

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
APRIL 11, 2016
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

APPROVED

Board of Selectmen Present: O.J. Robinson, Jayne Ludwig and Tamra Ham.

Staff Present: Town Manager Burbank, and Recording Secretary Wendy Tanner.

Other Staff Present: Fire Chief Ron Beard

Public Present: Tammy Gionet Dutilly, Steve Noseworthy, Cindy Rineer, David Larsen, Robert McLaughlin, Jon Ham, Al MacQuarrie, William Dutilly, Debbie Celino, Jim Welsh, Jack Daly, David Beaudin and Jim Martin.

I. CALL TO ORDER at approximately 5:30

Chairman Robinson called the meeting to order at 5:30 P.M.

II. REVIEW AND APPROVAL-MINUTES OF THE PREVIOUS MEETING

- April 4, 2016

MOTION: "To approve the minutes of April 4, 2016 as amended."

Motion: Tamra Ham Second: Jayne Ludwig All in favor.

MOTION: "To approve the non-public minutes of April 4, 2016 as amended."

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

III. ZBA APPOINTMENT Discussion

Chairman Robinson reviewed the assignment of members and explained that the Zoning Board of Appeals (ZBA) board memberships have either expired or we were unaware of their actual term dates. The appointment dates will be staggered so that all members will not expire at the same time.

Selectman Ludwig thanked the previous ZBA members for attending.

Jim Welsh has a busy schedule for the upcoming months and was not sure how often he would be able to attend. Chairman Robinson explained that the ZBA should have a strong alternate board since conflicts frequently arise and the more alternates that are appointed, the more likely that a quorum will always be available.

Selectman Ludwig also commented that ZBA members should not have prior knowledge about individual cases that come before them, as they should act more like jurors and not offer opinions about specific cases. Members coming onto the ZBA should be nonjudgmental or unbiased, similar to being selected as a juror member.

Once the ZBA is appointed and sworn in, they will appoint their own chairman.

MOTION: “To nominate the following ZBA members:”

- **Jon Ham and Jim Martin for three (3) year terms,**
- **Don Landry for a two (2) year term,**
- **Paul Beaudin for a one (1) year term**

As ALTERNATES

- **Ray D’Amante for a three (3) year term**
- **Jack Daly for a two (2) year term**
- **Jim Welsh for a one (1) year term**

Motion: OJ Robinson

Second: Jayne Ludwig

2 in Favor.

Tamra Ham abstained from the vote.

Town Manager Burbank discussed training sessions for ZBA members being held by the New Hampshire Municipal Association at the Town Hall. All ZBA members are required to be sworn in by the Town Clerk.

IV. CONSERVATION EASEMENT *Discussion*

Town Manager Burbank explained that New Jefferson Holdings LLC, the developer in Forest Ridge, contracted with Wadsworth Logging to harvest timber on some of their undeveloped acreage at Forest Ridge. It was brought to the town’s attention by David Larsen, Forest Ridge Property Manager that some of the harvested timber was from the conservation easement that was given to the Town of Lincoln by Jori Properties, LLC. A legal opinion was obtained that stated the original easement does not specify logging, which leaves the door open for discussion as to whether anything illegal was done. It states in the statute, if these disputes cannot be worked out among the two parties, arbitration could be used and the arbitrator’s decision would be final. The Forest Ridge Property Owners would like to state their case before the Select Board tonight. There is no dispute that the wood has been cut, and Wadsworth Logging does not believe they have done anything illegal. A rather substantial logging road was built onto the property, and some people will argue that this is part of the process.

Selectman Ludwig questioned if this should be conducted in a *nonpublic meeting*? Town Manager Burbank stated that it was a very public issue, and does not need to be discussed in a non-public session.

Easements are protected to some extent. The Town of Lincoln owns the conservation easement. The grantor at the time did not specifically state that they could not manage the forest as part of the easement.

David Larsen, Business and Property Manager for the Master Association at Forest Ridge and property owner at Forest Ridge, along with Bob McLaughlin, also a property owner at Forest Ridge presented to the Select Board.

The discussion began with the intent to cut permit and how much of the property was listed on that form. One question was if DES was informed of the cutting. Roadways going into the property were discussed. Permits from DES were not obtained, and there are streams that run through the property. A map was presented to the Select Board showing where the cutting was done. The easement includes a three (3) acre parcel and a fifteen (15) acre parcel. The cutting was done very close to the stream, and mostly beech trees were taken from the lot.

