that Planner Bont issued, and read the following; *Areas in the finished basement designated as family room and office are not approved to be used as bedrooms.*" Robinson noted that this was not the exact language he was referring to from a previous permit, but it is a good place to start.

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#### **IV. 2021 BOARD OF SELECTMEN'S GOALS**

*The board postponed their review of the Selectmen's Goals until next week.*

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

##### **OLD BUSINESS:**

##### **Heredeen Driveway Easement – 25 Pleasant Street**

Chairman Robinson reported that the School Board did not vote on this because they are waiting for more specific coordinates on the exact location of the second driveway. Selectman Ham explained that the School Board had discussed this, and all board members were in agreement to grant Ms. Heredeen the easement, however, they would like the Town to issue Ms. Heredeen her driveway permit prior to them granting her the easement so that they have the exact dimensions, measurements, and placement location of the driveway. Ham explained that she has an issue with this because the town cannot issue a driveway permit until Ms. Heredeen unmerges her lots. Robinson responded that they can issue her a written statement that details the driveway location and design that the town is willing to approve after she (1) obtains an easement from the School Board, and, (2) sub-divides (unmerges) her lots. Town Manager Burbank noted that the town attorney is also in agreement with this. Ham asked that DPW Director Hadaway provide the measurements and exact perimeter(s) of the proposed driveway, and noted that Hadaway had previously drawn up some measurements, however, they were not the exact measurements that the school's attorney wanted to put in the easement, as they are looking for the exact coordinates. Burbank said he would pass this information along to Director Hadaway. Robinson does not want to delay this any longer as it has been an ongoing issue for too long.

Robinson read the following: *Effective September 21, 2021 RSA 674:39-aa is amended to repeal the deadline for requests from restoration of lots that were involuntarily merged.* Robinson explained that the December 31<sup>st</sup> deadline has been extended, however, it would be in everyone's best interest to get this matter taken care of.

##### **NEW BUSINESS:**

##### **Request for Qualifications (RFQ) Police/Fire Station Project:**

Robinson explained that there is an RFQ for the new Police/Fire Station project (see attached), however, it was not sent out and the dates must now be revised (see attached). Robinson noted that they will have to summarize the RFQ's intent so that it can be posted in the newspaper (Union Leader & The Courier). Robinson asked if Town Engineer Ray Korber has been involved in, or consulted with about this project. Ham responded that he has not. Town Manager Burbank commented that he is going to suggest to the Building Committee that Ray be brought in, and used as a point of contact for any inquiries going forward.

**Chamber of Commerce:**

Robinson explained that he has spoken with the Chamber of Commerce and they will be contacting DPW Director Hadaway about making arrangements to hang up their new banners, and they will also be leaving several of their Covid Safety banners in place.

**Linwood High School Homecoming:**

Selectman Ham commented that last weekend's Homecoming was awesome, as it was their first event since the pandemic started.

**Riverfront Skate Park:**

Selectman Ham informed the board that East Branch Builders donated \$10,000 to the Skate Park which brings their total donations up to \$97,000.

**State Legislative Update:**

Chairman Robinson read the following update from the State Legislature: "Effective August 3, 2021 several relative RSAs were amended to allow out-of-state banks with a branch in New Hampshire to accept deposits and investments of public funds from the state treasurer, and the city, town and school district treasurers." Robinson explained that questions arose about using local banks that were not chartered in the State of New Hampshire, and this update addresses those concerns.

**Public Participation:**

Bill Conn asked the board for a breakdown on what the Town has paid to attorneys for engineering and legal expenses from January 1<sup>st</sup> to the present.

Paul Beaudin provided an update to the board on the CIP committee, and they have met with all of the individual departments and will be holding their final meeting tomorrow (9/28/21). Beaudin expects to be presenting to the Planning Board within the next couple of weeks.

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**VI. NON-PUBLIC Session Pursuant to RSA 91-A:3(III) (c)**

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

**Motion: OJ Robinson**

**Seconded: Tamra Ham**

**All in favor**

The Board of Selectmen went into Non-public session at 6:56pm

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

**Motion: OJ Robinson**

**Seconded: Jack Daly**

**All in favor**

The Board of Selectmen came out of Non-public session at 7:30

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**VII. ADJOURNMENT**

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

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**MOTION: "To adjourn."**

**Motion: Tamra Ham**

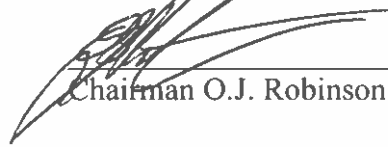
**Second: Jack Daly**

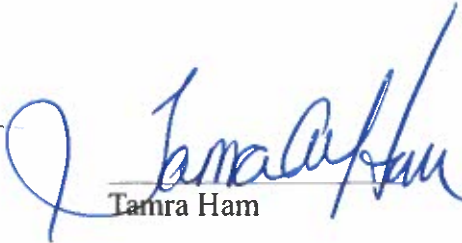
**All in favor.**

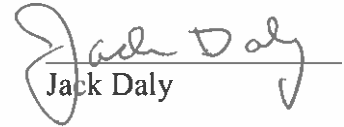
The meeting adjourned at 7:35 p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date: October 18, 2021

