

LINCOLN BOARD OF SELECTMEN'S

APPROVED

MEETING MINUTES

JANUARY 10, 2022 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(THE RECORDING OF THIS MEETING CAN BE FOUND ON YOUTUBE)

Board of Selectmen Present: Chairman, OJ Robinson and Selectman Jack Daly

Selectman Present via Zoom: Vice Chair, Tamra Ham

Staff Present: Town Manager, Carina Park Police Chief Chad Morris and Fire Chief Ron Beard

Staff Excused: Executive Assistant Jane Leslie

Public Present via Zoom: Paul Beaudin and Bill Conn

Public Present: Debbie Celino and Jim Welsh

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:30 pm.

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: “To approve the BOS Non-Public meeting minutes of December 13, 2021 as presented.”

Motion: Jack Daly

Seconded: Tamra Ham

All in favor

III. OLD/NEW BUSINESS

Town Manager's Report

Petition to increase the Elderly Exemptions:

Town Manager Park discussed a petition circulating around town to increase the *Elderly Exemption*. Carina questioned whether or not this issue was previously brought to the Board's attention. Selectman Ham explained that there had been an inquiry by a resident requesting that the Board take a closer look at the Elderly Exemption because there are seniors in the community that will not be able to afford to continue living in their homes due to the recent town wide revaluation. Ham apologized for not looking into this matter, and feels that this is something that the Board should do. Carina feels that it is important to support that sector of the community. The number of elderly exemptions given in one (1) year equals eleven (11); and in her opinion, she feels that it is fair and reasonable. Chairman Robinson was aware of the petition, as it started circulating immediately after the Board was asked to look into this matter. Robinson is in favor of this, because in addition to the age guidelines there are also income guidelines. Carina noted that the proposal is to increase the net income by five thousand dollars (\$5,000). Robinson is in favor of putting this article on the Warrant (Selectman's Article) with/without a petition. Selectman Daly agrees, and noted that it is good policy for the elderly citizens that have given a lot to this community over the years, and should not be forced to pay beyond their means.

MOTION: “To put on Town Warrant that Ages 65–75 years of age, increasing the exemption to sixty-five thousand dollars (\$65,000); from 75-80 years of age, increasing to eighty- five thousand dollars (\$85,000), 80+ years of age, increasing to one hundred twenty-five thousand dollars (\$125,000), with a net single person income of thirty thousand dollars (\$30,000), and the net married income to forty-five thousand dollars (\$45,000).”

Motion: Tamra Ham

Seconded: Jack Daly

All in favor

Final Rule on ARPA Funds (American Rescue Plan Act):

Town Manager Park discussed that there is now more flexibility with how the ARPA funds can be spent. When the Federal Funds were first announced, it was for specific expenditures (e.g., water, sewer, broadband, lost revenue, combating the pandemic etc.). Now they have opened up the categories and are allowing for more flexibility. Currently, this money is slated for the Water Storage Tank Project, but in the event that there were supplementary needs, the flexibility is now there. Selectman Daly inquired if some of that money could be used towards the West Street Project. Carina was not sure, and would have to look into this further. The greatest change was in the *lost revenue* category, in which you had to go through a specific formula to determine a certain percentage increase every year, and that was to be tied to increasing, based on the gross revenue which was initially set at 6%. Carina feels that due to the changes in this category, the money could go towards the West Street Project.

A discussion ensued on other possible opportunities to address the West Street Funding issue(s). Carina suggested looking into the Undesignated Fund Balance, or additional increases in the water and sewer fees. Carina also feels that they could find alternative ways without having to take this back to the voters requesting more money for the project.

Martin Luther King Day:

Town Hall will be closed on Monday, January 17th in observance of the Martin Luther King Holiday, and there will be no BOS meeting.

Joint Budget Committee with the Town of Woodstock:

The Lincoln and Woodstock Budget Committees will be holding a joint session next Wednesday, January 19th at 5:30pm at Lincoln Town Hall, and the BOS will meet prior to the Budget Committee at 4:30pm.

Wetlands Permit from Loon Mountain Corp.:

The Town received the Wetlands Permit Application from Loon Mountain Corp. for the installation of the new Seven Brothers chairlift that is being removed and replaced with a new chairlift.

Expenditure Spreadsheet:

An updated expenditure spreadsheet has been given to the BOS and there will be one (1) more pay cycle for 2021 (may change the bottom line figures a little). At the moment, there is a hefty surplus, and Carina has discussed this with Finance Director Johnna Hart and questioned how much she thinks will actually come out of the next accounts payable run. The highest case scenario would be about \$100,000 dollars. There will be a possible \$300,000 dollar surplus for 2021.