The town is not pressed for time however; there is a time limit to act upon.

Bob McLaughlin noted that a timeline begins from the moment that the Town sends notice to the grantor of the easement that there has been a breach of the easement; they then have 30 days to respond. The cutting was completed on March 6, 2016.

A provision in the easement states that the grantor shall open this area up and have it available for recreation by the residents of the Town of Lincoln. The condition the area was left in after the timber cutting made the space quite dangerous and it is no longer the type of area you would want to access. The Hall Road was an area going through part of the parcel and is used frequently by snowmobilers in the winter. There have been numerous complaints from residents in town that they can no longer use these trails.

Wadsworth Logging is aware that they have cut timber and "if" they were wrong to cut the timber, they will resolve any issues pending. Members of the Select Board thought that the easement should be corrected so that this does not happen again.

The Select Board members would like to walk the property before making any decisions, and meet with the grantor and town counsel to discuss the easement. David Larsen offered to show the Select Board where the property boundary markers are if they would like to walk the property with him.

This will be on the agenda for April 25, 2016.

ZBA Members

Jack Daly arrived and the Select Board talked to him about the appointed position of alternate on the ZBA. Mr. Daly's qualifications were reviewed and he was thanked for his time and asked to visit the Town Clerk to be sworn in. Mr. Daly was also told about an upcoming training for ZBA members.

V. OLD/NEW BUSINESS

☐ Town Managers Report

Common Man

The Common Man lot will be presented to the Planning Board. If it passes the Planning Board there will be two more public meetings that must be at least 10 days apart. The first of the two meetings would be on April 25, 2016.

Town Revenue

The revenue figures from the Park and Recreation Department have been submitted and reviewed. The Solid Waste figures are currently being reviewed by the Public Works Director Nate Hadaway and Jim Conn. The current rates at the Solid Waste Facility have not been changed in many years, and the Select Board will be meeting shortly to discuss if any of the current fees will be changing in these areas. Fees that include the Town of Woodstock will be discussed at a later date and will include members from the Town of Woodstock Select Board.

The Select Board is currently reviewing all town revenues by individual departments. Town Manager Burbank will collect the revenue statements from the library and cemetery and invite the Trustees to review these revenues.

911 Street Numbering

The letter that is going out to residents was reviewed. The Police and Fire Chiefs will be visiting properties and providing a letter explaining the importance of properly posting 911 addresses on each residence in town. This is a safety issue that is being addressed.

Beechwood I Roads

Beechwood I Roads project went out to bid this week.

Pollard Road Sidewalk

Surveying will begin Wednesday on Pollard Road to determine where the sidewalk would be built. Once the survey is done, there will be visible markers on Pollard Road.

Levee

The easement work on the levee is nearing completion. Engineering is almost complete but the state has requirements with respect to existing structures, they call them incursions into the levee. An evaluation will be required on all of the incursions which will require an entrance into basements and evaluating decks and porches. This is a new requirement for the town.

Loon Pond Dam

Caulder Construction was the low bid received at \$259,879, and was awarded to Caulder Construction. The timeframe for the scheduled work will be late summer, which is contingent upon the weather.

Water Treatment Plant Culvert

Design is complete and DES permits are expected any day. The thought is to replace this culvert to coincide with the Loon Pond Dam replacement because the water flow will be cut off and make it much easier to replace the culvert at that time.

☐ **Town Report**

Junk Yard

Mr. Chenard is to contact the town and schedule a date to come in and speak with the board. To date he has failed to do so.

Black Mountain Road

Hoyle & Tanner Engineering is currently working on an estimate for Black Mountain Road, and David Edson is reviewing the water and fire protection issues, as well as evaluating the work that needs to be done. Bill Davidson was hoping to have this complete this week.

Water Asset Management Plan

Hoyle & Tanner Engineers are working on the Water Asset Plan. The governing council has not approved the matching funds yet, therefore this project will be on hold until the forms are received.

Ground Penetrating Assessment (sonar of Memorial Grave on Pollard Road)

After the sonar of the ground, they were sure they had found a grave, however, upon further review of the reports, they now believe that there is nothing buried at the site. There is still a question of what to do with the property. James Martin said that a request has been sent out to the National Registry due to the fact that he was a veteran of World War I, and his death would have been recorded. Unfortunately there was a fire in 1978 that destroyed most of their records. Records do show that the man thought to have been buried on the property died as a resident of Lincoln. At this point, they are going to wait and see if the National Registry can provide any information.

