

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
JUNE 5, 2017 – 5:30PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

APPROVED

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

Staff Present: Town Manager Butch Burbank, Administrative Assistant Jane Leslie.

Public Present: Town Engineer Ray Korber, Ron Beard, Victoria Martin & James Martin, Dave Beaudin, Taylor Beaudin, Roger Harrington, Sarah Harrington, Dennis Lynch, Tammy Gionet Dutilly, Steve Noseworthy, Jim Welch, Debbie Celino, Bill Conn and Patrick McCusker.

I. CALL TO ORDER

O.J. Robinson called the meeting to order at 5:33pm.

II. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: “To approve the meeting minutes of May 22, 2017 as amended.”

Motion: Tamara Ham Second: Jayne Ludwig Motion carries.

III. POLLARD ROAD SIDEWALK DISCUSSION *with Ray Korber*

Town Engineer, Ray Korber updated the board and audience members concerning the progress and status of the sidewalk project, and later followed up with more specific questions and concerns from the audience. Korber stated he has been working cooperatively with Town Manager Burbank, Victoria & Jim Martin, and Selectman Ham in securing easements from residents on the Pollard Road corridor and making significant progress. Once all easements received on a full segment of Pollard Road, the final sidewalk design will begin. Mountain View Condo (the *condo*) remains an unresolved issue at this point, however, will not interfere with plans for the implementation of the final design phase.

Selectman Ludwig asked Korber for the total number of residents that have not signed or agreed to the easement to date, as well as the overall total amount of easements requested. Currently there are eleven (11) easements pending that need to be secured including Mountain View Condos (the *condos*) and their neighbors (which are pending a right-of-way adjustment or an easement) out of a total of 22 easements (approximately 50% signed). Overall, most residents are agreeable to signing pending minor details and alterations that need to be worked out (ponding issues, new tree placement) and the *condo* Board of Directors have obtained an attorney challenging the sidewalk placement.

Selectman Ludwig noted that this project must be completed by November, 2017 and questioned if there is any way we can determine a time-line for obtaining the remaining signatures. Town Manager Burbank noted that the critical element at this juncture is that we go to final design then out to bid.

Chairman Robinson suggested scheduling a neighborhood meeting to keep residents informed on the progress of the project, and questioned the best time to do so. Korber suggested that upon completion of the final design (goal is within 30 days) they could then schedule a meeting so that all questions and concerns could be properly addressed. Once the Board gives the go-ahead for the final design and acquires the remaining signatures, the next step will be to go out to bid.

MOUNTAIN VIEW CONDO'S

Korber explained that approximately 70% of the sidewalk design in front of the Mountain View Condo (*the Condo*) parking area is within the public right-of-way, and approximately 30% is encroaching beyond the Mountain View property right-of-way line. We would need another 30' on their property for a section of sidewalk. The *Condo* owners are taking issue because they would like to continue the "double-stack" parking of their vehicles in the parking stalls in the lot. Korber recommends putting a new sidewalk across the opening of the parking lot driveway; putting in 16 diagonal parking spaces for the 16 units, creating a separate entrance and exit into the parking lot (one-way in and one-way out). The current design will work and is the safest alternative

The second option Korber discussed would be a cross-walk paint marking identified by line marking on the pavement which would allow the *Condo* residents to traverse the pavement marking and enter their parking lot. The parking spaces that were presented in the original 1984 Mountain View Condo site plan presented to the Town allowed for 21 single-stall parking spaces (20'x9') that were closer to the road. There are currently 16 spaces for the 16 unit building. Korber noted that the Mountain View condo building and parking were not constructed according to the 1984 plans submitted to the town, however there was never any follow-up on this inconsistency.

Town Manager Burbank spoke with the town's assessors concerning whether or not the *condo* property values would increase or decrease as a result of the sidewalk, and found that the town's assessors felt it highly unlikely that there would be any negligible reduction in value of the units from an assessing standpoint, and may very well increase the value for property owners.

Selectman Ludwig asked Mr. Korber if he had any documented proof that a raised sidewalk was in fact safer than a painted walkway. Korber responded by asking Ludwig which would make her feel safer, a 6-7" curbed sidewalk or a crosswalk, adding that a non-mountable sidewalk is unequivocally safer to walk on in his opinion, and according to the Federal Highway Administration and NH Department of Transportation.

