

LINCOLN BOARD OF SELECTMEN'S

APPROVED

MEETING MINUTES

MONDAY, JULY 25, 2022 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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

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

Staff Present: Town Manager, Carina Park; Executive Assistant, Jane Leslie and Deputy Fire Chief, Ryan Fairbrother.

Public Present via Zoom: Paul Beaudin II, David Beaudin, Woodstock Deputy Fire Chief, Tom Sabourn, Peter Mankin and Kathy Boyle.

Public Present: Lincoln Fire Chief, Ron Beard, Deputy Fire Chief, Ryan Fairbrother, Assistant Deputy Fire Chief, Mike Weden, Lieutenant Dave Tomaso, Debbie Celino, Jim Welsh, Woodstock Fire Chief, John Mackay, Woodstock Deputy Fire Chief, Fred Englert and Lincoln/Woodstock Firefighter, Kevin Masse

I. CALL TO ORDER

Chairman Robinson called to continue the Board of Selectmen's meeting at 5:56 pm.

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: "To approve the BOS meeting minutes of July 11, 2022 as presented."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: "To approve the Non-Public BOS meeting minutes of July 11, 2022 as presented."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

III. LICENSEE ESTOPEL CERTIFICATE – VETERANS MEMORIAL PARK

Town Attorney, Jason Dennis was notified that the sale of the Village Shops is pending and expected to close at the end of the month, and the new owner is hoping that the Town will sign an Estoppel Certificate to continue the agreement for the Gazebo, Veterans Memorial Monument and lawn, under the new ownership. Selectman Ham expressed concerns about what appears to be two (2) separate lease agreements for the same property that are both in effect: (1) 1979 Lease Agreement (99-year), and, (2) 2010 License Agreement which does not state that it supersedes the previous agreement. The Town's previous attorney, Peter Malia was of the legal opinion that *both* agreements were in effect, despite their contradiction. Ham suggested that they hire a Real Estate Attorney to draw up a final lease agreement that will supersede all previous agreements. Robinson pointed out that the *2010 License Agreement* was for a term of one (1) year, continuing from year-to-year thereafter until either party submitted thirty (30) day written notice of a lease termination. A discussion ensued concerning the multiple agreements, and Selectman Ham read the following excerpt from an October 8, 2020 email received from Town Attorney, Peter Malia as follows:

"This is a new argument from the Imbrescia's. Previously (in their letter dated July 26, 2019), they had only argued that the 1979 Lease is no longer valid, without any explanation. Now, they have provided an explanation in their September 18th letter, which is that the very first paragraph of the Lease incorrectly identifies the Lessor as the Town, and the Lessee as Franconia Paper Company. The Lessor should have been Franconia Paper Company, and the Lessee should have been the Town. It's unfortunate that they did not make this argument earlier. When I was comparing the 1979 Lease to the 2010 License Agreement, I

did not realize that the 1979 Lease had been incorrectly written, and reversed the Lessor and Lessee. ”

OJ requested that the Board participate in a non-meeting (via Zoom) with Attorney Jason Dennis to discuss this matter further before they sign anything, and to also ensure that the potential buyer of the Village Shops is aware that the Town of Lincoln has a current lease agreement in effect.

IV. OLD/NEW BUSINESS

NEW BUSINESS:

Recommittal Warrant – Property Tax Levy/Unredeemed Taxes

The Board of Selectmen reviewed and signed the following Recommittal Warrants (see attached) for Lisa Peluso, Collector of Taxes for the Town of Lincoln:

MOTION: “To Lisa Peluso, Collector of Taxes for the Town of Lincoln, in said county: In the name of said State you are hereby directed to collect the property taxes in the list herewith committed to you; the same being the uncollected balance of the warrant as committed to Sandy Dovholuk, Collector of Taxes for the year 2021, and amounting in all to the sum of Twelve Thousand Eight Hundred Forty-Nine Dollars (\$12,849) with interest thereon at the rate of Eight Percent (8%) per year commencing thirty (30) days from the date of the original commitment. And we further order you to pay all monies collected to the Treasurer at least on a weekly basis when receipts exceed \$1,500 or more often when directed by the Commissioner of Revenue Administration.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: “To Lisa Peluso, Collector of Taxes for the Town of Lincoln, in the name of said State, you are hereby directed to collect payments in redemption for the tax lien executed on May 5, 2022 in the list herewith committed to you, said unredeemed accounts amounting in all to the sum of Eighty-one Thousand Two Hundred Fifty-One and 10/100 Dollar (\$81,251.10) with interest thereon at the rate of fourteen percent (14%) per annum from May 5, 2022 on all sums not paid on or before that day.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: “To Lisa Peluso, Collector of Taxes for the Town of Lincoln, in the name of said State, you are directed to collect payments in redemption for the tax lien executed on May 7, 2021 in the list herewith committed to you, said unredeemed accounts amounting in all to the sum of Fifty-Three Thousand Three Hundred Eleven and 38/100 Dollars (\$53,311.38) with interest thereon at the rate of fourteen percent (14%) per annum from May 7, 2021 on all sums not paid on or before that day.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

