

LINCOLN BOARD OF SELECTMEN'S

APPROVED

MEETING MINUTES

FEBRUARY 14, 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, 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 Celina and Jim Welsh

Public Present via Zoom Video Conferencing: Paul Beaudin

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 meeting minutes of January 10, 2022 as amended."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: "To approve the joint Lincoln-Woodstock BOS meeting minutes of January 19, 2022 as presented."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: "To approve the BOS meeting minutes of February 03, 2022 as presented."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: "To approve the Non-Public BOS meeting minutes of February 03, 2022 as presented."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: "To approve the BOS meeting minutes of February 07, 2022 as presented."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

III. DEED RESTRICTION WARRANT ARTICLE

"To see if the Town will vote to place a deed restriction on the Town-owned, 2.4-acre land only parcel located on Pollard Road (M113 L051) for the purpose of limiting the use of the property to non-intrusive recreational uses only. The Selectmen recommend this article [Majority vote required]"

Town Manager Park explained that Recreation Director Tara Tower had brought to her attention that the map/lot number (M113 L051) in the above warrant article was in fact incorrect, and the 2.4-acre parcel of land is attached to the other parcel(s) across the street (Kanc Rec ski area) (*see attached map*). Park asked the Board if they wish to have the proposed deed restriction put on to the entire parcel of Kanc Rec land, or a portion of it. After a brief discussion, the board agreed on the following verbiage for the warrant article:

"To see if the town will vote to place a deed restriction on a portion of the Kanc Recreation Area parcel located on Forest Ridge Road (Map 116 Lot 043) for the purpose of limiting the use of the property to non-intrusive recreational uses only on the portion that is on the southerly side of Forest Ridge Road and abuts the following parcels: Map 117 Lot 070; Map 117 Lot 069, Map 116 Lot 004 and Map 116 Lot 005."

The Selectmen recommend this article [Majority vote required]"

Ham added that she would like to know in advance of Town Meeting (March 8th) any costs associated with this article (e.g., survey cost, attorney cost, deed recording fees etc.) so that the taxpayers know what this will be costing them.

IV. OLD/NEW BUSINESS

Town Manager's Report

South Peak Water Tank:

Town Manager Park and DPW Director Hadaway met with Weston & Sampson (W&S) Project Engineer, Sam Kenney regarding the water storage tank. The US Forest Service's (USFS) Spring Project List has *closed*, so in an effort to expedite the project, they have asked the USFS for clarification on the following questions:

1. Has the USFS been able to determine if they can accept temporary construction easement language for providing access to USFS land? A permanent easement would then be recorded after construction is finalized.
2. Is the town able to initiate a NEPA review process on a parallel path to completing the surveying/legal agreement processes previously discussed?

Sam Kenney has reached out to the USFS who has a meeting scheduled later this week, and will hopefully be able to provide some answers to these questions.

Chenard Junkyard Litigation:

Town Manager Park spoke with Attorney Dennis regarding the \$50 per day penalty, and the following is his response:

The Court's decision stated that "the Town may, consistent with the authority granted by RSA 236:128, III, impose a civil penalty of up to \$50 per day..." RSA 236:128, III states: "The local governing or other enforcement official of the town, city, or unincorporated place, **after providing notice**, may impose a civil penalty of up to \$50 for each day upon any person whose land is deemed a nuisance pursuant to RSA 236:119 until such time as the nuisance is removed or abated to the satisfaction of the governing body, or until the owner of the land acquires a license and is in compliance with the provisions of this subdivision."

As such, it may make some sense for the Selectboard to send a letter to Mr. Chenard indicating something such as: "The Town has agreed to inspect your properties with you in April of this year (2022). The inspection must be completed by April 20th, 2022. Thereafter, consistent with RSA 236:128, III and the Grafton County Superior Court Order dated April 13, 2020 (which was affirmed by the NH Supreme Court on January 19, 2022), the local governing board is hereby providing notice that effective August 20, 2022, it will be imposing a civil penalty of \$50 per day, until such time as the nuisance is removed or abated to the satisfaction of the governing body."

Highway Block Grant-Eligible Uses:

Carina looked into the eligible uses for the Highway Block Grant. The funds can only be used for the construction, reconstruction, and maintenance of each of the Town's Class IV & V roads. In addition, it can be used towards equipment to maintain the roads. The intent is that the grant be used towards local roads. Park feels that some of these funds can be used for West Street if the Board of Selectmen deems appropriate. After a brief discussion with DPW Director Hadaway, he is requesting that \$20k be kept in

the account (There is a total of \$70k in the fund) as he may need it to supplement the purchase of a new truck this year. The Board agreed to earmark \$50k for the West Street project.

Contingency Fund:

Carina looked into Contingency Funds, and they are lapsing appropriations and do not carry over from year-to-year. The board agreed that there is nothing they can do for this year, and will have this discussion next budget season.

Town Hall Closed on Monday, February 21st – Presidents Day Holiday

All Town offices and departments will be closed next Monday in observance of Presidents Day.

NEW BUSINESS:

25 School Street - Unmerging an Involuntary Lot Merger:

Robinson read the following email received from property owner, Denise Heredeen of 25 School Street:

To the Town of Lincoln. I would like to officially unmerge my property on 25 School Street, Lincoln, Map & Lot #113-102-0-0-0.

Thank you, Denise Heredeen

Robinson noted that no motion is required, and this request must now be forwarded to the Town's assessors, Commerford Neider Perkins (CNP) so that this lot can now be restored back to its original two (2) lots (2 tax cards, 2 deeds etc.). Park noted that the assessors are aware of this as well.

Notice of Intent to Cut:

The board signed a Notice of Intent to Cut for property located on Back Forty Road (The Landing).

Taxpayer Request to set-up Tax Bill Payment Plan:

The Board reviewed a request from residents on Labrecque Street to set-up a payment plan for their fall property tax bill. This household previously received property tax exemptions for years which left them with a zero balance for both their fall and spring tax bills. As a result of the recent reval, and the exemptions remaining the same, it has subsequently caused this property owner to now have to pay the balance on their tax bill, which they were not expecting.

MOTION: "To give the Tax Collector the authority to set-up a payment plan through July 1st, and waive all interest and late fees."

Motion: OJ Robinson

Second: Jack Daly

All in favor.

Lincoln's Eldest Resident – Margaret Thompson Turns "100"

Selectman Ham forgot to mention during last week's Board Meeting, that Lincoln's Eldest Resident, Mrs. Margaret Thompson turned 100 years young on February 2nd. The Board of Selectmen publicly wished Mrs. Thompson a Happy 100th Birthday!

Public Participation

There was no public participation.

VI. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c,e) Personnel Issue and Legal Update

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

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

The BOS went into Non-public session at 6:10 p.m.

MOTION: "To re-enter public session."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

The Board reconvened public session at 6:50 p.m.

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: OJ Robinson

Second: Jack Daly

All in favor.

The meeting adjourned at 6:50 p.m.


Respectfully Submitted,
Jane Leshe

Approval Date: February 28, 2022


Chairman O.J. Robinson

Tamra Ham


Jack Daly

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