Warrant Article for Solar Panels for Kanc Recreational Center:

Carina explained that there was some discussion proposing that maybe the town could raise and appropriate some money for solar panels to be installed at the Kanc Rec Area for use in the future to help reduce the town's energy costs. The Warrant Article was for approximately thirty thousand dollars (\$30,000). Carina is aware that the BOS haven't had much time to discuss this matter, which is why she wanted to begin this discussion, and put it on next meeting agenda. Selectman Daly asked if there was grant money available for solar projects. Carina believes that there is, and Daly feels that if this is the case, why not try to get some grant money/matching funds before putting it on the Town Warrant. Selectman Ham explained that most solar grant money comes in the form of reimbursements and rebates. Once the Town raises and appropriates the money, it is then spent, and they then can apply for the rebates. The estimate on the energy savings will be approximately \$2,100 dollars. The payback period or return on investment would be fifteen (15) years if the town did not receive any rebates. Chairman Robinson would like to see more details and would like to be able to make a decision at the next meeting. Carina noted that the Undesignated Fund

Balance could be used for the funding of this project, as she believes it is best to be up front with the voters and let them know where the funds are coming from. Paul Beaudin commented that there may have been changes regarding the rebates on solar panels. Carina will do some research and have that information for the next Selectmen's meeting.

Update on Town Clerk/Elections Budget:

Town Manager Park explained that during the last Budget Meeting, they had adjusted the Town Clerk's Budget, as it was inputted twice because it used to be a combined position (Town Clerk/Tax Collector) and it is now separated. Carina believes that it was reduced by approximately \$150 dollars.

Update on Short Term Rentals:

Town Manager Park updated the Board that 151 Short-Term Rentals have registered to date (in 2021, 396 were registered). Robinson noted that fourteen (14) have responded and said that they will *not* be renting their units out, or have sold them (it would be expected that the 14 would come back online).

Tax Rate:

Selectman Ham addressed some concerns regarding property taxes. Ham stated that the tax rate is \$10.54 which is lower than the 204 other towns in the State of New Hampshire (the rates have not gone lower than that in 11-years). The Selectmen work as hard as they can to keep the budget as low as possible, and still take care of the residents and visitors, while maintaining the town.

NEW BUSINESS

COVID-19 Pop-Up Testing Site - Whale's Tail Water Park:

Town Manager Park discussed the proposed COVID-19 Pop-Up Testing Site at the Whale's Tail Water Park at 481 Daniel Webster Highway, Lincoln, NH 03251. The Town of Lincoln has been contacted by the New Hampshire Department of Health and Human Services (DHHS) along with Clear Choice MD, and they would like to hold a pop-up COVID-19 testing site in the Whale's Tail parking lot (West Hill). A plan was presented, and the back entrance of the Whales Tale would be the entrance point on to the property which would then split into two (2) lines. There will be a testing trailer which will allow for patients to come in and be tested, and then wait in their vehicles for the results. It is unclear if all test results will be given at the site, or if they will be available online. Carina is awaiting clarification regarding exactly how the test results will be communicated to the patients. If patients are to wait in their cars for the test results, they would exit the Whale's Tail parking lot from the southerly entrance.

There was a brief discussion regarding a Special Event Permit, and to have Clear Choice complete the paperwork. After speaking with Chief Beard and Chief Morris about concerns that they may have, it was determined that it would not be necessary for them to obtain a Special Event Permit (there were not any concerns, and there isn't any exact time frame for the end of the testing). The assumption is that the Whale's Tail will want the testing to end prior to the summer months. Carina discussed this with Town Planner Bont, and they determined it would be best for the BOS to make a motion due to the current pandemic.

Discussion:

Selectman Daly inquired about the length of time testing will be occurring at the site. Carina explained that this site will be a semi-permanent/temporary site running seven (7) days a week from 8:30AM-3:30PM depending on the ability to maintain adequate staffing. Advertising for the site will be on the DHHS's website and any COVID-19 resources. The site could be advertised on the Town of Lincoln's website, if it is deemed appropriate. The owner of the Whale's Tail Water Park has also provided written approval. Carina feels that this is good for the community as a whole. Chairman Robinson clarified that

the Whale's Tail will *not* be receiving payment other than reimbursement for electricity which will be coming from the food service building. Selectman Daly asked about snow removal. Robinson explained that the snow removal will be the responsibility of Clear Choice, and they will assume all liability associated (Insurance will be carried for everything).

MOTION: "To approve the request for a COVID-19 Pop-Up Testing Site at the Whale's Tail."

