

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
SEPTEMBER 29, 2014
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

Board of Selectmen Present: O.J. Robinson, Patricia McTeague, and Tamra Ham.

Staff Present: Town Manager Burbank, Fire Chief Ron Beard, Police Chief Ted Smith, and Recording Secretary Brook Rose.

Public Present: Dave Beaudin, Herb Lahout, Heidi Hurley, Darin Whipperman with the Littleton Courier, Robert Blechl with the Caledonia Record, and Barry Lunderville with WLTN.

I. CALL TO ORDER

O.J. Robinson called a work session of the Board to order at 4:10pm. The Board met to review the Town's current fee schedule. Paul Beaudin, Dave Beaudin, Ron Beard and Town Manager Burbank were present. At 5:30pm, O.J. called the regularly scheduled Board meeting to order.

II. PUBLIC PARTICIPATION

Herb Lahout Complaint re: Planning Board Member Strickon

After introductions of both audience and board members, Mr. Herb Lahout read three press releases into the meeting minutes. The press releases from Senator Woodburn, Councilor Kenney, and Representative Gionet are as follows:

Dear OJ,

Pursuant to the planning board meeting that was held September 24 whereby a racist comment was directed at Herbert Lahout by a member of the planning board. As the State Representative for the town as well as a former Select Board chair for many years, after listening to the radio broadcast of the meeting. I was infuriated and embarrassed that you as Chair didn't take any action during the meeting. I supported you when you ran for the position of Selectmen and quite frankly you have let me down. Not only in this instance. including the way you have administered. Our town Government has to be cleaned up. Removing the person that made the remark would be a move in the right direction.

*Edmond Gionet
Representative Grafton 5*

At a recent Planning Board Meeting in Lincoln, a comment was made by a board member that insinuated that business owner Herb Lahout should not be trusted to name his new business Lahout's Lebanese Pancakes." I have the utmost respect for Lebanese/Americans such as the Lahout Family and many other prominent New Hampshire citizens who are of Lebanese descent, including one who went on to serve as the White House Chief of Staff. There is a incredible list of Lebanese/American Families in New Hampshire that have worked hard and gotten ahead like so many other ethnic groups. In 2005/2006 as a Marine Officer in Iraq I served with a Lebanese/American who acted as my Arabic

translator and through his translation, he saved many lives. As public servants we have a responsibility not to lump hardworking Middle Eastern immigrants into a category because of a few bad people. It's time to apologize and take corrective action to assure this does not happen again. The public deserves a respectful dialogue and conscientious discourse on local, county and state boards to all our citizens, foreign born or not."

*Joseph D. Kenney
Executive Councilor District 1
Wakefield, NH*

STATEMENT FROM Sen, Jeff Woodburn

I was saddened to learn of the offensive comments made by a public official at meeting in Lincoln recently. Discrimination has no place in the North Country -- a place with a proud history of diversity. The Lahout family exemplifies the American dream and their story inspires us and me personally. I recall 30 years ago Joe Lahout introducing Rev. Jesse Jackson in Littleton -- an act of personal courage in those days. The town of Lincoln would be wise to put this behind them and apologize."

Mr. Lahout questioned what the Board of Selectmen had to say regarding Planning Board member Paula Strickon's recent comment regarding the country of Lebanon. O.J. Robinson replied that the Board has not yet discussed the matter as tonight is their first meeting since the comment was made. Mr. Lahout replied that he would like to hear what the Board has to say before making any further statements. O.J., speaking on behalf of himself, replied that the remark made by Paula Strickon was certainly not appropriate as it is never appropriate to discuss a person's heritage or ethnicity in the context of a public meeting. He added that she was referring to the war torn region of Lebanon but regardless it was not appropriate in any context. Also, O.J. stated that when this comment was made at the Planning Board meeting, he specifically asked that the Planning Board return to the subject at hand. He did not appreciate Mr. Lahout's statement that the Planning Board did nothing to address her comment immediately and that this was an incorrect statement. Mr. Lahout questioned whether O.J. thought his comment was weak. O.J. replied that no, it was not a weak comment. Mr. Lahout replied that his father taught him that when you're wrong, say you're wrong and shut up. He asked the Board whether they had thought it necessary to hold an emergency meeting to discuss the matter. O.J. replied that he thought it appropriate to wait until the upcoming Board meeting to discuss. Tamra Ham stated that Paula Strickon apologized for her comment at the Planning Board meeting and did not vote on Mr. Lahout's application. Herb replied that she did apologize to me but would not apologize to the room which shows how smug she is. O.J. replied that he completely disagrees with Mr. Lahout's interpretation.

