

LINCOLN BOARD OF SELECTMEN

DRAFT

MEETING MINUTES

THURSDAY, JANUARY 19, 2017 AT 9:00 AM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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

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

**Public Present:** Jack Daly, Attorney Danford J. Wensley, Attorney David P. Azarian

**On the Phone:** Attorney Michael Askenaizer, Attorney Daniel W. Sklar, and Attorney James S. LaMontagne.

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**I. CALL TO ORDER at approximately 9:00 AM**

*Chairman Robinson called the meeting to order at 9:00 AM*

**II. LEVEE**

Town Manager Burbank said that the estimates have come in higher than the original bond article that was approved at town meeting. Town Manager Burbank asked the Select Board what method should be used to obtain the overage.

After a long discussion amongst the Board members, it was decided to put in a bond article and a warrant article. The bond article would be voted on first and if it did not pass by 2/3 then the Board would request that the warrant article be approved. The bond article will be submitted at the highest estimate can be amended at Town Meeting once a bid is accepted by the town.

**III. THE LANDING BANKRUPTCY CASE**

9:19 AM the phone connection was made to the others attending the meeting.

On the phone: Attorney Askenaizer, Attorney Sklar and Attorney LaMontagne.

The Board listened to the bankruptcy attorneys to learn of their positions. On the phone they heard from Attorney LaMontagne explaining their position on Black Mountain Road. There are still a few issues that need to be worked including turnarounds at the ends of the roadways at the Landing, cisterns at the Landing for firefighting and shim and topcoat Black Mountain Road. Funding these projects is still an issue and no resolutions came from this meeting. The bankruptcy attorneys asked for a priority of these issues from the town. Attorney Azarian thought that the town's order of priority would be cisterns, turnarounds and then Black Mountain Road. No final decisions were made on these issues.

Attorney LaMontagne said that the estate has a claim against the town relating to RSA 507-B with an "Automatic Stay Violation", part of which is damage to the pump house when the water was shut off. Town Manager Burbank asked if the alarm system in the pump house was working at the time of the water shut off and the Estate Attorney's did not know. Burbank then stated that per the Town of Lincoln Water System Regulations it is clear that the town has no responsibilities when it comes to private water systems in town. Town Manager Burbank suggested that the repair of the pump house may need to be added to the priority list because of the residents that are living there now. It was also explained that the Town of Lincoln does not currently charge for water. No final decisions were made on this issue.

*At 9:58 the phone call was ended. Attorneys Sklar, Askenaizer and LaMontagne left the meeting.*

Jack Daly and Attorney Wensley spoke about Beechwood infrastructure and Black Mountain Road issues.

**IV. NON PUBLIC SESSION *Pursuant to RSA 91-A: 3II (e)***

**MOTION to go into nonpublic session at 9:58 AM**

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

*At 10:10 AM, Jack Daly and Attorney Danford J. Wensley left the meeting.*

**Motion to come out of nonpublic session at 10:39 AM**

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

**V. OLD/NEW BUSINESS**

**RSA 91-A Requests**

Robinson said that he does not believe that there were any correspondences between the Board of Selectmen on the petitioned article, zoning in general or anything related to that.

Tamra Ham said that she remembers that the first petition being accepted at a meeting and believed that Myles Moran was told later that he would need to present a new petition. Ham also said, Myles Moran came to her door with the petition asking her to sign it and she commented that she would not. Ham was not sure of the exact date or time that happened.

Wendy Tanner stated that Myles Moran came to the Town Hall on two separate occasions.

The First time was to ask when the hearing was scheduled for the petition and to ask the status of the petition. There was confusion around the hearing because the notice that went out had the correct date but the day of the week read Wednesday when in fact the day was a Thursday. That was corrected in a second notice. Tanner said to Mr. Moran that the petition was given to the Planning Board by the Select Board. The Planning Board is obligated to hold two public hearings on the petition. Tanner offered that Mr. Moran should attend this meeting as well as any other supporting residents to offer any information to the Board. After these meetings, the Planning Board would then either "recommend" or "not recommend" the petition on the warrant. Moran thanked Tanner and said that he now understood how the petition worked.

The second time Myles Moran came to the Town Hall, Town Manager Burbank was at the window with Wendy Tanner and Mr. Moran handed Town Manager Burbank a 91-A request for information.

Tanner did speak in person with her brother, Wayne Wright, about the petition, to say that the only signature on the petition that was not valid was the signature of his stepdaughter who is not a registered voter.

## VI. ADJOURNMENT

**MOTION: "To adjourn."**

**Motion: O.J. Robinson**

**Second: Tamra Ham**

**All in favor.**

The meeting adjourned at 10:51 AM.

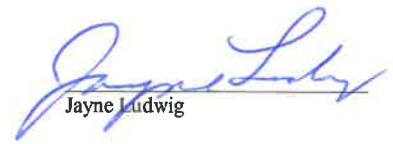
Respectfully Submitted,

Wendy Tanner

Approval Date 1 / 30 / 17

  
Chairman O.J. Robinson

  
Tamra Ham

  
Jayne Ludwig