Motion: Jack Daly

Second: Tamra Ham

All in favor.

CITIZEN INQUIRY – West Street Project Budget"

Chairman Robinson reads the following expenses for the West Street Project:

- The Nelson bid was eight hundred seven thousand, nine hundred forty-six dollars (\$807,946).
- Paid to Nelson was one hundred thirteen thousand, three hundred ninety-six dollars (\$113,396).
- Paid to Caulder Construction was eleven thousand, four hundred seven dollars (\$11,407).
- Paid to Coleman, five hundred forty-seven thousand, nine hundred thirty-seven dollars (\$547,937).
- Paid to KV Partner, one hundred forty-nine thousand, one hundred thirty-eight dollars (\$149,138).
- Legal costs came out of the Legal Budget. The total balance due of three hundred ninety-one thousand, seven hundred three dollars (\$391,703) (most of which is due to Coleman).

Chairman Robinson asked Bill Conn if he had any questions. Conn questioned how much over the project was, and how much the bond was for. Carina responded that there was no bond taken out, and money was appropriated over a series of years. In 2016, the Town of Lincoln appropriated \$80,000; in 2017, the Town of Lincoln appropriated \$500,000, in 2018, the Town of Lincoln appropriated \$1,800, and water and sewer fees would be brought in because so much of the project was related to water and sewer totaling all together eight hundred seven thousand dollars (807,000)? Conn questioned where the remaining money would be coming from. Robinson responded that there is a need to come up with the remainder of the money. Daly asked if there was a lawsuit pending on this case. Robinson responded "yes", and the case is outside of this summary which is *Nelson vs. The Town of Lincoln*, where he's looking for the Town to pay him, and there is a lawsuit with *The Town of Lincoln vs. Nelson*, where the Town is looking for Nelson to pay for work not completed, and the major cost over-run on this project.

Conn asked "who will be accountable for this?" Conn is concerned with the taxes and how that tax money is being spent. He wanted to know who is accountable for this, and why there is such a large budget over-run. Bill questioned if it is the Town Manager, the Board of Selectmen, or the Engineer who is responsible. Robinson explained that the hiring of Nelson was a mistake. They have taken avenues to alleviate the cost of that mistake, and are still embroiled in a court battle. Robinson further explained that they kept the project on West Street going, and didn't stop to wait for the court case to be settled because the road needed to be done. The Town moved forward with the project, hired a more qualified company, and undid and redone some of the mistakes that Nelson made. The costs have also increased since the initial project began. As for taxes going up, Robinson explained that the taxes this year were the same as the previous year. The dollar amount raised to fund the town through taxes this year is exactly the same as last year regardless of the valuation of properties. Robinson agrees that the town is underfunded with West Street, and will resolve the issue. Conn questioned why the project went over budget, and why it wasn't addressed years ago. Robinson clarified that there were project updates, and they were aware that the Coleman bid was higher than the agreement with Nelson. Conn summed up his concerns as having to do with the amount of money that is paid to the engineers that are hired to work on town projects. He wants someone to be accountable, and wants to start with the Town's Engineer. Conn asked Town Manager Park what plans are in place moving forward. Park responded that she will mostly likely be taking a different

approach than the former Town Manager Butch Burbank did, as she has a financial background and can interject herself in some of these issues. Conn asked about the number of court cases that are currently open. Robinson listed five (5) pending cases. Dates have been set for two (2) cases, and they are waiting on dates for the others. Conn also expressed concern with how the town plans to find the money to fund the West Street Project, because those funds designated for other projects will be taken away from these new projects to pay for the completion of West Street. Daly commented that there was a problem with West Street, and they are working towards rectifying it and possibly getting a court decision in the Town's favor. Daly feels that moving forward, with the new Town Manager, there will be more scrutiny. He added that he would like to evaluate how bids are selected, and he would like to see at least three (3) before a decision is made. Daly is assured that the new Town Manager and the Board will work together, and a scenario like West Street will not happen again. Conn commented that it is the Board of Selectmen's job to set policy, and the Town Manager's job to implement the policy. He feels that the policies in the past haven't been followed.

Intermunicipal Agreement – Regional Municipal Prosecutor:

The Board reviewed the Intermunicipal Memorandum of Agreement between the Town of Lincoln, Woodstock, and Campton for the Regional Municipal Prosecutor. The Attorney General's (AG) office recommended that every contract and intermunicipal agreement should go to the AG's office for their approval. A provision was also recommended by the AG's office which states that there is no real property involved. Campton houses all of the real property because Campton has the computers and the desk, etc. Essentially, Lincoln and Woodstock are not responsible for any of the real property. This memorandum is the same except for the addition of the previously stated provision.