WebEx Software Program

There is a free trial available for this software that the town may want to try. This is a notification and conferencing program.

Riverfront Park Land

After walking the riverfront park land, there is far more trash there than last year.

There is a local business that has dumpsters near the area that are often opened, and the debris gets blown out and scattered around onto town property. There is also a grease issue with the dumpster that DES will be addressing. Many issues need to be resolved; the trash escaping from the dumpster, the debris needs to be cleaned up, and the grease container needs to be locked. The property owner will be notified and addressed.

Nachos Mexican Grill

Fire Chief Beard is not issuing a permit of assembly because of numerous violations. Nachos Mexican Grill cannot obtain a liquor license without the permit. There are serious health violations in the building. New Hampshire food license is obtained through the Department of Health and Human Services (DHHS). DHHS will be calling Nachos owners in for a hearing before they issue a license. There have been citizen complaints against Nachos Mexican Grill. Continual violation needs to end. It was agreed that all violations will be handled at the same time, including sign ordinance violations.

Police Facebook (<https://www.facebook.com/LincolnNHPolice/>)

The police department posted the monthly assists and arrests on the Lincoln Police Facebook page. The Select Board would like to acknowledge that they noticed the posting and encouraged it; keep it up, good job.

RiverWalk Trail update for the Master Plan

Karen Fitzgerald sent an email asking to incorporate a RiverWalk Trail update into the Master Plan. Chairman Robinson will talk to Carole Bont in the Planning department to see if there have been any updates to the RiverWalk Trail.

☐ **Public Participation**

There was no public participation.

VI. NONPUBLIC SESSION Pursuant to RSA 91-A: 3II (a,c,e,d)

MOTION: "To go into non-public session at 6:40 PM."

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

MOTION: "To re-enter public session."

Motion: Jayne Ludwig **Second:** Tamra Ham **All in favor.**

MOTION: "To authorize Town Manager Burbank to respond to the consent letter by signing the revised letter written by Attorney Hilliard and reviewed by the board."

Motion: OJ Robinson **Second:** Jayne Ludwig **All in favor.**

VII. ADJOURNMENT

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

MOTION: "To adjourn."

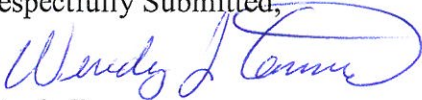
Motion: Tamra Ham

Second: OJ Robinson

All in favor.

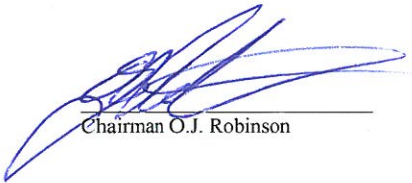
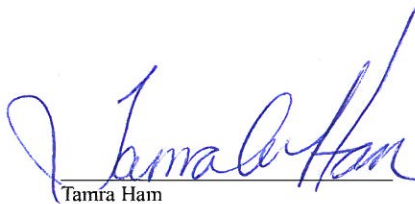
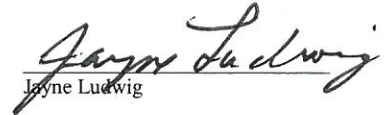
The meeting adjourned at **7:35 PM.**

Respectfully Submitted,



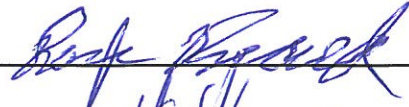
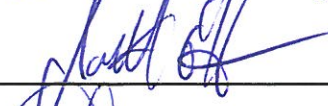
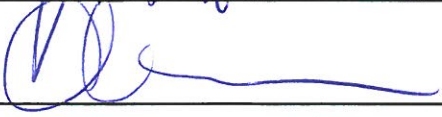


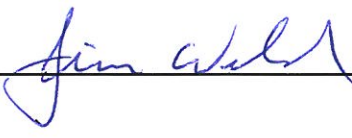


Wendy Tanner

Approval Date: 4/25/2016


Chairman O.J. Robinson
Tamra Ham
Jayne Ludwig

April 11, 2016
Board of Selectmen's Meeting
Please PRINT Legibly

(Print Name)	(Sign Name)
DAVID LARSEN - Forster Place	
ROBERT McLAUGHLIN	
ROSE BEARD	
JONATHAN A. HUNT	
AL MACQUARRIE	
TAMMY GONIEL DUTILLY	
WILLIAM DUTILLY	
DEBBIE CELINO	
JIM WELSH	
STEVE N	
JACK D L A	
JIM MARTIN	