  
Chairman O.J. Robinson

  
Tamra Ham

  
Jack Daly



**September 27, 2021**  
**Board of Selectmen's Meeting**  
Please **PRINT** Legibly

Debbie Celino

(Print Name)

Jim Welsh

Debbie Celino

(Sign Name)

Jim Welsh







TOWN OF LINCOLN NEW HAMPSHIRE  
**P L A N N I N G &  
Z O N I N G**  
D E P A R T M E N T

PLANNING BOARD  
ZONING BOARD OF ADJUSTMENT

August 25, 2021

**VIA HAND DELIVERY**

Butch Burbank, Town Manager Board of Selectmen

RE: Concerns with South Peak Development

Dear Butch and Board of Selectmen:

On behalf of the Lincoln Planning Board, I am writing to express our concerns regarding the status of the South Peak Development. First, we are in receipt of an email from Brian Crowley of 11 Hemlock Drive to "Town Hall" with the subject "to Chairman of Planning Board." Similar letters have been sent to the Town from Arthur Remillard, Stephen Klar and Brian Holub. All of these homeowners expressed concerns regarding the lack of enough water pressure or volume of water from the hydrants needed for the Fire Department to deal with a property fire. These emails asked that this issue be given the proper attention by the Town and that the original agreements be enforced. We wanted to make sure that you were aware of these emails and that you are taking the appropriate steps to address the important issues raised. Obviously, working fire hydrants are essential.

In addition, it has come to our attention that some of the houses being built in the South Peak Development may exceed the square footage that was originally approved. Appendix D of the South Peak Resort Design Guidelines, under Section IV (Architectural Guidelines), C (Scale and Square Footage) was part of the approved South Peak Resort Master Plan application and states that "a home's total building square footage shall range from 2,500 sf to 6,000 sf."

This same 6,000 sf restriction appears on page 19 of the South Peak Resort Architectural Review Board Residential Design Guidelines, under Section IV (Architectural Guidelines), C (Scale and Square Footage) that was part of the South Peak Resort Plan revision dated May 18, 2020.

"Building square footage" is further defined under Section VII (Glossary of Terms) that was part of the original approved South Peak Resort Master Plan on page 63 and no changes to the definition were made on page 62 in the revision dated May 18, 2020.

***Building Square Footage*** – The sum of all gross horizontal areas of all floors of a building measured from the exterior face of walls of heated, finished space including but not limited to, stairways (counted on the main level only), lofts, halls, habitable attics, closets, storage, mechanical and utility areas. Garages and unfinished space in basements are excluded.

In addition, based on the Engineering Basis of Design for South Peak, the number of bedrooms that was utilized by the developer's engineers for residential use in South Peak was between 1.75 and 4.0.

**Please communicate with Town Staff regarding the importance of future applications for construction in South Peak to comply with the approved size requirements for residential structures. By sending them a copy of this letter we are so notifying the South Peak ARB.**

Sincerely,

A handwritten signature in black ink, appearing to read "James Spanos". The signature is fluid and cursive, with the first name "James" being more prominent than the last name "Spanos".

**James Spanos, Chairman Lincoln Planning Board**

**Cc: South Peak Architectural Review Board**



# **REQUEST FOR QUALIFICATIONS**

## **CONSTRUCTION MANAGEMENT SERVICES**

**Town of Lincoln**

**Police-Fire Station Project**

### **INVITATION:**

The Town of Lincoln, New Hampshire is soliciting qualifications from firms interested in providing Construction Management Services and performing a preliminary design study relating to the final design and construction of a new Police/Fire Station Complex for the Town of Lincoln, NH. The Town intends to construct a new facility to serve as the Police and Fire headquarters. The purpose of the Request for Qualifications (RFQ) process is to identify qualified firms to provide Construction Management Services as outlined in the Scope of Work described later in this document.

### **RESPONSES:**

All responses to this RFQ shall be submitted in such form and quality, and at the location as is provided in this Request. The response must be submitted no later than October 29, 2021.