MOTION: "To sign the amended Inter-Municipal Agreement."

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

MOTION: "To accept the Memorandum of Agreement between the Town of Lincoln, Woodstock, and Campton for the Municipal Agreement for the Regional Municipal Prosecutor."

Motion: Jack Daly Second: Vice Chair Ham All in favor.

OLD BUSINESS:

UPDATED COVID-19 Policy for employees

Town Manager Park explained that she has updated the policies, and is essentially following the CDC Guidelines for Covid-19 verbatim.

MOTION: "To adopt the COVID-19 Policy for employees as presented by the Town Manager."

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

UPDATE Water and Sewer Tap Assessment Form:

Chairman Robinson discussed changes to the assessment form which includes changing "additional sink" to read "additional sink or dishwasher" (for a second dishwasher in the same unit). Town Manager Park mentioned that some units contain wet bars that include an additional sink, and sometimes an additional dishwasher. This will add one (1) calculation point for an additional dishwasher, as they use a small amount of water due to their high efficiency. The additional sink will also add one (1) calculation point.

Residential and Commercial Hot Tubs and Jacuzzi points will now be based on the size of the Hot Tub or Jacuzzi, and the number of gallons that they can hold. A tub that is for six (6) people or less (500 gallons

or less) is considered residential, and any tub for greater than six (6) people (more than 500 gallons) will be considered commercial.

Discussion

Selectman Ham feels water meters would be useful in measuring the actual water usage as many times the tubs are emptied for cleaning and refilling between guests. Ham feels that since there aren't any water meters, amendments to the tap fees will suffice for now.

MOTION: "To make the above-mentioned changes to the Water and Sewer Tap Fees."

Motion: Chairman Robinson Second: Selectman Daly All in favor.

LETTER of CREDIT with the new owner of South Peak Resort for building a Water Tank:

Chairman Robinson explained that the new owner of South Peak Resort (Mark Bogosian) will put off building the water tank that is required, as he waits for the Town to obtain approvals and plans to build a bigger, higher tank that will resolve multiple problems within the town, which he will pay a portion of. The bonding company denied Mr. Bogosian's bond due to the number of questions remaining around the Town obtaining approval, and the town constructing the water tank. A letter of credit, which is basically the same amount as the bond would be, has been obtained by Mr. Bogosian. Robinson explained that this needs to be signed in order for the project to get started. The town's attorney has reviewed the letter as well as the attorney handling the South Peak lawsuit, and even though he is not involved with this matter, by signing this, the Town will be taking the South Peak homeowners and FC Loon off of the counter lawsuit.

Selectman Daly has a concern which he has previously raised when the Town Engineer was present, that he does not believe that the town should be designing the water tank. Daly feels that per the original agreement with Centex, it is *their* obligation to design and build it. Daly thinks the BOS has the responsibility to decide, or put the burden on whomever is responsible under any agreement or existing agreement. Robinson disagrees with Daly on this issue. Robinson believes that the responsibility of Centex is to build a three hundred twenty-five thousand (325,000) gallon tank at a location on their land. It is their responsibility to build it and hire an engineer. As a favor to the town, instead of spending his money on the three hundred twenty-five thousand (325,000) gallon tank, he and the town have proposed a larger, higher tank, which will provide service to the Village of Loon Zone and to the Main Pressure Zone, as well as the South Peak Zone. It becomes the town's responsibility to build and design the larger, taller tank because it will feed the Village of Loon Zone and the Main Pressure Zone. Based on all of the changes that have been made, he doesn't feel a private developer should plan and design the tank. He wants the town engineer to develop a tank that is best for the town. Robinson wants to avoid being a third party to our own design. Once the tank is completed, it will become the property of the Town. Mr. Bogosian will be contributing the same amount of money that he would have had to pay for a smaller, lower tank. The town has agreed to a process to finalize the number which includes the cost of engineering. Selectman Daly would like to review the Weston and Sampson Engineering report to compare their numbers. Robinson disagrees and would like to wait and get the updated numbers on the larger, taller tank. Daly agrees it is a good idea to wait. Robinson added that Weston and Sampson came up with a theoretical number with four scenarios a few years ago. Paul Beaudin joined the discussion and added that the town had built a couple of tanks that have helped the town somewhat, but have always had problems. He recommends that the BOS look at the accountability factor. Whomever designs and builds the tank, should be held to some accountable standards. He would like to see language regarding accountability built into the final agreement.

MOTION: “To accept the Irrevocable Letter of Credit agreement between the Town of Lincoln and Janco and South Peak LLC.”

