

LINCOLN BOARD OF SELECTMEN'S

APPROVED

MEETING MINUTES

JANUARY 25, 2021 – 5:00PM

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 Administrative Assistant Jane Leslie.

**Public Present via Zoom Video Conferencing:** Dave Beaudin and Paul Beaudin

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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 11, 2021 as amended."

**Motion:** Tamra Ham

**Second:** Jayne Ludwig

**All in favor.**

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**III. OLD/NEW BUSINESS**

**Town Manager's Report**

**Extension of Outdoor Dining:**

Town Manager Burbank explained that he has received cursory inquiries concerning the board's intentions on extending outdoor dining this coming spring for local restaurants, and asked the board if they had any thoughts on how they would like to proceed with this. Chairman Robinson asked both the Police and Fire Chiefs if they had any issues or concerns with last year's outdoor dining, once the restaurants were approved and established to serve outdoors. Chief Beard responded that after he went around to the local businesses and reviewed the guidelines and setup protocols with the individual establishments, he did not have any problems or concerns, and found that the operations were consistent throughout the summer. Chief Morris agreed, and found that local businesses were very receptive, and overall, he felt that they did a fantastic job. Burbank commented that as a result of this *temporary* practice, it was his opinion based on recent discussions with local business owners, that outdoor dining financially saved a lot of businesses, and both the owners and customers enjoyed the outdoor dining experience. Burbank explained that he could see this becoming a standard practice going forward if the board did not have any objections. Selectman Ham commented that this would most likely have to go before the Planning Board. Ham also noted that she did not have any issues with allowing outdoor dining again this spring due to *Covid related* issues, however, just as the restaurants had to file an application last year to extend their outdoor dining, she feels that they should have to do the same again this year (with a specific start/end date). Selectman Ludwig agreed with Ham that applicants should have to reapply, and that this is being extended again this year *only* because of *Covid-related* issues. Ludwig feels that if this was to become the norm (outside of Covid-related circumstances) they would have to look at parking situations which would increase due to the additional restaurant seating.

The board agreed to allow for the extension of the outdoor dining for *Covid purposes only* with the following conditions: (1) restaurant must file a new application for outdoor seating, and note if they will be following their same protocol as last summer, and if anything changes with their outdoor seating

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plan(s), the Police and Fire Chief will have to reinspect the site, (2) outdoor dining extended for Covid purposes only, and, (3) no increased restaurant capacity; must stay the same as the original permit approval pre-Covid situation (indoor & outdoor seating must not exceed original approved restaurant capacity). **Note: any restaurant can submit a new application to the Planning Board if they wish to make any permanent changes.**

The board agreed to put this on the agenda for February 8<sup>th</sup> to discuss whether or not to vote on extending the outdoor dining allowance in the spring with the following conditions: (1) must file a new application, (2) temporary for Covid purposes only (*not permanent*) (3) total restaurant capacity cannot exceed pre-Covid capacity.

### **Castlebury Craft Fair**

Town Manager Burbank notified the board that Terry Mullin (Castlebury Fairs sponsor) has submitted a request for the 2021 summer and fall craft fairs. Burbank explained that Ms. Mullin had reached out to Loon Mountain last summer at the Selectmen's urging as a potential site to host her fair(s), however, Loon Mountain declined Ms. Mullin's request, although they did offer her suggestions for alternate locations. Burbank explained that he and both the Police and Fire Chief have concerns for this year's fair (just as they did last year) as far as traffic and parking issues are concerned due to the influx of new businesses at The Village Shops. Burbank acknowledges that this fair has been a great asset to the community and many visitors look forward to attending it, however, it has clearly outgrown itself after all these years. Chairman Robinson commented that he is surprised that there is not a lot of pushback from the tenants at the plaza. Chief Beard responded that he does not believe that the store owners are aware that Ms. Mullin is applying for a permit this early in the year, however, Beard noted that he recently had a conversation with the One Love Brewery owner who had expressed concerns about the fair, as it takes up a lot of the Village Shops parking area. The brewery owner explained to Beard that he has experienced significant growth in business over the past year, and he fears that the craft fair(s) will cause him to lose a good deal of this business (particularly on holiday weekends). Beard added that another new restaurant recently opened up at the Village shops along with other new businesses, and the winery has also expanded into the conference area at the Village Shops. Selectman Ham felt that they need more input from the surrounding businesses and town residents, and noted that they cannot make a decision until they actually receive a formal application from Ms. Mullin (whether to approve/or not approve). Robinson suggested that once the application is received, the town should notify the abutters so that they have an opportunity to weigh in, and he also agreed that the fair has outgrown itself.

### **South Peak Water/Sewer Request**

Town Manager Burbank referred to an email that he forwarded to the board earlier in the day concerning water/sewer, and an interest in developing potentially 22 lots up on South Peak in the coming year. Burbank further explained that some of the proposed lots to be sold (if they get the Attorney General's approval) are at, or above the 950' elevation, which brings up the issue with the South Peak booster pump station. Burbank wanted the board to be aware that he is working on crafting a response to this request for the town to confirm in writing as to whether or not they can provide water and sewer services to these lots. Chairman Robinson commented that any response that is drafted should go before the Board of Selectmen first, and suggested that they discuss this matter further during non-public session tonight.