At this time, O.J. read a statement he had prepared for the meeting. The statement is as follows:

At the September 24th meeting of the Lincoln planning Board, one Board member, Paula Strickon, made a remark regarding the country of Lebanon. Her remark was seemingly directed at a war-torn region, not Lebanese people or Mr. Lahout specifically. Regardless, this remark was not appropriate for a public meeting. Her remark in no way reflects the thoughts or attitude of the Town of Lincoln. Subsequent to her initial remark, Paula apologized at the meeting and agreed not to vote on the subject at hand. The Town of Lincoln prides itself in being a welcoming and diverse community. We have many residents and business owners of Arab descent that contribute much to our diverse community. We are proud of the Town's diversity and we absolutely do not condone the comment that was made. Every person that appears before our municipal boards deserves to be treated with respect, regardless of their nationality. On behalf of the Town, the Board of Selectman sincerely apologizes for this remark. We believe no

further action is required at this point.

Patricia McTeague and Tamra Ham both agreed with O.J.'s statement. Patricia added that Paula Strickon's comment was certainly inappropriate and extremely unfortunate and will never be repeated by that individual again.

Mr. Lahout replied that it blows his mind that the Board does not have the backbone to ask her to step down. He added that this is an embarrassment to the Town and a terrible example for our school children. He questioned where Paula Strickon was this evening. Patricia McTeague replied that she is attending a previously scheduled meeting on behalf of the Town at North Country Council. Herb stated that she didn't think it was important enough to show up. O.J. replied by saying that the Board of Selectmen are all volunteers and that Mr. Lahout is welcome to present his point and that the Board may leave the meeting with a differing opinion however he asked that Mr. Lahout not be demeaning when addressing the Board. Mr. Lahout agreed and proceeded to read the following statement:

For those of you that don't know me, I am very direct and come from a family of lawyers. My brothers are all attorneys. My sister is a Harvard lawyer. Not bad for a family whose grandfather came here at age 13 with not a penny in his pocket. In my opinion, I have been nothing but harassed by this town ever since I bought that building at 31/33 Main Street. I'm sick of it and will no longer stand for it. Let me give you a few examples:

- 1. When I first bought the building, your town manager called me unlucky. Butch, what did you mean by unlucky? Why would I be unlucky if I purchased a piece of property on Main Street? What did you mean by unlucky? I don't want to put words in Butch's mouth. Don't you want to know why a representative of this Town would make an official statement calling me unlucky? What was I unlucky about?*

O.J. recommended that Mr. Lahout present to the Board. Herb replied that he could see that the Board did not intend to answer his question.

- 2. My approvals for retail and office use were given on March 26. The notice of decision didn't go out until May 20th two months later. This created quite a ruckus. What is the planning administration doing in this Town? What do you do for sixty days? You can't cut a notice of decision? I sent an e-mail to the Selectmen which you didn't respond to saying that I was unhappy with the Town and pointing out things. I would think as any CEO's of a town or business, you want to get input about your employees.*

O.J. agreed and said that he did absolutely want to get feedback and welcomes Mr. Lahout's comments. However, he would like to clarify whether this is a separate issue from the Paula Strickon's comment. Mr. Lahout stated that no, it is not separate but he is leading up to that. He feels all of this is leading up to his nationality and that he smells a rat in this whole process. He feels he has been harassed since he purchased the property. He advised that he does not believe the Board of Selectmen knows about it and he is trying to bring them up to speed by giving them specific examples of how he feels he has been mistreated throughout this process.