MOTION: “To Lisa Peluso, Collector of Taxes for the Town of Lincoln, in the name of said State, you are directed to collect payments in redemption for the tax lien executed on May 7, 2020 in the list herewith committed to you, said unredeemed accounts amounting in all to the sum of Nine Thousand Nine Hundred Thirty-Eight and 85/100 Dollars (\$9,938.85) with interest thereon at the rate of fourteen percent (14%) per annum from May 7, 2020 on all sums not paid on or before that day.”

Motion: Tamra Ham

Second: Jack Daly

All in favor.

Town Managers Report:

Recommended Water Restrictions:

DPW Director Hadaway has suggested that the Town implement a “day-use water restriction” due to the Pemi River levels hovering around 50” (4.16 feet). When the water depth goes below 4-feet, the pumps become exposed, which subsequently increases the potential for overheating. Water Plant Operator, David Beaudin commented that the State DES is recommending municipalities implement water restrictions between the hours of 8am and 7pm, however, the Board has the authority to determine how they choose to handle this. There was a brief discussion about what the town had previously done during the past couple of years when drought conditions were prevalent, and Dave Beaudin explained that as long as the town does not reference or cite *any* RSAs in water restriction notices, the Community Water System has every right to implement water restrictions whenever they deem it necessary. Chairman Robinson recommends issuing a mandate at this point with “**no discretionary outdoor water usage from 8am to 7pm**”. After further discussion, the Board agreed to have Jane Leslie research previous drought notification practices and follow-up with Director Hadaway and Operator Beaudin to implement notification with 72-hour notice to the public.

Riverfront Park Update:

The Nobis Report (environmental, geotechnical, and civil engineers) is complete and has been submitted to the EPA and NHDES (the Town will have a copy shortly). The EPA and DES have conducted a preliminary review of the results with Town Engineer, Ray Korber, and have some additional action items based on their findings, however, overall, the Riverfront Park development is progressing in a positive direction.

House Bill (HB) 355:

Governor Sununu has signed HB 355 which expands the sale of “KENO 603” beyond restaurants and bars, and also allows any establishment that sells lottery tickets to sell “KENO 603”. Lincoln had voted to approve KENO 603 in March, 2018; therefore, this will take effect immediately (see attached).

Pemi Baker Solid Waste District:

Chairman Robinson had previously asked Director Hadaway to look into whether or not there were any advantages for the town to join the Pemi Baker Solid Waste District (Inter-municipal association for solid waste management). Hadaway’s response was that many of the services Pemi Baker offers, the town already receives from the North Country Council (Household Hazardous Waste Day & Waste Management). Hadaway does not feel that it would be beneficial to pay annual dues to both of these organizations for essentially the same services.

Police Department:

Per Chief Morris, the Department is short several officers. One Officer resigned last week due to the high costs of traveling to Lincoln from his home town; another Officer is on FMLA leave, and another Officer is ill. There are currently two (2) vacancies that the Chief is hoping to fill soon. Union negotiations are also in the preliminary stages, and talks will begin shortly.

OLD BUSINESS:

South Peak Water Storage Tank:

Sam Kenney of Weston & Sampson (W&S) has submitted all documentation to the US Forest Service (USFS) in anticipation of making the USFS fall small projects list.

SAU Quarterly Report Card:

The SAU agreed to create and share a quarterly report card for both Lincoln and Woodstock in an effort to keep both municipalities in the loop on what is going on, and to share on their respective websites.

Police & Fire Safety Services Building:

A Notice of Award and letter of agreement have been submitted to LaValley Brensinger (Structural Architectural Engineers). According to the firm, they will be on schedule to have the conceptual design completed by the end of October, 2022 so that the Building Committee can contemplate next steps (Warrant article, Town Meeting etc.).