### **Covid Vaccination Clinic**

Town Manager Burbank informed the board that the Covid vaccination clinic is scheduled to give out the first of two vaccines on Thursday, January 28<sup>th</sup> at the Community Center parking lot. Burbank added that the First Responders are scheduled to get their second vaccine shot on February 4<sup>th</sup>.

### **Community Center/Childcare Center/Senior Center multi-year lease (3-year)**

Town Manager Burbank explained to the board that the Childcare Center and the Senior Center are each looking to sign a 3-year lease (rather than a 1-year), which would have to go before a Town Meeting vote in March as required by RSA 41:11-a. Selectman Ham suggested that the same wording be used as last year's warrant article for the Snowmobile Club's multi-year lease. Selectman Ham explained that the Senior Center's recent lease renewal is for a term of 3-years with a caveat that states, "*this three (3) year lease term is contingent upon approval by the voters at Lincoln and Woodstock at 2021 Town Meetings. If Lincoln and Woodstock voters do not approve of the multi-year commitment, this lease reverts to a one (1) year lease and will expire on December 31, 2021.*"

### **Taxpayer Request**

Town Manager Burbank referenced an email received from the Tax Collector explaining that a taxpayer had requested a credit on their late fees (\$17.88) due to the US Postal Services delayed delivery of her tax payment. Selectman Ham understands the situation for this particular taxpayer, and explained that they must fill out an abatement request, and at such time, the Board of Selectmen will decide whether or not to grant it.

### **Industrial Business Park**

Town Manager Burbank reminded the board that they had extended the Sullivan's land offer for lot #4 in the Industrial Business Park to the end of January 2021, and to date they have not heard back from the Sullivan's. Burbank asked the board how they would like to proceed, and suggested that the board do away with all prior offers and reset the clock, and if they decide to do anything here going forward, they can start from scratch. Selectman Ham agreed, and noted that the board was sympathetic to the Sullivan's plight as a result of the Covid pandemic and feels they did the right thing by extending their offer, however, if the deadline is the 31<sup>st</sup> of January, then the lot should be put back on the market. Selectman Ludwig agreed and feels that it is unfair to tie up this lot for the sake of holding it for someone, and other people should have the option to purchase it. Robinson commented that there are other lots available in the Business Park, and he would like to hear a compelling argument as to why someone would want this particular lot and not one of the other vacant lots that are for sale. Robinson reminded the board that the purpose of this business park was not to sell land, but rather to bring quality jobs to the town (manufacturing, services etc.) and he did not want to interfere with the potential expansion of an already established business in the park. Selectman Ham added that the board did the right thing holding the lot for the potential buyer in light of the unexpected Covid pandemic, and granting extensions, however, it has been 10-months, and it is time to move on.

### **NEW BUSINESS**

#### **Notice of Offices Available for Filing**

Town Manager Burbank reminded the public that anyone wishing to file a *Declaration of Candidacy* for the upcoming town elections can do so now through Friday, January 29<sup>th</sup>. Chairman Robinson reviewed the following town office seats available for filing as follows:

Budget Committee	(4) three-year terms
Budget Committee	(1) two-year term
Cemetery Trustee	(1) three-year term
Library Trustee	(2) three-year terms
Planning Board member	(2) three-year terms
Board of Selectman	(1) three-year term
Treasurer	(1) two-year term

Trustee of Trust Funds	(1) three-year term
Trustee of Trust Funds	(1) two-year term
Zoning Board member	(2) three-year terms

### **March Town Meeting**

Chairman Robinson asked the board if they were all in agreement to hold the Town Meeting at the school if the School Board and SAU are willing to allow a live, in-person meeting to be held there (with masks and social distancing), and the Selectmen agreed. Town Manager Burbank explained that he received an email from Moderator Wetherell who has spoken with Superintendent, Judith McGann who informed him that the School Board would be discussing and voting on this matter during this week's board meeting. Robinson noted that if the School Board has any concerns with the daytime elections (people in and out of school all day), he has no problem with holding the voting at Town Hall, and then conducting the business meeting at the school at night. Town Manager Burbank commented that there may be residents who are not comfortable with attending in-person voting, and they will have to make absentee ballots available to them as well as zoom accommodations for remote access during the business meeting so that the public can ask questions.

### **Water Meter (warrant article)**

Chairman Robinson recommended that all three Selectmen present the water meter bond article along with some of the Water Committee members at the Town Meeting so that it is a thorough, well-thought out, and an organized presentation. Town Manager Burbank noted that he has already asked Town Engineer, Ray Korber and Dave Fox (Raftelis) to be available for the February 4<sup>th</sup> Public Hearing, and the Town Meeting to address any questions or concerns that may arise, and noted that the Raftelis Water and Sewer Rate Study as well as the Water and Sewer Rate Options would be available on the town's website. Robinson asked Ludwig, as Selectmen's Rep for the Budget Committee if she would take the lead on presenting this warrant article, and explaining the water meters with the assistance of the other two Selectmen. Ludwig was fine with introducing the concept of the water meters, and Ray Korber and Dave Fox would be able to get more in-depth with the technical aspects of the project, as well as the proposed rate structure.