O.J. stated that going back to Mr. Lahout's allegations of doing nothing about his e-mail; O.J. received the e-mail requesting he meet with Mr. Lahout two days prior to the Planning Board meeting where he was to decide on Herb's application. He stated it would have been inappropriate and possibly illegal for him to meet with Mr. Lahout in this situation. Mr. Lahout asked that the Board listen to what he has to say and then respond to these issues. O.J. agreed that this is the way he wanted to handle the discussion as well.

Mr. Lahout went into further detail expressing his dissatisfaction with the way the Planning Department handled his application. He stated:

Lastly, my assistant Heidi tried to come here to meet with the zoning board. I was overseas at the time. However the chairman wouldn't hear the case because Heidi didn't have authorization to represent me. I can understand that but what's puzzling is that she had dealt with Carole for a week before. Carole knew I was overseas and she was going to be representing me. Generally speaking, Planning Boards are here to help people. They want to encourage investment. You want people to be informed and then she gets to the meeting and all the sudden the chairman says we won't hear your case because you don't have a written authorization from Herb saying that you can represent him. What the heck was Carole thinking dealing with her for a week and not saying that you better bring this letter? What was she thinking? Was she that busy that she didn't have time to communicate? All I'm using is examples of Franconia, Bethlehem, Sugar Hill, and Salem where I've done work. I've been a developer for over 30 years and the tip of the iceberg was Paula Strickon's racist comment which it seems as so the Select Board is doing absolutely nothing about and could care less.

Herb stated that if Paula Strickon does not personally resign (and he stated this was not a threat) and the Board does not unappoint her, there will be consequences. He added that this is the last thing he wants to do but he cannot understand the rationale of the Board. The Town cannot have a public official making a racist remark and the fact that the Board has nothing to say is pitiful.

O.J. Robinson attempted many times to respond to Mr. Lahout's concerns. After being perpetually interrupted and expressing his frustrations with not being able to respond to Mr. Lahout's allegations, he stated that he would not continue to have a conversation with him if he was unable to respond without interruption. At this time, Mr. Lahout walked out of the meeting. O.J. stated that he was sorry Mr. Lahout was not interested in hearing his response. He added that it is sad that someone who has invested so much time in making this complaint won't listen to our response.

He went on to say that the Planning Board bent over backward to accommodate Mr. Lahout's ever changing application. The Planning Board was flexible in the approval process. He added that this is a pro-business Town where people are treated fairly and the fact that Mr. Lahout would not sit and listen to the Board's response speaks to his demeanor.

Town Manager Burbank stated that he was disappointed with the e-mails that were sent to the Town by Senator Woodburn, Representative Gionet, and Councilor Kenney. None of them had the courtesy or took the time to contact the Town before making their statements.

At this time, O.J. read Mr. Lahout's e-mails into the record. They are as follows:

Herb Lahout *Sep 25 (4 days ago)*

to townmanager, Peter, OJ, Tamra, Patricia, townhall, Linc

Town officials,

The press has hounded me all day regarding the comment made by a member of your planning board on Lebanon last night. I'm sure the town doesn't condone these comments. As far as I know no one at the town level is commenting?

As a friend of Lincoln, and being very appreciative of all the opportunities the town has given me and

my family I strongly suggest you get out ahead of this story.

I have heard it's running as a story at noon on the Kiss stations.

Pls advise.

*Respectfully,
Herb*

Herb Lahout

Sep 25 (4 days ago)

to townmanager, Peter, OJ, Tamra, Patricia, townhall, Linc

Dear town officials,

What I am dumbfounded by is the Towns Attorney, Town Manager, and Chairman of the Selectman actively participated throughout the meeting yet chose to say nothing when these remark(s) were made...

Truly unconscionable...

