

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
DECEMBER 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 Beard, and Recording Secretary Brook Rose.

Public Present: Jayne Ludwig, Pat Romprey and Dave Beaudin.

I. CALL TO ORDER

O.J. Robinson called the meeting to order at 5:30pm.

II. MINUTES OF THE PREVIOUS MEETING

MOTION: “To approve the minutes of the December 29, 2014 Board of Selectmen’s meeting as amended.”

Motion: Tamra Ham **Second:** O.J. Robinson

Motion carries with Patricia McTeague abstaining as she was not present at that meeting.

MOTION: “To approve the non-public minutes of the December 29, 2014 Board of Selectmen’s meeting.”

Motion: Tamra Ham **Second:** O.J. Robinson

Motion carries with Patricia McTeague abstaining as she was not present at that meeting.

III. OLD / NEW BUSINESS

Appointment of Alternate to the Planning Board

Planning Board Chairman Pat Romprey requested that the Board consider appointing Ron Beard as an alternate on the Planning Board. Chief Beard has agreed to serve on the Board.

MOTION: “To appoint Ron Beard as an alternate to the Planning Board.”

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

The Board thanked Ron for volunteering to serve on the Planning Board. All agreed that having Ron serve as an alternate would be a good fit as he brings his Fire Department expertise to the position.

Public Participation – Questions from Public

The Board answered basic questions from the public regarding the criteria for the sealing of non-public meeting minutes as well as the powers and duties of a Board of Selectmen.

E-mail from Edwin Peterson Jr.

Dear Mr. Burbank,

As a tax paying citizen of the town of Lincoln I would like to know why there is a tow company that is operating outside the LUPO still being allowed to be on the Lincoln Police tow "rotation"? Arnold's garage is operating not only what the state of NH refers to as an auto

salvage yard but also is operating an illegal auto body shop. This question was asked about Speed Bear Repair and we were immediately removed from the tow rotation I would expect the same treatment for Arnold's auto. We discussed this matter several weeks ago and you had told me that you had received several complaints on this matter from other sources. I have noticed that nothing has been done to remove the violating company from the Police rotation. I am unable to be present at tonight's selectman meeting but would appreciate this being read into the minutes and addressed. Thank You for your attention in this matter.
Edwin Peterson Jr.

Town Manager Burbank explained that Mr. Peterson's e-mail came in at 4:35pm last Monday and wasn't received till after last week's meeting. Mr. Burbank called Mr. Jon Ham to discuss this matter. Mr. Ham informed him that he is in compliance with NHDES. Mr. Burbank will be sending out a follow up letter to Mr. Ham requesting copies of any compliance documentation so the Town can keep it on file. Patricia McTeague stated that she remembers when the garage parking plan was approved by the Planning Board.

Mr. Romprey stated that personally, he had body work done on one of his vehicles and remembers other vehicles being restored at Arnold's back in the early 1980's before the site plan regulations were instituted. He stated that he would question the statement that the operation is illegal as Arnold's predates zoning. As Planning Board Chairman, Mr. Romprey remembers Arnold's having capacity and approval for 15-17 cars. The only times Arnold's may have had more vehicles on site is when several vehicles had to be towed to the garage and they were only there for a few days.

Tamra Ham recused herself from the Board. As a member of the public, Tamra stated that the garage bays were constructed in the 80's. Arnold Ham Sr. had a handwritten building permit for the two bay addition. Mr. Romprey added that there is a file at the Town Hall that has all of the necessary permits. Mr. Burbank will check the zoning file.

Tamra resumed her seat on the Board.

Town Manager's Report

Community Center Watershed Stormwater Assessment

Town Manager Burbank is awaiting an estimate from engineer Ray Korber to commence necessary repairs this year.

Update on Sign Violation Notices

Other Businesses

Town Manager Burbank will hand deliver the notice to Nacho's and send another notice to Ms. McKenzie's trustee.

Update on Levee Warrant Article

Town Manager Burbank stated that the Board is legally able to bring a 1.6 million dollar bond issue to Town Meeting, motion to table the matter, and then recess the meeting until a later date. At which time the Board can reconvene the Town Meeting to reconsider this one appropriation Pat Romprey stated that he sees the 1.6 million dollar repair as a Band-Aid which won't correct the problem. Patricia stated that that the 1.6 million is what it will cost to bring the levee back up to USACE standards. O.J. replied that the structure that had been in place for 50 years has held the water back during the most recent 100 year storms. The Town's job is to build what was there originally in place.

Town Manager Burbank stated that the Town has a lawsuit alleging several million dollars damage due to the results of the deactivation of the levee. The Town's attorneys are advising that there is no guarantee that the decision of the courts will be in favor of the Town of Lincoln. The soonest this matter will go to court is early 2016. Mr. Burbank explained that even if the Town goes to Town Meeting with the article, this lawsuit will not go away. He added that every time the levee matter comes up, it becomes more complicated. FEMA's remapping of the flood zone next year may change the situation yet again. There are a lot of factors to consider in this situation. Pat Romprey stated that he would be in favor of fixing the levee correctly even if it cost multi millions of dollars just to remedy the whole situation. Mr. Burbank stated that the Town would still be facing the same lawsuit. Tamra Ham stated that she still thinks it's unfortunate to have to restore the levee to its original standards which was designed to carry logs from a paper mill that is no longer in existence. However taxpayers may have a real problem fixing this to a higher standard at a cost of millions of dollars. The levee was never built with the intention of protecting homes that were constructed along the river.

The Board was in agreement that fixing the levee to USACE's standards would remediate a good part of this situation. That is all the Town is required to do. At this time, the Board is in favor of bringing the 1.6 million dollar bond to Town Meeting as the best course of action.

Loon Mountain Bridge

Tomorrow at 1:00pm there is a pre-construction meeting with all involved parties.

South Peak Water System

Town Manager Burbank sent another e-mail to Mr. Wendler to address the water system situation at South Peak. The Board briefly discussed the Town's obligations as well as the developer's obligations. The Town is not issuing any additional building permits besides what is already approved until the water system is addressed.

Holiday Office Closing

The office will be closing at 1:00pm on New Year's Eve and will remain closed through New Year's Day. Town offices will be open on Friday, January 2nd.

Budget Committee Meetings

The Board discussed the contents of the agenda for the first Budget Committee meeting. The meeting is scheduled for 5:00pm tomorrow, December 30, 2014. Dave Beaudin questioned whether this is a public meeting. The Board replied that yes the meetings are public and he is welcome to attend.

Kanc Ski Area

Tamra Ham informed the Board that the Kanc Ski area saw a great opening day on Friday. There were tons of kids there. Over 160 hotdogs were sold! The Town is hoping to make snow all week.

IV. NON PUBLIC SESSION pursuant to RSA 91-A:3II(a,e)

MOTION: "To go into Non-Public Session pursuant to RSA 91-A:3II(a,e) legal and personnel."

Motion: Tamra Ham

Second: Patricia McTeague

Roll call vote was all in favor.

The Board went into non-public session at 6:30pm.

MOTION: "To enter back into public session."

Motion: Tamra Ham

Second: Patricia McTeague

Roll call vote was all in favor.

The Board came back into public session at 7:00pm.

V. ADJOURNMENT

After reviewing the weekly accounts payables 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 7:05pm.

Respectfully Submitted,

Brook Rose

Approval Date ____/____/____

Chairman O.J. Robinson

Tamra Ham

Patricia McTeague