

LINCOLN BOARD OF SELECTMEN'S

APPROVED

MEETING MINUTES

APRIL 4, 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 Carina Park and Fire Chief, Ron Beard

Excused: Jane Leslie

Public Present: Debbie Celino and Jim Welsh

Public Present via Zoom Video Conferencing: Paul Beaudin II and Ryan Fairbrother

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 March 21, 2022 as amended.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: “To approve the Non-public BOS meeting minutes of March 21, 2022 as presented.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: “To approve the BOS meeting minutes of March 31, 2022 with the US Forest Service as presented.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

III. OLD/NEW BUSINESS

Town Manager's Report

Pemi River Local Advisory Committee (PRLAC):

The PRLAC is looking for representatives from the Town of Lincoln to join their committee. Each of the communities along the Pemi River may nominate representatives to PRLAC. This committee represents a broad range of local interests and reviews and comments on state and local permitting for activities impacting the river corridor (1,320' on either side of river). PRLAC meets once a month from 6:30pm to 8:30pm (usually at Pease Public Library on the last Tuesday of the month). Chairman Robinson suggested all three of the Selectmen join the committee, and at least one of them participate in the monthly meetings (next meeting scheduled for April 26th). Selectman Daly will zoom in this month, and the board will discuss future meetings in May.

Additional Funding for West Street Road Repair Project:

Carina presented the Board with a breakdown of the proposed additional funding required for the West Street project (see attached). The Board is in full agreement as well as DPW Director Hadaway with the following: Total Capital Reserve funds - \$263k; Water/Sewer tap fees - \$153k, and, \$70k - Highway Block Grant.

Planning Permits/Code Enforcement Update:

The following is an update on activities in the Planning Dept. and Code Enforcement:

- 3 Land Use Permits were issued this week
- 1 new permit drafted and awaiting final review from Planner Bont
- 8 permits awaiting response to comments/resubmittal of plans
- 2 permits in-queue for peer review (Ray Korber)
- 3 new permits are in-house for review

OLD BUSINESS:**US Forest Service – Water Storage Tank (South Peak):**

Sam Kenney of Weston & Sampson (W&S) reached out to Carina with a proposed draft map from a previous siting for a temporary easement for the area of land (approx. 300') that the water storage tank will sit on. If the board approves, she will forward this to Mark Bogosian after DPW Hadaway reviews it, and he can then begin the legal drafting process.

Robinson commented that the surveying of this project may be the most time-consuming aspect of all of this due to snow and mud and could possibly hold things up, so he recommended that if there is anything Lincoln can do to assist expediting the surveying of this area of land, whether it is an independent surveyor or work that Horizons has already done, Lincoln will fully support it.

Short-Term Rental Management Program:

Carina informed the Board that she has not received updated cost figures from GovOS yet, however, she did speak with a representative from Granicus who noted that the Town should pay close attention to the number of properties that GovOS is using for their quote because the quote will be based upon this number.

South Peak Lawsuit Settlement:

Robinson announced that as of last week, our insurance company settled with CRVI-South Peak in the amount of \$125,000 (the Town did not pay anything) and the lawsuit against the Town has been fully dropped with no further action, and the lawsuit that the Town had filed against South Peak has also been dropped with no further action. Robinson thanked Chief Beard for his invaluable research and participation in this matter.

Chenard Litigation:

The Board discussed an upcoming inspection of Joe Chenard's property which is to be completed by April 20, 2022. Robinson suggested Carina reach out to the attorneys to confirm whether a date for the inspection has been established.

NEW BUSINESS:**Non-Meeting with Attorney Jason Dennis:**

The Board agreed to meet with Attorney Dennis for a non-meeting on Wednesday, April 6th at noon if he was available to discuss the Jeannine Wood litigation.

Joint BOS meeting with Woodstock:

The second quarter meeting with Woodstock is scheduled for June 14th at 5:00pm in Woodstock.