Pemigewasset River Local Advisory Committee (PRLAC)

Selectman Daly said that he would be attending the next PRLAC meeting via Zoom that is scheduled for Tuesday, July 26th and the board will rotate attending future meetings that are held on the last Tuesday of every month.

Ladies Bathtub:

Chairman Robinson questioned where the Town was advertising the new parking rules for the Ladies Bathtub (besides at the Bath). Carina responded that this information is on the town's website and Face Book page, and White Mountain Attractions has also been informed, in addition to notices in Town Hall and at the Post Office.

West Street Road Drainage Issues:

OJ and Jack met up with Director Hadaway on Friday, July 14th to walk West Street and observe the areas experiencing drainage issues. It was determined that where the road normally crowns, there is no significant curbing that keeps the water running down the street until it hits either a catch basin or run-off area (most streets have curbing to guide the water) so the water essentially is running off the side into a particular driveway (from the width of the driveway out halfway across the road running back). Robinson added that this is not a problem that is either caused or enhanced by the new road construction project because this was happening before, however, after speaking with Director Hadaway and Selectman Daly, a practical solution would entail re-sculpting the lawns so that the water runs off of the driveway instead of the lawn absorbing it and creating the puddling issues (winter time the driveway will have to be cleared of snow and ice). Selectman Ham questioned who would be paying for this re-sculpting of the lawn. Robinson explained that Nate will be doing the landscaping, and the maintenance will be the responsibility of the property owner.

Vacant Public Works Position

Robinson asked if the Town was still advertising for the vacancy(s) in the Public Works Department. Carina explained that this position has been posted in the Courier Newspaper/Plymouth Record (twice), on the NHMA website, and through the Chamber of Commerce's website. Carina added that Director Hadaway is also exploring the idea of hiring an on-call/part-time individual(s) to plow some of the Town roads this winter during heavy snow events.

Selectman Ham noted that Governor Sununu has signed legislation (SB 325) into law that formally recognizes public works professionals as first responders because they are part of essential critical infrastructure workforces.

NEW BUSINESS:**Route 3 Water Main Break – Near Indian Head Resort**

Robinson congratulated the team effort that was put into repairing the water main break up near the Indian Head Resort which was a great inconvenience to the businesses and residents who went without water for 2-hours. Selectman Ham reiterated how fortunate the town is to have such a terrific Public Works Department.

School Funding Formula Committee:

The first School Funding Formula Committee meeting is scheduled for Wednesday, August 17th at 6pm in the Linwood Middle/High School Library.

Public Participation

Paul Beaudin questioned whether or not the town has an Animal Control Officer because of some recent activity he experienced with stray cats over near the Kanc. Robinson responded that at one time the town did have an Animal Control Officer, as well as animal pens over at the town garage, however, this is no longer the case. Carina commented that she could look into possible animal control options or organizations that the town could possibly contract with. Selectman Ham suggested Carina speak with Chief Morris first to see what his experience has been, and what types of nuisances and animal calls the PD receives. Paul also suggested that the town reach out to Woodstock to see if there is any interest in partnering on animal control.

Paul Beaudin commented about the *Wild Animal Ordinance* (Adopted August 4, 2003 & Amended September 17, 2018) and asked who was in charge of enforcing this ordinance (Board of Selectmen, Code Compliance Officer?). Paul has a neighbor who put a dumpster in a few months ago that has no locks on it, and he is concerned that this is going to attract bears and other animals into the area and cause problems. Paul noted that he has discussed this with Chief Beard on two separate occasions, yet nothing has been done to date. Carina responded that she will find out who the owner is and send them a letter.

Paul Beaudin asked if the water ban discussed earlier in the evening included swimming pools? The Board responded that the ban includes *all* non-essential water use, and swimming pools can be filled at night after 7pm or before 8am.

Paul Beaudin explained that he reviewed the maps for the Loon Mountain Bridge and noted that a portion of the walkway leading down to the lower parking lot and river is on Town property (see attached). Paul feels that this is a liability and questioned whether the town had any intentions on doing something about this. Tammy asked Carina to reach out to Loon and request that the Town of Lincoln be named as an "additional insured". There was a brief discussion about the Old Hole swimming area and efforts to turn this into an easily accessible swimming hole in the near future.

Paul Beaudin asked the Board when they feel the right time will be, and what will it take to either hire full-time firefighters or to merge both Lincoln and Woodstock Fire Departments together. Paul feels that the Town has grown substantially and questions how long it will take to determine that it is finally time to make this change and transition. Robinson responded that this is what was discussed earlier tonight with the joint boards, and they will continue to meet on a quarterly basis to monitor the progress, changes and needs of both fire departments.

V. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (e) Legal

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

Motion: OJ Robinson

Second: Jack Daly

All in favor.

The BOS went into Non-public session at 7:05 p.m.

MOTION: "To re-enter public session."

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

The Board reconvened public session at 7:20 p.m.

VI. ADJOURNMENT

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 7:20 p.m.

Respectfully Submitted,

Jane Leslie



Approval Date: August 8, 2022

Lincoln Board of Selectmen:


Chairman O.J. Robinson
Tamra Ham
Jack Daly

July 25, 2022

Board of Selectmen's Meeting

Please **PRINT** Legibly

Michael Weden - LFD
(Print Name)


(Sign Name)

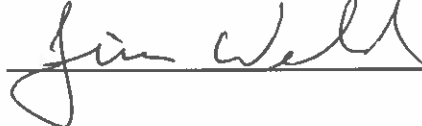
Ryan Fairbrother - LFD



David Tomaso - LFD



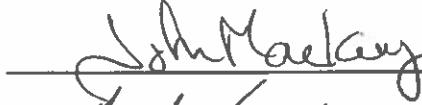
Jim Welsh



Debbie Celino



John MacLay



FRED ENGLERT



Kevin Masse



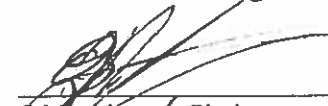
RECOMMITTAL WARRANT

PROPERTY TAX LEVY

STATE OF NEW HAMPSHIRE

Grafton, ss:

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3. And we further order you to pay all monies collected to the Treasurer at least on a weekly basis when receipts exceed \$1,500.00 or more often when directed by the Commissioner of Revenue Administration.
4. Given under our hands and seal at Lincoln, New Hampshire, this 25th day of July in the year 2022.


Ol Robinson, Chairman


Tamra Ham

(Seal)


John Daly, Jr.

Selectmen of Lincoln, New Hampshire


RECOMMITTAL WARRANT

UNREDEEMED TAXES

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Of Robinson, Chairman


Tamra Ham

(Seal)


John Daly, Jr.


Selectmen of Lincoln, New Hampshire

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UNREDEEMED TAXES

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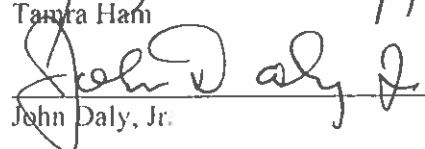
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Ol Robinson, Chairman


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(Seal)


John Daly, Jr.

Selectmen of Lincoln, New Hampshire



Over \$2 Billion and Counting for our Schools

GOVERNOR Christopher T. Sununu
CHAIRMAN Debra M. Douglas
COMMISSIONER H. Andy Crews
COMMISSIONER Erle B. Pierce
EXECUTIVE DIRECTOR Charles R. McIntyre

July 15, 2022

Greetings,

I hope this finds you well as we head into the summer.



We are reaching out to share recent changes to KENO 603. Governor Sununu recently signed HB 355 into law, which expands the sale of KENO 603 beyond taverns and restaurants. Under the change, any location that sells lottery tickets in the cities and towns that voted to approve KENO 603 may choose to sell the game.

This is a change, but we do not expect it to negatively impact or detract from KENO 603 sales at existing establishments. KENO 603 is a social game, and bars, taverns and restaurants offer a unique experience and venue for enjoying the excitement of playing. As our traditional Lottery partners begin to offer KENO 603, we anticipate it will generate more interest in the game, as well as increased sales and commissions for those retailers.

Each retail location wishing to offer the game must meet specific licensing requirements, pay annual licensing fees, and pass a background check. They will be trained in selling the game; sales will only be conducted at a lottery vending machine or clerk-assisted sale from the counter. Finally, no video monitors will be installed at stores for the purpose of showing live drawings, which will help keep customer traffic flowing.

Over the past five years, either through in-person meetings or direct mail, New Hampshire Lottery staff have provided municipalities with information about KENO 603, including the local approval and implementation processes. We also shared the game's benefits of increasing foot traffic to taverns and restaurants, which generates more revenue for them, as well as the Granite State's education fund.

KENO 603 has been a tremendous success, generating millions of dollars for New Hampshire schools. The game has become one of the New Hampshire Lottery's most popular games, second only to scratch tickets. KENO 603's continued success is integral to achieving our revenue commitment year after year.