Herb Lahout

Sep 26 (3 days ago)

to townmanager, Peter, OJ, Tamra, Patricia, townhall, Linc

Dear Selectman,

As I understand in Lincoln the planning board is appointed by your board.

Therefore, you have the right to dismiss any member from the board as circumstances dictate.

Why have you not done this in this case? Therefore, this lack of immediate action leads me to believe that you condone her comments?!

Please advise.

Sincerely, Herb

Herb Lahout

Sep 26 (3 days ago)

to townmanager, Peter, OJ, Tamra, Patricia, townhall, planning

My personal opinion is you should call a emergency meeting before Monday and deal with this horrendous situation at once.

It doesn't take 5 days for a municipal government to respond to something like this. It should be a utmost priority.

Unless, as I mentioned earlier, the the selectman approve and condone her comments.

Please advise.

Herb Lahout Sep 26 (3 days ago)

to townmanager, Peter, OJ, Tamra, Patricia, townhall, Linc

Dear town officials,

Please see my Lebanese passport below. You can now better understand why I found her comments intolerable.

Herb Lahout Sep 26 (3 days ago)

to townmanager, Peter, OJ, Tamra, Patricia, townhall, planning

Per my attorney's advise I will not be attending a regularly scheduled selectman meeting. I will only attend a emergency meeting regarding this issue ASAP. If the board request my presence. Furthermore, I never requested a meeting in the first place. I only suggested they meet ASAP to condone her statements and hopefully ask for her resignation or vote her off the board.

Sincerely. Herb

Herb Lahout Sep 27 (2 days ago)

to townmanager, townhall, Linc, OJ, Peter, Tamra, Patricia

Dear town officials,

As most of you know, all my brothers and sister are lawyers. Therefore I find it hard to believe that Peter Malia has not commented on behalf of the Town (according to this article)!

As a sizable Lincoln taxpayer, why are you spending taxpayers dollars on a attorney who who (apparently) has chosen not to comment or deal directly with the this issue?! Especially, due to the fact the Town Manager is directing all press inquires to him?!?

From: Herb Lahout

Sent: Monday, September 29, 2014 5:22 AM

To: townmanager

Subject: Re: RE: RE:

Kindly put me Adgenda at today's 530 meeting to review some other issues. Pls advise what time I can speak as I am pouring concrete today.

Thx

In conclusion, O.J. stated that the citizens of the Town know that this Board is open to listening. They do this in a fair equitable process. The Board is happy to hear Mr. Lahout's or anyone's comments and that it is too bad Mr. Lahout did not stay to have a reasonable conversation.

Mr. Lunderville questioned what the Board would like the news to say about their position if they are not going to dismiss Paula Strickon from the Planning Board. The Board agreed that O.J.'s statement would be their official position on the matter.

MOTION: "To present O.J. Robinson's statement as the official statement from the Lincoln Board of Selectmen."

Motion: Patricia McTeague

Second: Tamra Ham

All in favor.

Mr. Lunderville stated that the Board took great lengths at the beginning of the meeting to explain that it would have been illegal for them to discuss this matter prior to tonight's meeting yet the Board has a prepared statement. Patricia McTeague replied that this evening was the first time she and Tamra Ham heard the statement. O.J. added that he wrote the statement with the idea that the Board may choose to make it their official statement. The Board has not discussed this matter prior to this evening.

The Board thanked everyone for attending the meeting.

Paul Beaudin – July 4th Event

Paul Beaudin brought up the July 4th event and questioned whether the Board would like the Town to take this event over and if so they should plan for it in the upcoming budget. Town Manager Burbank replied that a meeting should be scheduled to discuss how all involved parties wish to proceed. Paul replied that he would like to attend and that Danielle Avery, Tara Tower, and Joel Bourassa should also be involved. Town Manager Burbank suggested that a subcommittee may be in order to recommend how the event should proceed in the future. Paul added that the Chamber might like to be involved as well. Tamra Ham stated that the school freshman class was very excited to have this as an annual community service event and she does not want to see this taken away from them. O.J. replied that the Town can work with the school to ensure that continues to happen. Paul stated that he believes this event should be a Recreation Department function funded by both towns. Tamra Ham disagreed stating that this event has always been a Friends of Recreation event not a Town event. The school and Rotary did a wonderful job putting on the event last year. Paul stated that he feels this event is important enough that if this discussion does not go the way he thinks it should, he is going to propose a warrant article at both town meetings to let the people decide. He would like to see this event continue as it is a great event for the Town.

