

**LINCOLN BOARD OF SELECTMEN'S**

**MEETING MINUTES**

**FEBRUARY 7, 2022 – 5:30PM**

**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

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

**APPROVED**

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

**Staff Present:** Town Manager Park, Fire Chief, Ron Beard and Executive Assistant Jane Leslie.

**Public Present:** Debbie Celino and Jim Welsh

**Public Present via Zoom Video Conferencing:** Michael Weden, David Beaudin and Paul Beaudin

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**I. CALL TO ORDER**

Chairman Robinson called the meeting to order at 5:34 pm.

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**II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING**

**MOTION: “To approve the BOS meeting minutes of January 24, 2022 as amended.”**

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

**MOTION: “To approve the Non-public BOS meeting minutes of January 24, 2022 as presented.”**

**Motion: Tamra Ham**

**Second: Jack Daly**

**All in favor.**

Robinson explained that there were two different schools of thought on how much information should be disclosed in Non-public Meeting Minutes: (1) initially, Town Counsel suggested that the minutes be vague and not provide specific details on whatever the content of the non-public discussion was, (if the minutes were detailed, they would have to be sealed) and then, (2) another opinion recommended that the minutes be more descript. Robinson feels that the board needs to strike a balance between over-explaining and being “too generic” and not having to seal every set of non-public minutes. Tammy explained that she typically writes a brief summary of the non-public discussion and reads it to the Board prior to emailing them to Jane Leslie. Jane recommended the board review the Town of Woodstock’s non-public minutes that are a bit more descript but not enough information that they have to be sealed.

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**III. TOWN MEETING WARRANT ARTICLES**

Town Manager Park asked to review the warrant articles and the order that they will appear on the warrant prior to the finalizing of the warrant. There was a brief discussion and questions about consolidating the Capital Reserves into one (1) or two (2) warrant articles in the future so that there are not 13 separate articles that need to be voted upon. Park to research some additional information and follow-up with the Board.

The following is a breakdown on which warrant articles the individual Selectmen will be discussing during Town Meeting:

**Operation Budget:** Tamra Ham

**Unused Bond Proceeds** (Pollard Road Sidewalk; Levee-Unused bond proceeds, Beechwood One Roads): Tamra Ham

**Capital Reserve Articles:** Jack Daly

**Highway Block Grant Program:** OJ Robinson

**Police Cruiser:** OJ Robinson

**Conceptual Design Services-Police & Fire Building:** Tamra Ham

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**Modify Veteran's Tax Credit:** OJ Robinson  
**Modify Service-Connected Disability Credit:** OJ Robinson  
**Modify Elderly Exemption:** OJ Robinson  
**Deed Restriction:** Jack Daly

\*Moderator Robert Wetherell will be joining the Board of Selectmen's meeting on Monday, February 28<sup>th</sup> to go over the warrant articles and any other Town Meeting business that needs to be discussed.

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

##### **Town Manager's Report**

##### **South Peak Water Tank:**

Weston & Sampson (W&S) Project Manager, Sam Kenney was informed by the US Forest Service (USFS) that a survey of the disturbed area of land would be required in order for this project to be put on the spring project schedule. Kenney is going to continue to work with the USFS to see if there is any way to circumvent this requirement, as accurately depicting the disturbed area and topography will be difficult with the vast amount of snow coverage. In the event this requirement is not waived, we will complete the survey this spring/summer to be placed on the Fall SOPA. Robinson asked Park if DES has any influence over the USFS; and if she could get DES involved to intervene so that the Town does not lose its funding or opportunity to collaborate with the new South Peak Developer who has offered to contribute towards the costs for a new water storage tank.

##### **NHDES Wastewater ARPA Grant Program:**

The Town has applied for a grant in the amount of \$215k through NHDES for facility energy improvements at the Wastewater Treatment Plant. The total estimated cost of the project based on the energy audit is \$255k, however, the NHEC has approved a \$40k rebate/incentive to help offset the grant.

##### **Chenard Junkyard Litigation:**

Town Attorney, Jason Dennis has spoken with Joe Chenard's' attorney regarding the final decision (the Town won/prevailed in this case in the Supreme Court) and what steps Mr. Chenard will be taking to clean up his property. Dennis is proposing a site visit sometime in April when the snow melts to establish a plan with the Town (i.e., fencing etc.). Dennis noted that if there are any issues that cannot wait until April, they can be discussed now. Robinson feels that since this is being delayed until April, there should be a written provision stating that no more junk can be brought on to the property(s).

##### **NHDOT/Loon Traffic Meeting:**

A meeting was held with Loon Mountain & NHDOT (Jack Daly, Chief Morris & Carina Park were present) regarding the increased traffic flow in town. Both long-term and short-term solutions were discussed, and all agreed that this would be the beginning of many conversations. In regards to short-term solutions, Loon has contracted with an SAU bus service out of Moultonborough to run more shuttles on the weekend. Additionally, DOT has agreed to utilize the overhead signage on I-93 to direct traffic to the escape route parking area. Chief Morris is also contacting the Department of Safety to see if we could borrow an electric message board to help direct traffic to the appropriate parking areas. Additional ideas discussed ranged from police details, use of breakdown lane, parking/corridor study, sign ordinance amendments, and temporary lane changes (use of bollards to create 2 lanes).