Scenic Byways Federal Grant Program:

Carina looked into this federal grant program and the Town of Lincoln *cannot* apply for this grant, only a State DOT is able to, however, the town could do it in conjunction with the State DOT. The Board suggested Carina reach out to DOT to see if there is any interest in partnering with the town.

Broadband Grant Funding:

Carina explained that the town did not get selected for the first round of funding because they only funded “last mile” projects (cable to home projects) however, there will be a “middle mile project” in the near future that would be more applicable for the Town of Lincoln.

Police and Fire Department Deficiencies:

Selectman Daly asked if there were any intermediate plans to correct the deficiencies identified during Town Meeting in the Police and Fire Department(s) while the Building Committee works on a new Safety Services complex. Daly feels that these deficiencies need to be addressed for the protection of town staff. Selectman Ham responded that the Joint Loss Management Committee (JLMC) met two-weeks ago and had discussed this matter, and asked Carina to put the quote from EEI (Energy Efficient Investments Inc.) on next weeks’ agenda (4/11/22) which addresses many of Town Halls deficiencies (HVAC, mold, rust, etc.).

Woodstock Board of Selectmen’s Correspondence:

Selectman Daly contacted NH Municipal Association (NHMA) regarding a correspondence received from Woodstock Board of Selectmen following their joint meeting with Lincoln on March 21st concerning their perceived conflict of interest over a motion to waive the Lincoln-Woodstock Community Child Care Center’s rent for the remainder of 2022. Daly commented that he feels when a correspondence is received such as this, the full Board should have responded to it and/or the Town Manager. Daly continued to explain that the NHMA attorney that he spoke with commented that the response to this email from Selectman Ham used the wrong analysis of whether a conflict of interest within the legislative body occurred or not. The attorney further stated that there was an appearance of a conflict of interest; and a conflict of interest did occur. Consequently, Daly noted he would still have made the same motion that was made on March 21st but would suggest that Selectman Ham recuse herself from the same. After a brief discussion the following motion was made:

MOTION: “To waive the rent for the remainder of the year for the Lincoln-Woodstock Community Child Care Center (Lincoln’s portion of revenue).”

Public Comment/Discussion:

Paul Beaudin commented that he was watching the Woodstock Board of Selectmen’s meeting earlier today and noticed that the Board had motioned to waive the Child Care Centers’ rent for one “quarter” (\$3,262.50) opposed to the remainder of 2022, and questioned if this would change the boards’ mind to reconsider their motion because the amounts waived by both boards are significantly different? Robinson responded that the Child Care Center has already paid their rent for the first quarter, therefore the amount being waived represents 9-months (\$9,721.50) which the board was aware of when they voted on this motion. Daly clarified that Woodstock has voted to waive the rent for one-quarter, and to review their financial documents to see what the Child Care Center is doing to cut costs; increase enrollment fees, and fundraising efforts etc. Selectman Ham clarified that waiving the rent is not costing the town(s) anything because this is anticipated revenue that the town is not going to accept. Ham added that many of the issues that the Child Care Center is experiencing are a result of the pandemic because they did not have these problems prior to COVID. With no further discussion, the following motion was voted upon:

MOTION: “To waive the rent for the remainder of the year for the Lincoln-Woodstock Community Child Care Center (Lincoln’s portion of revenue).”

Motion: Jack Daly

Second: OJ Robinson

Motion carries

Abstained: Tamra Ham

Abatement Request – New Jefferson Holdings, LLC (Map/Lot# 115-017)

During revaluation in 2021, property got assessed down to \$809,100 from \$2,032,800 in error by Town Assessors. The correct assessment has been updated to \$2,051,500, and a request to abate the entire amount of taxes for 2021 in the amount of negative \$7,185. A supplemental tax bill will be issued for the amount of \$21,623 less previously paid \$15,713 for a balance due of \$5,910.

MOTION: “To abate the amount paid on the previous assessment of \$809,100.”

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

Tax Collector’s Warrant

The Board signed the amended Tax Collector’s Warrant for the amount of \$5,910 per the previous abatement request (see previous abatement request).

