

LINCOLN BOARD OF SELECTMEN'S

DRAFT

MEETING MINUTES

MONDAY, OCTOBER 17, 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 and Executive Assistant, Jane Leslie.

Public Present via Zoom: Paul Beaudin II and Alfred Poulin

Public Present: Debbie Celino, Jim Welsh and William "Bill" Conn

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:37 pm.

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: "To approve the BOS meeting minutes of October 03, 2022 as amended."

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

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

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

III. OLD/NEW BUSINESS

Town Managers Report:

South Peak Water Tank – US Forest Service (USFS):

According to Project Manager, Sam Kenney (Weston & Sampson) the USFS is still reviewing the town's water storage tank project (5 out of the 20 participants have currently reviewed this project) and it could take between 2-6 months before the town receives a formal approval. The USFS met on September 21st for their *Small Projects Day Forum* to review the town's plans and request to proceed with the water storage tank up at South Peak.

Selectman Daly commented that he has spoken with several Westwood One residents who have expressed two (2) primary concerns about the Town accessing the water storage tank location for the construction of the project: (1) access, and, (2) if access cannot go strictly through South Peak, they would like a road construction bond from the contractor, and for this to be part of the bid specs because the residents pay for the maintenance of the roadway that leads up to the proposed water tank location.

Route 3 Water Main Background Investigative Work:

DPW Director Hadaway, Sam Kenney (W&S) and DOT are scheduled to meet and conduct a site walk of Route 3 next Thursday to determine a course of action for the infrastructure improvement project (approximately one-mile of improvements).

Riverfront Park – Nobis Contract for Services:

The Town received the Nobis proposal of services for the additional site assessment work necessary to move forward with Phase 1 of the Riverfront Park Project (Nobis's proposed contract service cost is \$45,150). Town Engineer, Ray Korber has also submitted an amendment to the Riverfront Contract for his services.

Additional clarification is needed on the scope of work, and whether or not this can be funded through the DES Brownfields grant that the town recently applied for.

HealthTrust 2023 Cost Estimates:

The town received notice from HealthTrust that the *not-to-exceed* amount for employee medical benefits will possibly increase by 17.9% with a total increase to the town of roughly \$48k (HealthTrust will finalize this amount in the spring). The Town pays 100% for the individual employee health plan (2-person & family plan paid by employee). Carina commented that she feels that the current medical plan works well and the employees are satisfied, and she does not recommend any restructuring to the plan.

NH-DOT Centerline Street Painting:

DOT has completed a portion of their line-painting along Route 112. The white line painting will be completed within the next couple of weeks.

Fire Department Improvements:

The Town received two (2) quotes for the boiler replacement project at the Fire Department. The quotes came within \$1,000 of each other (CPM Mechanical was selected @ \$21k) and the new boiler will be installed in early November. The Town also received two (2) quotes to reconstruct the exterior stairs that lead into the Fire Department from the parking lot, and Carina is currently working with the contractors for a more comparable quote, as one was for concrete, and the other was for wood creating a large disparity between the two.

Flu and COVID Vaccine Clinics:

Mid-State Health will be holding a Flu/COVID Vaccine Clinic on Thursday, October 20th from 3pm-5pm at Lincoln Town Hall. The Grafton County Senior Center will also be holding a Flu Vaccine Clinic (only) offered by Rite Aid Pharmacy on Wednesday, October 19th from 11am-12:30pm at the Father Rodger Bilodeau Community Center (Call Maria McIntyre at (603) 745-4705 to schedule an appointment).

NEW BUSINESS:

Workforce Housing Discussion:

Selectman Daly updated the Board on the workforce housing discussion that was held on Thursday, October 6th at Town Hall with approximately 12 participants in attendance (business owners and a representative from North Country Council). The discussion consisted of the possibility of creating workforce housing options, as well as the financial burden that the lack of housing is creating amongst local business owners. Daly noted that one of his suggestions was the *possibility* of amending some of the zoning restrictions at the Industrial Business Park which would require a Town Meeting vote in March. Daly further explained that the Industrial Business Park has been in existence for approximately two decades, and there are currently two (2) lots being occupied by businesses that would be willing to relocate in the event workforce housing was to be built there (Kevin Sullivan & Michael & Bobbi Donahue). There was a brief discussion about public and private funding sources, as well as setting aside an *estimated* amount of sewer usage specifically for workforce housing projects (town's vested interest). No date has been scheduled for a second meeting, but one will be planned in the near future involving additional stakeholders.

Department of Public Works:

Selectman Ham gave kudos to DPW Director Hadaway and the entire Public Works crew for saving the Town money on all of the "in-house" work they do for the town, especially when it comes to servicing the towns large equipment, which is often costly when hiring a third-party vendor to do the labor.