### **PROJECT DEFINITION/DESCRIPTION:**

The Town of Lincoln intends to construct a new 30,000 to 45,000 square foot police and fire station complex on property located at the north west corner of the intersection of Pollard Road and Mansion Hill Road. The individual or firm that is awarded the contract contemplated by this RFQ may also be considered for the final design services contract. Should the Town decide to proceed with any subsequent project as a result of the preliminary design study, the selected firm will be required to provide construct management services during the final design and construction document phase (preconstruction phase) resulting in a Guaranteed Maximum Price at the end of the preconstruction phase as well as management of all phases of construction, including procurement of all related subcontracts necessary to construct the building and coordinating with all vendors and contractors contracted with directly by the owner. The above description is preliminary. The scope and phasing of the project may be subject to change as the final design develops. The Town wishes to select the CM for preconstruction services in October, 2021 with the intent of awarding the contract for construction to the selected CM.

### **BACKGROUND:**

The Town of Lincoln has separate police and fire facilities. The Fire Department building is 4667 square feet located on Church St. It contains four single-engine bays as well as office and meeting spaces. The Police Department is located in the basement of Town Hall on Main St. The basement of the building has 5489 square feet which encompasses a dispatch center, booking room, single bay garage, and office space. The Town of Lincoln owns a 2.8-acre undeveloped parcel of land at the intersection of Pollard Road and Mansion Hill Road.

### **VISION:**

The Building Committee thinks that combining the Police and Fire Department facilities and increasing the useable square footage for each department is the best direction for the Town of Lincoln. The Committee is interested in designs that incorporate energy efficiency, solar technology, the latest "green" building designs and trends, and with sufficient foresight to anticipate the growth of the Town and its future needs regarding service.

It is estimated that the Fire Department portion should be approximately 15,000 square feet which may include four drive through bays – two trucks deep, sleeping quarters for eight, storage rooms, training area, locker rooms, decontamination area/room, and ample office space for the increasing responsibilities overseen by the Fire Department.

It is estimated that the Police Department portion should be 14000 square feet which would include a centralized dispatch center with three consoles, evidence room, six adult and one juvenile cell (sight and sound separated from adults), detectives office area, officer's room, storage rooms, locker rooms, administrative office area, additional training room, and a drive through garage/sally port large enough to hold 8 full sized SUV's.

In addition to the separate sections of the facility, the Committee believes that there are some parts of the facility that could be shared between the departments. The shared portions of the facility would include kitchen area, fitness room, conference room (separate from training), lobby area, receptionist area, and mechanical / electrical rooms for building operations.

### **CONSTRUCTION MANAGEMENT SCOPE OF SERVICES:**

The following is an overview of the services that will be included in the contract to be negotiated between the Town of Lincoln and the selected CM Firm. The final Scope of Services together with the CM fee will be included in the final executed Agreement.

The Construction Manager shall be expected to perform all professional services consistent with the industry-accepted roles of a Construction Manager. In general, they shall include, but not necessarily be limited to:

#### **Pre-Construction Phase Service:**

Conceptual documents as necessary to represent the project to the town.

Evaluate prospective building sites for project development and constraints.

Attending meetings with the Owner and/or Architect as necessary throughout the final design and construction document phases.

Providing recommendations regarding potential design improvements, materials, equipment selections, as well as cost/time savings alternatives.

Provide construction cost estimating services at the end of Schematic Design, Design Development, 50% Construction Documents and again at the 100% construction document phase.

Final Construction Documents shall comply with all local, state and federal codes and regulations.

At the conclusion of the Construction Document Phase, provide a Guaranteed Maximum Price (GMP).

#### **Construction Phase Services:**

Assume charge of, and responsibility for, all Project construction scheduling, including but not limited to, all construction activities as well as integrating the schedules related to work provided by the Owner's vendors/subcontractors.

~~Management of all construction Sub-bidding, including the pre-ordering of long lead items. The CM shall be responsible for all construction trade subcontracts with the exception of those required by the Owner's vendors.~~

Construction phase management, coordination, inspection, supervision, safety and quality control services.

Construction phase permitting, records and accounting.

#### **SUBMITTAL CONTENT / CRITERIA FOR SELECTION:**

The purpose of this process is to identify qualified firms that are the most capable of providing the described services. The following criteria will be used to assess the candidate's qualification for this project. Please submit responses with lettered tabs corresponding to the following:

- Construction Management philosophy approach to construction in general.
- Prior Construction Management experience with projects of similar scale and complexity.
- Prior experience with public-sector clients and processes for projects of similar scale and complexity.
- Clear understanding of the functional and operational aspects of a modern-day police/fire station facility.
- Professional qualifications of individuals assigned to the Project (primarily designer project manager and jobsite superintendent).
- History of effective schedule and budget management for projects of similar scale and complexity.
- History of CM's dynamic ability to work with Town Leadership and Contractors alike and foster a positive working environment.
- Five references from communities that the CM has worked with in the last five years.
- Demonstrate ability to provide insurances and bonds as required by contract.

#### **PROCESS FOR SELECTION:**

The Town retains the right to waive any informality, to reject any or all Proposals, or to accept any Proposal it may determine to be in the best interest of the Town of Lincoln, New Hampshire. The Construction Manager RFQ Selection Process and Schedule as outlined herein shall be considered subject to change as required by the Town.