Chairman Robinson explained that the sidewalk cannot be built according to design without the use (easement) of a portion of land that the *condo* owns. The *condo*'s position is that they will not give the easement for the use of a raised sidewalk, but will for the use of a flat delineated crosswalk, therefore requiring the town to take it by the *eminent domain*, a process that is both costly and time-consuming.

Resident Victoria Martin asked if the project could be broke down into two segments (Maple St. to Dodge Place) & (Dodge Place to Route 112) so that one group of property owners does not hold up the entire project. Town Manager Burbank responded that this can, and most likely will be the course of action for the project once the design phase is final, at which time the project will go out to bid and construction can start at Route 112.

Martin asked the board to focus on two important points, (1) the voters, who specifically voted on a sidewalk not a crosswalk, and (2) the safety of a sidewalk versus a crosswalk. Martin suggested the board have Public Works Director Nate Hadaway paint a line depicting the town's right-of-way outside of Mountain View Condos proving that there is not enough room for double-stack parking without being in the town's right-of-way, suggesting the town move forward and do what is best for the community; what the residents voted for, and what is best for safety.

Resident Tammy Gionet-Dutilly questioned if the sidewalks were multi-use or foot travel only? Chair Robinson responded that all sidewalks are for pedestrian travel in the town of Lincoln. Dutilly

questioned the safety and narrowness of the sidewalk and what happens when children are riding their bicycles on Pollard Road? Resident Martin responded that there is no law prohibiting children from riding their bicycles on sidewalks in Lincoln with the exception of Connector Road, which has a designated bicycle lane adjacent to the sidewalk outside of the Lincoln Green apartments.

Resident Jim Welch commented that the expense of the sidewalk outside of the Mountain View Condos could be spared by using a painted crosswalk versus a raised sidewalk, and alleviate the need to move utility poles and 300' of granite curbing. Engineer Korber noted that with his design only one utility pole would need to be relocated, and could possibly be run underground (will discuss with Fairpoint).

Resident Bill Conn questioned what happens if both segments of the sidewalk cannot be connected? Chair Robinson explained that either the sidewalk ends with a gap (which is not what the residents voted for) or you can paint across the gap and continue on with the raised sidewalk on the grass areas. Conn also requested clarification on children/adults riding bicycles on the sidewalk. Robinson asked Town Manager Burbank to speak with Chief Smith and investigate the current law and consider changing if necessary. Resident Martin added that she had consulted with an attorney about this, and there is no NH state law that excludes bicycles on sidewalks, and is up to the individual town to specifically delineate when they allow bikes on the sidewalk. Town Manager Burbank added he will investigate this further and follow up with the board.

Martin asked if there is any way to compromise with the condo owners and an alternative means to satisfy their parking dilemma. Selectman Ham responded that the town has attempted to offer assistance and provide an additional 22 parking spaces (36 total) to help with their parking concerns, however, the owners flatly refused to compromise on any level.

Mountain View resident Pat McCusker commented that he never received plans or sketches from the town that offered additional parking. Town Manager Burbank responded that the plans were emailed to the Board of Directors and offered to re-send them to Mr. McCusker. Chair Robinson began a brief discussion concerning the process of *eminent domain* and information he received from the town's counsel outlining the lengthy time-consuming process that is expensive, and can take years to be resolved.

Dave Beaudin asked the board if there was any way the sidewalk could cross over to the other side of Pollard Road, and if there was an exact cost estimate for the project. Beaudin also questioned the engineering expenses to date. Korber responded that it would not be possible for the sidewalk to cross over to the other side as there is little to no right-of-way on that side of the street. Concerning engineering expenses to date, Korber did not have that figure available off the top of his head, and will follow-up with that information.

Bill Conn asked the board if they have sat down face-to-face with the residents at Mountain View and attempted to compromise. Town Manager Burbank replied that they have on several occasions and offered a sketch design (at the town's expense) however, both parties were unable to reach a concession. Resident McCusker does not feel the town has adequately attempted to compromise in any respect.