We are always happy to be a resource for our retail partners and municipalities, and we are looking forward to working with local businesses who have interest in offering the game. If you have any questions, please feel free to reach out at 603-271-3391.

Respectfully,

Charlie McIntyre
Executive Director

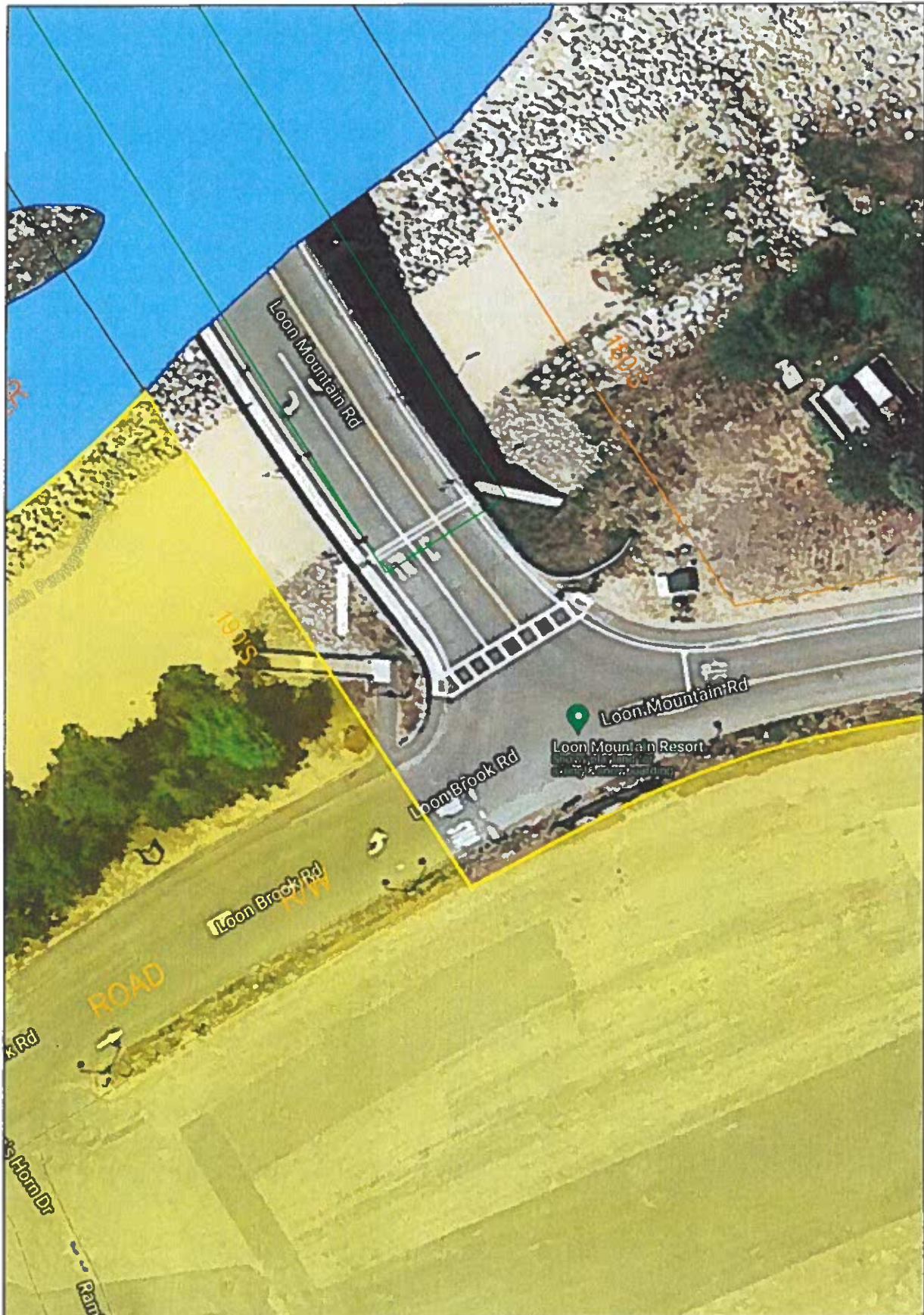


Live Free or Die

New Hampshire Lottery Commission 14 Integra Drive Concord, New Hampshire 03301
TEL 603.271.3391 FAX 603.271.1160 TDD 1.800.735.2964 www.nhlottery.com



July 12, 2022



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