It is the intent of the Town to review all submissions and create a short-list of candidates to interview based on the qualifications submitted. Subsequent to these interviews, the candidates will be ranked in order of preference and their proposals reviewed. The Town will then select a CM to enter into an agreement with. If an agreement cannot be reached with the Town's first choice, they will proceed to the next highest scoring candidate until an agreement can be reached.

#### **CONTRACT:**

The contract to be used by the Town for this scope of services is intended to be the most current version of AIA 141 Standard Form of Agreement Between Owner and Construction Manager as a Constructor (where the basis of payment is the cost of work plus a fee with a guaranteed maximum price).

Additionally, the following is intended to apply to the scope of the contract:

It is the intent of the Town that as much of the work as practical be competitively sub-bid by not less than three pre-qualified sub-bidders for each trade or bid package. All subcontractors shall be subject to the acceptance of the Town. All qualified sub-bids shall be reviewed with the Town, Architect, and CM for eventual presentation to, and approval of, the Board of Selectmen. Committee may conduct a preliminary review of sub bids before selection and presentation to the Board of Selectmen. Such approvals shall not be unreasonably withheld.

Terms and conditions of the Agreement between the Town of Lincoln, New Hampshire and the Construction Manager shall take precedence over all prior understanding and/or Agreements, if any, including the Request for Qualifications.

The Town of Lincoln, New Hampshire may at any time terminate the services and/or contracts with the Construction Manager for the Town's convenience and without cause. In case of such termination for the Town of Lincoln's convenience, the Construction Manager shall be entitled to receive payment from the Town of Lincoln, New Hampshire limited to the actual documented expenses of the Construction Manager as of such date of termination.

It is expected that the Construction Manager will submit requisitions for completed work on a monthly basis and that 10% retainage will be withheld. There will not be a shared savings clause; all savings will revert to the Town of Lincoln, New Hampshire. Monthly "Waiver of Liens" will be required prior to payment of the following month's invoice.

Award of a contract to the successful proposal shall be contingent upon the Town of Lincoln securing all necessary Federal and State Land Use Permits, Voter approval of the Warrant Article at the next Town Meeting for the Bond, Public Safety Building constructions and securing the necessary financing for the project.

The Town of Lincoln, New Hampshire is an equal opportunity employer. Qualified proposals will receive consideration without regard to race, color, religion, creed, age, gender or national origin.

#### **SUBMITTAL REQUIREMENTS:**

*Submittal Documents- Format should follow these instructions carefully.*

One electronic copy (pdf format) of the Qualifications Submittal, including attachments, are required. Submit to [townmanager@lincolnnh.org](mailto:townmanager@lincolnnh.org).

The electronic copy must be clearly labeled on the outside with the Respondent's name and the project identification. "Request for Qualifications for Construction Management Services Relating to the Lincoln Police/Fire Station Facility."

Submittals shall be delivered to the following addressee on or before 4pm October 29, 2021:

Town Manager  
RFQ for the Lincoln Police/Fire Station Facility  
148 Main Street/P.O. Box 25  
Lincoln, New Hampshire 03251

Proposals must be received by the time stated at the address listed above. Any proposals received after the deadline will not be considered.

Faxed proposals will not be accepted.

Submittal Content: Each Submittal shall be organized in the following order:

#### **Cover Page:**

The title, "Request for Qualifications for Construction Management Services Relating to the Lincoln Police/Fire Station Project"

The name of the Respondent, and

The Submission date.

**Transmittal Letter:**

Include a short Transmittal Letter.

**Proposal Content:**

The proposal content shall correspond to the above article regarding Submittal Content/ Criteria for Selection.

**RESERVATION OF RIGHTS:**

The Town of Lincoln, New Hampshire reserves the right to reject all firms, decline to proceed with selection of any candidates, to request additional qualifications, and to make inquiries as may be necessary to verify qualifications.

Nothing in this document shall require the Town of Lincoln, New Hampshire to proceed with design and/or construction services.

Costs incurred for preparation of a Proposal in response to this RFQ shall be the sole responsibility of the firm submitting the proposal.

**ADDITIONAL INSTRUCTION, NOTIFICATIONS AND INFORMATION:**

The Town of Lincoln has the sole right to;

1. Evaluate the qualifications submitted;
2. Waive any irregularities therein;
3. Reject any or all respondents submitting qualifications should it be deemed in the Town's best interest to do so.

An RFQ pre-submittal conference will not be held. The Town welcomes questions on or before October 15, 2021 regarding this solicitation. Questions should be addressed in writing to:

Town Manager  
RFQ for Lincoln Police/Fire Facility  
148 Main Street/P.O. Box 25  
Lincoln, New Hampshire 03251