99 **Cost of Living Adjustment (COLA) – Budget Season:**

100 Selectman Ham commented that the 2023 COLA has been released, and it is an increase of 8.7%. Ham
101 noted that they need to keep this in mind as budget season approaches, and the Board considers annual
102 wage increases. Carina commented that she feels that employees are reasonable and not expecting a 10%
103 wage increase.

104
105 **Community Choice Aggregation Program:**

106 In 2020 there was a warrant article that was voted on at the March 10, 2020 Town Meeting to authorize
107 the Board of Selectmen to commence a Community Choice Aggregation (CCA) program and contract for
108 electricity supply as authorized under RSA 53-E:1-8 to offer residents and businesses a possible
109 opportunity for lower electricity rates, and from a variety of sources other than those currently offered by
110 the NH Electric Coop.

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112 **Community Choice Aggregation (CCA):**

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 - CCA is an optional buying group organized by a municipality or group of municipalities to benefit
 - 115 electric customers.
 - 116 ▪ The Program enters into an electricity supply contract for all residential and business customers
 - 117 currently receiving utility default service within a given municipality.
 - 118 ▪ Customers are automatically enrolled, unless they opt-out.

119
120 Chairman Robinson explained that during the September 26th, 2022 Board of Selectmen’s meeting, Colo-
121 nial Power Group explained that the next step was to update the Town of Lincoln’s Community Choice
122 Aggregation Plan (see attached) and for the Energy Committee (Fire Chief Ron Beard, Selectman Tamra Ham, Dirk
123 Mahling and Deb O’Connor) and the Board of Selectmen to hold two (2) public hearings to solicit public input
124 pursuant to RSA 53-E:6(V) (see attached) prior to the adoption of the updated plan. Robinson suggested the
125 following dates for the two (2) required public hearings as follows: Hearing #1- Monday, November 7th
126 & Hearing #2 – Monday, November 28th. Robinson also recommends that the Energy Committee be up-
127 dated on the CCA and sent a copy of the revised *Town of Lincoln’s Community Choice Aggregation Plan*.

128 **OLD BUSINESS:**

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130 **Granicus Short-Term Rental Program:**

131 The Town’s new short-term rental program (Granicus) is not yet operational due to a few assessing and
132 computer issues that need to be resolved prior to going “live”.

133
134 **Chenard Site Visit:**

135 The site visit to Mr. Chenard’s property (US Route 3) scheduled for Tuesday, October 11th at 1pm had been
136 rescheduled due to one of the parties falling ill, and a new date has not been established at this time.

137
138 **Black Mountain Road:**

139 Chairman Robinson asked if the Developer had been made aware that Black Mountain Road would not
140 be paved until next year, in part due to the NH Electric Coop not being able to move the utility lines until
141 late this fall, and the paving season coming to an end soon. Carina emailed the Developer and updated
142 him on the status of this project and explained that this road repair work will be completed next spring.

146 **41 Church Street:**

147 The property owner (Sebastian Birritteri) has obtained a *Demolition Permit Application* so that he can demol-
148 ish the structure at 41 Church Street, however, the application has not been returned to the town yet. This
149 property is still within the 30-day *Cease and Desist* window, and has time to remedy the situation. Chief
150 Beard collected soil samples from this property last week to be sent to the state to be checked for remnants
151 of asbestos. If Mr. Birritteri fails to remedy this situation, the town will have to seek legal counsel.

152
153 **Halloween Candy Drive:**

154 The Linwood Friends of Recreation is currently holding a candy drive now through Friday, October 21st
155 to help those residents living on the closed streets in both Lincoln and Woodstock for Halloween trick-or-
156 treating: **Lincoln:** School St., Church St. and Maple Street. **Woodstock:** School St., Young St., Paradise
157 Road and Bell Street will be closed from 5pm-7pm to vehicular traffic. **Drop off locations:** Recreation
158 Department at the Community Center; Lincoln Library, Lincoln & Woodstock Town Halls. If you live on
159 any of these streets being closed either in Lincoln or Woodstock and would like to receive candy to pass
160 out during trick-or-treating hours, email: communitycenter@lincolnnh.org or call (603) 745-8958 by Oc-
161 tober 21st.

162
163 **Public Participation**

164
165 Paul Beaudin commented that during the last Planning Board meeting (October 12th) there was a discussion
166 about the Forest Ridge detention ponds, and the Planning Board was going to draft a letter to the Board
167 of Selectmen regarding enforcement. Paul questioned whether or not this had been done (a letter was *not*
168 sent). Carina noted that the Technical Review Team (TRT) recently discussed the detention ponds up at
169 Forest Ridge, and Horizons Engineering had submitted documentation to Town Engineer, Ray Korber,
170 which is currently under review. Paul questioned if the documentation submitted pertained to a corrective
171 action plan to remedy the deficiencies from the original plan. Carina believes that Horizons Engineering
172 and the Developer submitted their plans that addresses their current course of actions to correct the
173 deficiencies, and Ray Korber is currently reviewing the documentation to verify their sufficiency. Paul
174 further explained that the Planning Board discussed issuing a *Cease & Desist* from any further building
175 permits/approvals up at Forest Ridge that would contribute in to the detention ponds due to this being an
176 ongoing issue for the past eight years. Paul feels that someone is going to have to sign-off on the ponds
177 verifying that they were built and functioning as designed, and if they are not, there is going to be a
178 tremendous liability.