Robinson explained that he was encouraged that the Water Committee voted overwhelmingly for "option #2" on the proposed rate structure analysis (Selectman Ham noted that she had voted for option #1) and is convinced that this is the better option. Ham explained that they will need to have information on their "intention(s)" when they begin charging for water, which is, (1) to raise enough money to pay for the bond, and, (2) to pay for the water and sewer department budgets. Ham explained that calculations will have to be done to decrease the water and sewer budgets from the General Fund (taxes will go down), and then figure out a dollar amount to charge for water that will cover both the water and sewer budgets; infrastructure costs, and bond fees. Ham remarked that it is important that the public is aware that they are *not* paying for the water meters separate from their tax bills, as this is not the case. Selectman Ludwig added that the conservation aspect of the water meters is also very important, particularly in light of the recent drought that the town had experienced. Robinson feels that there are three important components to the conservation aspect: (1) when there are drought situations, (2) for the overall good of the planet, and, (3) how conservation will translate into making the town's infrastructure more sustainable and last longer.

### **OLD BUSINESS**

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

**Motion: OJ Robinson**

**Second: Tamra Ham**

**All in favor.**

**The BOS went into Non-public session at 6:45 p.m.**

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

**Motion: OJ Robinson**

**Second: Tamra Ham**

**All in favor.**

The Board reconvened public session at 7:05 p.m.

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## **VII. ADJOURNMENT**

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

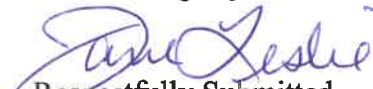
**MOTION: "To adjourn."**

**Motion: Jayne Ludwig**

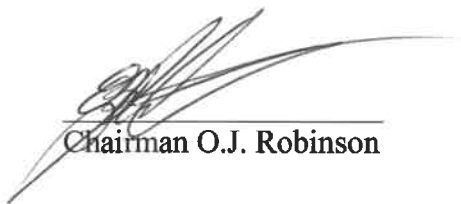
**Second: OJ Robinson**

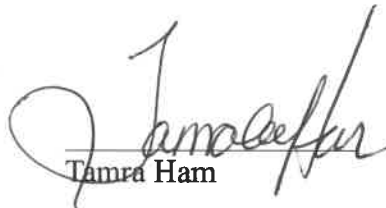
**All in favor.**

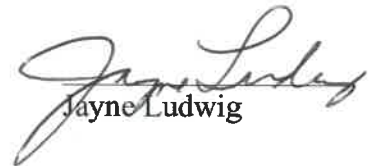
The meeting adjourned at 7:06: p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date: February 1, 2021

  
Chairman O.J. Robinson

  
Tamra Ham

  
Jayne Ludwig

## **Town Projects and Activities in Progress:**

The board reviewed the town's current *Activities in Progress* (part of the Town Managers report for ongoing activities) and reviewed the following:

-Riverfront Park Project

-**Water System Upgrades:**

- 1) Water Storage Tank
- 2) Pressure reducing valve (PRV) between Loon Village pressure zone and the Main pressure zone
- 3) South Peak booster pump station

-Level of service

- "The Pines" at Forest Ridge (retention ponds)

-Arthur Salem Business Park

-FEMA Risk Map Project (100/500-year flood plain)

-West Street Project (should be starting in the spring 2021)

-Asset Management Energy Audit

-**Sewer System:**

1. Capacity Study
2. Discharge Permit (NPDES)

## **Public Participation**

### **Transfer Station Security Camera System:**

Paul Beaudin asked the board if they have repaired the Solid Waste Facility's security camera system (this was originally discussed back in 2019, and again more recently). Town Manager Burbank responded that they have not been repaired as of yet, and not really a priority at this time because the Transfer Station no longer collects cash fees (no cash on site). Beaudin explained that he is more concerned with someone breaking in and vandalizing or stealing equipment. Town Manager Burbank noted that they will be looking at this again in the near future.

### **School Funding Formula:**

Paul Beaudin asked Selectman Ham what the status was of the school funding formula review process. Selectman Ham responded that the School Board had discussed the funding formula on September 17<sup>th</sup>, 2020 and noted that due to the current COVID conditions where large meetings would be challenging, the School Board had recommended that the review process be postponed for at least one (1) year. Ham added that Superintendent, Judith McGann had submitted an email to the town (and Woodstock BOS) that was read during the Selectmen's board meeting on October 5<sup>th</sup>, 2020 stating the same. Beaudin responded that it would be in Lincoln's best interest if they address this issue sooner than later.

### **Water Meters:**

Paul Beaudin commented that he feels it would be beneficial if the Select Board re-assures the tax payers that prior to *any* water rate changes/adjustments, there will *always* be a public hearing as well as public input. Chairman Robinson commented that this is an excellent point, and added that as is current practice, they need to continue to hold public hearings and input on expenditures as well.

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## ***VII. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (e) 2 legal issues- South Peak correspondence and attorney correspondence regarding Chenard lawsuit.***