The board decided to go out to bid with the initial implementation of the final design of the sidewalk project. Robinson was not comfortable engaging in the *eminent domain* process and opted to pursue an amicable compromise with the *condo* residents. Resident Roger Harrington feels the town should move ahead with the way the article was written in an effort to meet the timeframe outlined in the warrant article and to find out if enough money was appropriated to complete the entire project.

Selectman Ham read the Article 07 Pollard Road Sidewalk-Bond voted on at Town Meeting: *To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$525,000.) for the design and construction of sidewalks, curbing, and storm water management facilities in the Pollard Road corridor from Church Street to NH Route 112, to be completed prior to December 31, 2017, and to authorize the issuance of not more than five hundred twenty-five thousand dollars (\$525,000.) of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33); to authorize the Selectmen to issue, negotiate, sell and deliver such bonds or notes and to determine the rate of interest thereon and the maturity and other terms thereof; to authorize the Selectmen to apply for, obtain and accept federal, state, or other aid, if any, which may be available for said project and to comply with all laws applicable to said project; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto. The Selectmen and Budget Committee recommend this appropriation. (2/3 ballot vote required).*

Korber appealed to the board and suggested the final sidewalk design be implemented from Church Street (rather than Maple St.) all the way to Rt. 112, as it will not save engineering dollars and makes complete sense. If issues cannot be resolved with Mountain View Condos, that section can be removed from the design. The board was all in agreement to proceed with the final design, and Selectman Ham added that Town Manager Burbank and Korber should meet personally with as many *condo* members as possible and conduct these meetings at the condo complex.

Town Engineer Korber departed from the meeting.

IV. OLD/NEW BUSINESS

There was no Town Managers Report

Old/New Business

Pollard Road Stop Signs

Town Manager Burbank will be meeting with Chief Smith and Nate on Wednesday to mark-up the road where the stop signs will be erected.

Robinson Bus Service (speeding on Pollard Road)

The board requested Town Manager Burbank draft a friendly letter to Robinson Bus Service concerning the excessive rate of speed busses are driving down Pollard Road. Burbank also went on the record stating that residents with concerns about speeding vehicles or parking violations should contact the police department at the time of the incident rather than waiting a week to report it to the selectmen.

Levee Driveway Permit (Russ Cooley)

The permit has been approved but not received at this time, and the landscape trees have been cut.

Summer Board of Selectmen Schedule

The Board of Selectmen discussed the summer schedule (meet every other week) and what dates would be appropriate for the board. Ham suggested they continue to meet weekly, and Robinson agreed due to the current workload. The end of June the board will re-consider.

Public Participation

Roger Harrington asked about the caution lights at the school and up by Clarks? Town Manager Burbank to check and follow up, as he has not heard back from NH D.O.T.

Bill Conn asked if we had an engineering proposal for the Pollard Road sidewalk from Ray Korber and requested a copy of it.

Tammy Gionet-Dutilly complained about branches left behind from the Public Works Department last year, and requested that they remove the debris so she can continue to weed whack the area. Dutilly also questioned why there was not a painted crosswalk on Maple Street? Bill Conn responded that the land is private property prohibiting the town from using it. Town Manager Burbank added that any complaints or concerns about the Public Works Dept. should be directed to Nate Hadaway (PW Director) at the time so he can remedy rather than at a Board meeting.

Jim Welsh questioned if parking will be prohibited in front of the three-way stop sign on Pollard Road & Church Street as this is too dangerous. The board asked Town Manager Burbank to speak with Chief Smith and get advice.

Selectman Ham informed the board that the town's oldest resident, Gemma Perry passed away on May 27th at the age of 101 and wished to express the board's condolences to her family. The board suggested Tara Tower (Recreation Dept.) follow up with the next oldest resident and begin the process with their approval.

Cemetery Trustee Bill Conn asked the board to notify the Trustees if their funding is denied from CIP this year so that the trustees will have the opportunity to take it to the floor, as they were never notified last year. Chairman Robinson apologized for not notifying the Cemetery Trustees and assured Bill it would not happen again.