The Board had an extended discussion on the matter. O.J. stated that he would not be opposed to getting Tara Tower, Danielle Avery, and Bobby Donahue together to form a committee to recommend how to proceed with the event. He added that he did receive some feedback from local businesses wondering why they were being solicited for money for the event when this is something taxpayer dollars should be used for.

Town Manager Burbank stated that he would be in favor of contacting the Town of Woodstock to see if they have any interest in partnering with the Town of Lincoln to fund the event. If there is no mutual agreement between the towns, then the school can be contacted to see if they would like to take over the event. After further discussion, it was decided that Tara Tower should meet with Danielle Avery and Bobby Donahue to recommend how to oversee the event in the future. Mr. Burbank will make the Town of Woodstock aware of this evening's discussion.

Questions on Sale of Backhoe

Paul Beaudin questioned where the Board got the information on the backhoe when it was sold. Tamra Ham replied that the information for the sale was drawn up by Public Works Director Bill Willey and Town Manager Burbank. Paul replied that the Board misspoke when they last discussed the backhoe. The equipment is 14 years old and not 16 years old. He questioned why it was decided that there were head gasket issues with it. Mr. Burbank replied that there was antifreeze in the oil.

Review of Personnel Policies

Paul Beaudin stated that he is aware that the Board is reviewing the Town's personnel policies. O.J. replied that the discussion is on the agenda for next week. Paul stated that he would like to make a few comments regarding the policies. He stated that the Town's Personnel Policy has not been adhered to in the past. The cap for accumulating sick time is supposed to be 320 hours however he noticed that his sick time is accumulating beyond that. He mentioned that some towns use a sick time payout as an incentive for not using sick time for employees that are vested as a long term employees. Upon retirement, they are paid for their unused sick time. This incentive prevents employees from using excessive sick time before they lose it at the end of the year. The Board had an extended discussion on the sick time policy. Town Manager Burbank commented that there has been zero abuse of the policy for the past two years that he has worked for the Town. The Board will discuss the policy further at their next meeting.

Review of Fee Schedule

Paul Beaudin questioned whether the Board will allow public comment on any proposed changes to the current fee schedule. O.J. Robinson replied that staff and town board members will be reviewing the changes prior to accepting comments from the public. Mr. Beaudin brought up the fact that the Town may want to consider more forceful water conservation measures for the businesses that choose pricey water/sewer features. Dave Beaudin commented that the Board should consider irrigation (sprinkler systems) as part of their fee schedule as there is nothing currently in the schedule that addresses this. He added that irrigations systems are becoming a great deal more pervasive than they were in the past. The Board may want to consider instituting incentives such as putting in a rain gauge. He added that the same fees have been in place since the Town instituted a fee schedule while the water/sewer costs to the Town have risen considerably over the years. The Board had an extended discussion regarding revising these fees. They agreed to investigate charging for irrigation. The Board thanked Paul Beaudin and Dave Beaudin for their input and will take it into consideration as part of the new fee schedule. O.J. Robinson commented that there are two issues at hand. One is the metering of water and the other is tap fees. The Board is not in favor of metering and charging for water use at this time. However, new construction requires new infrastructure and increasing the tap fees is a way to manage these costs.

III. MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the minutes of the September 22, 2014."

Motion: Patricia McTeague Second: Tamra Ham Motion carries.

MOTION: "To approve the non-public minutes of the September 22, 2014 meeting."

Motion: Tamra Ham Second: Patricia McTeague Motion carries.