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

Public Works Director Vacation Time:

Chairman Robinson discussed DPW Director Hadaway’s unused vacation time from 2021, which the Town’s Personnel Policy states... *that any hours over 56 cannot be carried over into the new year.* The Selectmen worked with Mr. Hadaway because his department had two (2) employees that were out due to surgical procedures, and another employee who was out due to maternity leave, and he had dedicated his work efforts to the West Street Project for the entire summer. The Board agreed that Director Hadaway could take his unused vacation time into the next year (2022). A memorandum was drafted granting Director Nate Hadaway to carry over his unused vacation time into 2022. The BOS had previously agreed to this memo, and will sign it. No motion is needed at this time.

PUBLIC COMMENT:

Paul Beaudin responded to Selectman Ham’s comments regarding property taxes. Paul stated that his ninety (90) year old mother will now have to pay \$500 dollars more in taxes this year. The elderly exemption is important to her, and he would like the Selectmen to review the Veterans Tax Exemption to see if that needs to be updated or modified. Ham likes Paul’s suggestion to look into the Veterans Tax Exemption. Beaudin asked Town Manager Park about “Real Property” as it relates to the regional prosecutor. She clarified that the “Real Property” is the responsibility of the Town of Campton, and NOT Lincoln and Woodstock because they house and supply the office for the prosecutor. Beaudin asked Robinson how he plans to come up with the \$300,000 for the West Street Project. Robinson responded that they have not discussed that yet, but he has some ideas. Some money could be generated from Sewer and Water Tap Fees, or possibly from Grant money. Beaudin is also concerned with the traffic generated from Loon Mountain, and some have been parking on the Kancamagus Highway where the parking lot was. Beaudin added, that as a business person, it is very frustrating trying to get his help back and forth to work. Selectman Day responded that after the last BOS meeting, a committee was formed which consists of Chief Morris, Fire Chief Beard, Town Manager Park, Loon Mountains, Brian Norton, NH-DOT District Manager Phil Beaulieu from Lancaster and himself. They have a meeting scheduled for January 11, 2022, but Mr. Beaulieu who is a vital part of the grouping, is ill and cannot attend. They will reschedule that meeting and work towards a solution. Daly added that the cars that were illegally parked on the Kancamagus Highway received tickets. He also noted that this traffic issue impacts many people including full time residents, guests visiting, businesses, and can be a public safety issue as well. The goal is to alleviate some of the traffic, but it will not be possible to eliminate it all. Beaudin feels that the entrance to Loon is part of the problem, as the road feeding into Loon has been narrowed, and there was previously more turnaround room. He hopes that the State of New Hampshire can help to modify the road. Chairman Robinson added that the Town wanted and fought for a wider entrance, and would like to see it modified as well. Beaudin feels that Loon will continue to grow, and it is important to try and resolve this issue. Selectman Daly added that there are busses that Loon runs, but due to the lack of CDL drivers recently, they haven’t been able to run them which is adding to the problem because employees are now using the road and the parking lots.

Jim Welsh asked about the cost of the West Street Project, and how much above and beyond the second bidder was it. Chairman Robinson responded that the second bid was higher than the first. Due to unanticipated complications the cost went up. The original bid went up \$130,000. Mr. Welsh asked a question regarding Nelson’s placement of the manholes and whether they were placed where the engineer wanted them to be. Chairman Robinson isn’t sure how to answer the question as this matter is in litigation. Mr. Welsh is concerned that the town plans to hire the engineering firm that was involved with the West Street Project for the Water Tank Project. Chairman Robinson explained the Weston and Sampson will be the engineer for the Water Tank Project, and they were the firm that worked on the water treatment plant, and other water reconstruction related engineering for the town.

Total Expenses for the West Street Project:

Selectman Ham asked Chairman Robinson to review the expenses paid totaling nine hundred eighty-three thousand dollars (\$983,000). Town Manager Park explained that the number includes all contractors that were paid, not just the principal contractors.

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

There was no Non-Public session.

V. ADJOURNMENT

MOTION: "To adjourn."

Motion: Vice Chair Ham

Second: Selectman Daly

All in favor.

The meeting adjourned at 7:02 p.m.


Respectfully Submitted,
Judy Sherri/Jane Leslie

Approval Date: February 14, 2022


Chairman O.J. Robinson


Tamra Ham


Jack Daly

January 10, 2022
Board of Selectmen's Meeting
Please PRINT Legibly

Debbie Celino
(Print Name)

Jim Welsh

Debbie Celino
(Sign Name)

Jim Welsh