##### **Locality Equipment Purchase Program & DOJ Grant:**

Town Manager Park met with both Police Chief Morris and Chief Beard and discussed the following potential projects that would qualify for the program/grant:

1. Side-by-Side ATV and Trailer (currently uses a privately-owned ATV for all wilderness rescues (approx. \$20k). (Selectman Ham noted that the Public Works Department already has a side-by-side that the Fire Department could use when an emergency occurs).
2. Enclosed Trailer with storage capacity (approx. \$15k-\$20k)
3. Radios (3 needed to upgrade cruisers (approx. \$5k each)
4. Generator for Community Center and/or School Emergency Shelter

#### **DOJ Grant (relaxed COVID regs):**

1. Digital feedback radar/message board signage (\$5k-\$15k)
2. Health/Wellness incentives/training
3. PPE's

#### **Building Permit/Code Enforcement Update:**

1. 11 previously drafted permits received final approval
2. 4 new permits drafted & awaiting final review from Planner Bont
3. 3 permits in-queue for Town Engineer peer review
4. 3 new permits received (in-house review)

\*Park noted in total, there are approximately 12 permits left to be processed. Park further explained that in an effort to expedite some of the permits, she herself has signed off on them (rather than Planner Bont).

#### **New Town Hall Front Doors:**

Town Hall had new doors installed this day.

#### **OLD BUSINESS:**

##### **West Street Project - Using Highway Block Grant Money**

Robinson asked Carina if she was able to obtain information on whether or not they could use some of the Highway Block Grant money for the West Street project. Carina had not had a chance to do so yet, but would follow-up next week.

##### **Approved Medical Center**

Robinson asked if there was an issue regarding the Town approving the Medical Center application in relation to the driveway permit? Carina responded that the Medical Center folks will be coming before the Planning Board on February 23<sup>rd</sup> to request that the condition that the DOT Permit needs to be in-hand prior to them obtaining their Land Use Permit be *waived*. The Medical Center's primary argument is that the influx of the traffic is going to be related to the Medical Offices, and not the Urgent Care Facility.

##### **Fencing at the end of Pollard Road near I-93**

Robinson asked about the fence issue near Debbie Celino's house, and if Carina has had a chance to speak with DPW Director Hadaway about it? Nate will be replacing the fence with a chain link fence in the spring after the snow melts.

#### **NEW BUSINESS:**

##### **The Rapids:**

The Board reviewed documentation submitted by Wes Graves (LSMP 2018 Settlement Agreement whereas the Town of Lincoln had agreed to restore their permits to construct 78 duplex units). Selectman Ham asked if Mr. Graves request had been denied by the Planning Board? Mr. Graves was instructed to get put on the Planning

Board Agenda to figure out what the process is going to be moving forward. A discussion ensued concerning their original approval, and if anything is going to be changed, Graves will definitely have to go back before the Planning Board. Robinson noted that the message should be delivered that it is the Board of Selectmen's intention to act in good faith, and abide by the agreement that they would limit the approval process. The Board is ready to re-approve what was already there, however, if there are going to be changes, then at a minimum, this should be discussed before the Planning Board.

### **Lowering the CIP Threshold**

Selectman Daly commented that as a result of their recent meeting the other night, they had discussed possibly lowering the CIP threshold from \$15k to \$10k, and then creating another line for emergencies where unexpended funds could be put into. Ham noted that this would be up to the CIP Committee next year and not the Board of Selectmen. Robinson commented that he would be in favor of either one/ or both of these suggestions, but the \$15k limit has been in existence since the inception of the CIP program and it has worked.

### **School Budget Hearing**

Selectman Ham announced that the School Budget Hearing is scheduled for this Wednesday, February 9<sup>th</sup> at 6:30pm at the Elementary School.

### **Public Participation**

Paul Beaudin made several comments as follows: (1) relative to CIP changes, he believes that this is set by the Planning Board (e.g., increase/lower threshold) and if this is a change that the BOS would support, a letter from them should be able to accommodate the same; (2) relative to the DOT/Loon traffic meeting, was there any discussion about changing the entrance to Loon Mountain to a two-lane entrance so that they would have the ability to move more traffic quickly across the bridge? Park responded that they did not discuss this specifically, however, they did discuss allowing Loon to utilize the breakdown lane as a travel lane for turning purposes; (3) relative to a trailer for an ATV, Paul believes that the Town currently has a trailer that is used to move the lawnmower around in the summertime, and an ATV would fit nicely onto this trailer; (4) relative to the Chenard case and the Town prevailing, are there any final dollar amounts on what the Town has paid for legal costs, and were there any additional costs that the Town will have to pay now that this case has been won in court? Robinson explained that the Town prevailed in the junk yard case, and Joe Chenard appealed the decision to the Superior Court; in turn, the Town co-appealed the decision because the decision was to *not* award the Town its legal expenses for the entire case. Robinson explained that the Town presented a strong case/case law as to why we should be reimbursed, and of the 3 Superior Court Judges that ruled on the appeal, one (1) judge agreed with the Town that we did in fact deserve by law our attorney fees, however, the other two (2) judges ruled that we did not. Robinson stated that we lost that appeal and it was approximately \$40k in attorney fees.

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

*There was no Non-Public session.*

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### **VII. ADJOURNMENT**

After review of 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 7:10 p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date: February 14, 2022

  
Chairman O.J. Robinson

  
Tamra Ham

  
Jack Daly



Print Name	Signature
Jim Welsh	Jim Welsh
(Print Name)	(Sign Name)
Debbie Celino	Debbie Celino