IV. PROPOSED WARRANT ARTICLE, *State of New Hampshire provides a comprehensive system of funding for State Educational needs.*

The town of Webster has requested of all municipalities that the following warrant article be placed on the town meeting warrant.

“Resolved that the State of New Hampshire provide a comprehensive meaningful system of funding for State Education needs. To see if the Town will vote to ask our governor and our state legislators to reform state funding for education with that reform to be directed to significant reduction of property taxes. The record of the vote approving this article shall be transmitted by written notice from the Select Board to the governor and state legislators informing them of the instructions from their constituents within 30 days of the vote.”

Town Manager Burbank stated that this article addresses funding on a state level. O.J. added that this article is non-binding and is subject to legislative interpretation. Without knowing the specifics of the article, the Board does not want to put this on the town meeting warrant. Tamra Ham commented that Paul Rand resigned from the School Board last week. He said the School Board was corrupt and acting illegally in the way the conduct business. She added that members of both towns are discussing ways to get equal representation from both towns on the School Board.

MOTION: “To not to take any action on the article proposed by the Town of Webster.”

Motion: Tamra Ham Second: Patricia McTeague All in favor.

V. OLD/NEW BUSINESS

Town Manager’s Report

Common Man Lease

The 2014-2015 lease agreement and accompanying invoice has been sent to Alex Ray.

Town Siren

The siren is now up and functioning correctly. It should not go off unexpectedly any more. The Board was happy to hear that the siren was functioning properly again.

Loon Mountain Bridge Update

Seventeen companies requested full job specifications for the construction of the new Loon Mountain bridge. This is good news as the Town should have many bids for the project.

MS-1

MOTION: "To approve and sign the MS-1 form for the NH Department of Revenue."

Motion: Patricia McTeague Second: Tamra Ham All in favor.

Coffee With a Cop

Chief Smith informed the Board that the Coffee with a Cop program is very successful. He asked the Board's permission to purchase about 100 coffee mugs for the business owners and staff members in Town that make this program possible. The businesses give out free coffee to everyone that shows up for the program. He would like to offer them a gift for hosting the Police Department. Patricia McTeague stated that she thinks this program is a great idea. Chief Smith added that the Department runs the program during the offseason so that only local residents (rather than tourists visiting the area) participate. He added that there is no overtime to the Department for running the program and he tries to involve all of the officers in it. The Board was in favor of purchasing the mugs.

Public Safety Academy

Three to four individuals have enrolled in the Public Safety Academy. Chief Smith has also spoken to a few of the local resorts that are planning to sign up several members of their staff. Chief Ron Beard suggested contacting the Mountain Club on Loon to see if any of their employees would like to attend. O.J. Robinson suggested having dispatch make some calls to drum up interest in the program. Chief Smith will see what can be done to increase participation.

Town Hall Stairwell

Only one bid was received for this project out of the five companies that had requested information. The bid that was submitted was for \$37,800. A large part of the expense of this project will be the demolition as it is more extensive than expected.

VI. ADJOURNMENT

After reviewing the weekly accounts payable and with no further business to attend to, the Board made the following motion.

MOTION: "To adjourn."

Motion: O.J. Robinson Second: Tamra Ham All in favor.

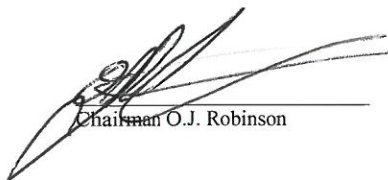
The meeting adjourned at 7:15pm.

Respectfully Submitted,

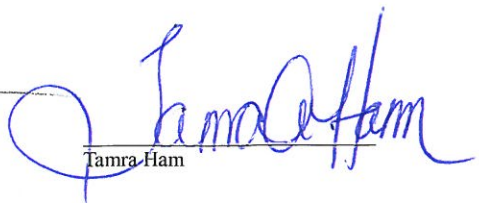


Brook Rose

Approval Date 9/29/14



Chairman O.J. Robinson



Tamra Ham

Patricia McTeague