179
180 Robinson explained that Forest Ridge Developers came before the Planning Board a few weeks ago and
181 asked if the Board would approve a di minimis (something that is of little importance/significance) change in their
182 plans for the detention ponds. Robinson noted that this application in its entirety was for/about the
183 detention pond because it was inadequate and not built as designed, and after 8-years of being rebuilt and
184 redesigned, it is still inadequate and does not meet the criteria of the original approved design/plan. The
185 Developer is now asking the Board to just let this go (operating at less than 90% of the water flow limits-Planning
186 Board voted No).

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188 Robinson feels that the Board must now initiate enforcement actions upon the conclusion of Ray Korber's
189 review of the plans and issue a Cease & Desist because the Developer continues to build condos at the
190 present time.

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192 Bill Conn asked the Board exactly what the problem was with the detention ponds because he recalls a
193 previous meeting about the ponds when the Town Engineer was prepared to sign-off on the design/plans.
194 Paul commented that the Town Engineer won't sign-off because the Developer did not build the ponds

according to their proposed designs and can only handle 90+% of the water runoff versus 100% and did not meet the specs that were established for it.

Robinson reiterated that the Planning Board would like the Board of Selectmen to offer a *Cease & Desist* order and not let any more units be built until the detention pond matter is resolved. Selectman Ham commented that she would like to avoid any potential legal litigation, and allow the Town Engineer to review (and approve) the plans that were submitted, and continue moving forward.

Selectman Daly agreed and would like to wait to hear back from the Town Engineer with a recommendation and/or approval, and if he cannot provide that, then the Board of Selectmen will issue a *Cease & Desist*.

Paul Beaudin asked if the Town could request that the owner of 41 Church Street (Sebastian Birritteri) put a fence around the property being demolished? Tammy responded that upon conclusion of the 30-day *Cease & Desist* window, they may be able to do this.

Bill Conn asked the Board for a copy of the Planning Board's building permit policy/procedures which explain the permitting process (how to receive a building permit). A discussion ensued on whether or not there was even a written Planning Department Application process.

Bill Conn explained that he was part of the committee that developed the Industrial Business Park in the town's Small Business Development District. The individual lots (9 lots) were to be sold for \$40k-\$60k a piece, and could only be sold to small business owners for light industrial business purposes (there are other Protective Covenants & Restrictions), however, the Town Manager (Ted Sutton) at that time increased the sale price for the lots to \$120k+ and they never sold. A discussion ensued on the protective covenants and restrictions which in part, require the business activities to be regular on-site staff supervision and employment (no use primarily intended for storage or other unintended purposes) which would essentially eliminate plumbers, electricians, construction businesses etc.

Selectman Ham explained that at the time the Industrial Business Park was built, there was a tremendous need for an area to house small businesses, and this was an appropriate use for these lots; now there is a tremendous need for workforce housing. Robinson suggested that they pull the two (2) current Industrial Business Park lot owners property deeds, and the Board will review and discuss them publicly.

Paul Beaudin asked the Board if they would be soliciting public comment/input prior to making any change of use plans with the Industrial Business Park. Robinson responded that this process will have to go before Town Meeting if/when the Board decides to put workforce housing in at the Industrial Business Park.

Jim Welsh questioned whether or not the Industrial Business Park zoning changes would be a secret ballot vote or a show of hands at Town Meeting? Robinson explained that if it's a zoning change, it would be on the ballot and voted on during the day (vote Yes or No); if it has to do with funding or tax breaks it would be dealt with during the evening meeting.

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

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

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

244 The BOS went into Non-public session at 6:55 p.m.

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246 **MOTION: “To re-enter public session.”**

247 **Motion: OJ Robinson Second: Jack Daly All in favor.**

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249 The Board reconvened public session at 8:15 p.m.

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251 **V. ADJOURNMENT**

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253 After review of the weekly payables and with no further business to attend to, the Board made the
254 following motion:

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256 **MOTION: “To adjourn.”**

257 **Motion: OJ Robinson Second: Tamra Ham All in favor.**

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259 The meeting adjourned at 8:15 p.m.

260 Respectfully Submitted,

261 Jane Leslie

262

263 Approval Date: October 24, 2022

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265 **Lincoln Board of Selectmen:**

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Chairman O.J. Robinson

Tamra Ham

Jack Daly