Taylor Beaudin asked why the town did not bid out the engineering project for the sidewalk. Town Manager Burbank responded that Ray Korber's hourly rate is less expensive than the average (from \$150. up) and Ray is reliable, capable and contracted with the Town of Lincoln for engineering services anyway.

Chairman Robinson noted that the board will be reviewing sealed meeting minutes from previous years during their non-public session and disclosing if appropriate according to law, those meeting minutes that must remain sealed, will be *re-sealed* and put back. The board will begin with the five (5) oldest sealed minutes beginning in 1994, and will be announced at next week's board meeting.

V. NON PUBLIC SESSION Pursuant to RSA 91-A:3:II(a,b,c,e) legal

MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II(a,b,c,e)

Motion: OJ Robinson Second: Jayne Ludwig Roll call vote was all in favor.

The Board went into non-public session at 7:11pm.

MOTION: "To re-enter public session."

Motion: OJ Robinson Second: Tamra Ham Roll call vote was all in favor.

The Board came back into public session at 7:40 p.m. and made the following motions:

MOTION: "To unseal the meeting minutes of December 7, 1994 and June 10, 1996"

Motion: OJ Robinson

Second: Tamra Ham

Roll call vote was all in favor.

MOTION: "To re-seal the meeting minutes of March 21, 1994- June 1, 1994 (personnel), January 30, 1995 (Personnel) & December 12, 1995 (personnel)"

Motion: Tamra Ham

Second: OJ Robinson

Roll call vote was all in favor.

ABATEMENT REQUESTS:

MOTION: "To approve the abatement request of Marion & William Deluca Trust for property located at 90 Rams Horn Drive, parcel 126-023-000-07-00H6"

Motion: OJ Robinson

Second: Jayne Ludwig

Roll call vote was all in favor

MOTION: "To approve the abatement request of Mary & Paul Finn Trustee for property located at 90 Rams Horn Drive, parcel 126-023-0-7-000H7"

Motion: OJ Robinson

Second: Jayne Ludwig

Roll call vote was all in favor

MOTION: "To deny the abatement request of Robert Michael LeClerc for property located at 357 U.S. Route 3, parcel 106-1-0-0-0"

MOTION: Tamra Ham

Second: OJ Robinson

Roll call vote was all in favor.

TAX COLLECTOR'S WARRANT:

MOTION: "To sign the Tax Collectors Warrant"

Motion: Jayne Ludwig

Second: Tamra Ham

Roll call vote was all in favor.

Lien and Deed Report:

Town Clerk/Tax Collector Johnna Hart submitted the annual Tax Lien Report for 2017. This year there were 151 parcels that went to lien for 2016 in the amount of \$151,296.96. Saber Mountain Landing was 64 parcels alone.

This year there were 18 parcels that were in jeopardy of Tax Deed from 2014. As of January 1, 2017 the amount owed for 2014 was \$40,347.09.

As of May 25, 2017 the amount owed for 2014 is ZERO!

VI. ADJOURNMENT

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

MOTION: "To adjourn."

Motion: OJ Robinson

Second: Tamra Ham

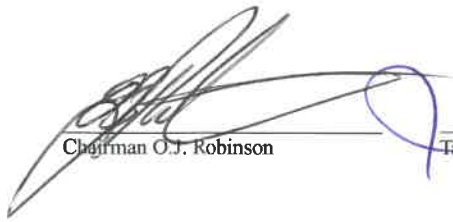
All in favor.

The meeting adjourned at 8:00 p.m.

 Respectfully Submitted,

Jane Leslie

Approval Date 6 / 12 / 17



Chairman O.J. Robinson



Tamera Ham



Jayne Ludwig

June 5, 2017

Board of Selectmen's Meeting

Please **PRINT** Legibly

Roger Harrington
(Print Name)

Sarah Harrington

Debbie Celino

Jim Walsh

DENNIS LYNCH

Patrick McLusker

Sammy Dutilly

Steve Wagon Jr

Jim + Vicky Martin

Taylor Beaudin

Dave "

Ray Korber

Ron Beard

Roger Harrington
(Sign Name)

Sarah Harrington

Debbie Celino

Jim Walsh

Daryl

Patrick McLusker

Sammy Dutilly

Steve W