MOTION: “To approve the amendment to the Tax Collector’s Warrant for an additional \$5,910.”

Motion: OJ Robinson

Second: Jack Daly

All in favor.

Public Participation:**South Peak Legal Costs:**

Paul Beaudin questioned what the legal fees cost the town for the South Peak litigation. Robinson responded that the town’s insurance company paid for the attorney fees related to the lawsuit *against* the town; the town paid the legal fees for its countersuit against South Peak, however, the same attorney was used for both suits (money was saved because the law firm was already familiar with both cases), and additional fees were paid to Peter Malia (Town Counsel) relative to the Town’s countersuit. Carina noted that the town should have all of the invoicing settled by next week and would know the total spent at that time.

West Street Project:

Paul asked if the lawsuit was still pending for West Street, and if so, and the town was successful in this lawsuit could the money we receive be put back into the CIP or the water and sewer tap funds? The lawsuit is still pending, and Carina explained that if the Town *was* to receive any monetary settlement, it would go into the undesignated fund balance until Town Meeting next year, and then this money could be appropriated into one of the previously mentioned accounts. Paul asked what the dollar amount was that the town is seeking to receive from this lawsuit. Robinson responded that different amounts have been discussed during the mediation process, however, none of these amounts come close to what the town is looking for, and the contractor is also suing the town for a large amount of money and nothing has been agreed upon at this time. Paul asked that a copy of the breakdown of the proposed additional funding required for the West Street project be submitted to the CIP Committee so that have it for next year prior to when the committee meets.

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

There was no non-public session.

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: Tamra Ham

All in favor.

The meeting adjourned at 6:39 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: April 11, 2022


Chairman O.J. Robinson


Tamra Ham

Jack Daly

April 4, 2022
Board of Selectmen's Meeting
Please PRINT Legibly

Debbie Celino
(Print Name)
Jim Welsh

Debbie Celino
(Sign Name)
Jim Welsh

WATER REHABILITATION-CAPITAL RESERVE

Prjt #	Project Title	CRF Balance 2021	2022 Appropriation	Proposed Amount Allocated to	
				West St.	Est. CRF Balance 2022
3	Pumps, Controls, Valves, Monitor	\$66,781.00	\$36,298.00	\$21,000.00	\$82,079.00
14	Communications Upgrade	\$124,070.00	\$10,000.00	\$10,000.00	\$124,070.00
**	Unallocated	\$16,379.00	\$0.00	\$16,379.00	\$0.00
TOTAL		\$207,230.00	\$46,298.00	\$47,379.00	\$206,149.00

SEWER REHABILITATION-CAPITAL RESERVE

Prjt #	Project Title	CRF Balance 2021	2022 Appropriation	Proposed Amount Allocated to	
				West St.	Est. CRF Balance 2022
70	Design/Const. Upgrade Sewer Plant	\$250,000.00	\$90,000.00	\$40,000.00	\$300,000.00
**	Unallocated	\$62,916.00	\$0.00	\$62,916.00	\$0.00
TOTAL		\$312,916.00	\$90,000.00	\$102,916.00	\$300,000.00

ROADS & STREETS-CAPITAL RESERVE

Prjt #	Project Title	CRF Balance 2021	2022 Appropriation	Proposed Amount Allocated to	
				West St.	Est. CRF Balance 2022
**	Unallocated	\$70,387.00	\$42,877.00	\$113,264.00	\$0.00
TOTAL		\$70,387.00	\$42,877.00	\$113,264.00	\$0.00

TOTAL PROPOSED TO WEST ST FROM
CAPITAL RESERVE

\$263,559.00

TOTAL FROM WATER & SEWER TAP
FEES-2021 AUDIT

\$152,996.00

TOTAL PROPOSED FROM HIGHWAY
BLOCK GRANT

\$70,000.00

TOTAL WEST STREET ADDITIONAL
FUNDING

\$486,555.00

TOTAL FUNDING NEEDED

\$486,115.64

