

**LINCOLN BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**FEBRUARY 23, 2015**  
**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

---

**Board of Selectmen Present:** O.J. Robinson and Patricia McTeague.

**Excused Absense:** Tamra Ham.

**Staff Present:** Recording Secretary Brook Rose.

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

### **I. CALL TO ORDER**

O.J. Robinson called the meeting to order at 5:40pm.

---

### **II. MINUTES OF THE PREVIOUS MEETING**

**MOTION:** "To approve the minutes of the February 9, 2015 Board of Selectmen's meeting as amended."

**Motion:** McTeague

**Second:** Robinson

**All in favor.**

**MOTION:** "To approve the work session minutes of the February 16, 2015 Board of Selectmen's meeting as amended."

**Motion:** McTeague

**Second:** Robinson

**All in favor.**

**MOTION:** "To approve the non-public minutes of the February 9, 2015 Board of Selectmen's meeting."

**Motion:** McTeague

**Second:** Robinson

**All in favor.**

**MOTION:** "To approve the non-public minutes of the February 16, 2015 Board of Selectmen's meeting."

**Motion:** McTeague

**Second:** Robinson

**All in favor.**

---

### **III. OLD / NEW BUSINESS**

#### **Public Participation**

##### **Paul Beaudin – Petition Warrant Article**

Paul Beaudin questioned why the Board of Selectmen's endorsement is not part of the petition warrant article 48. O.J. replied that NHDRA advised the Town that a petition warrant article cannot be altered in any way. He added that the Board fully supports this article and will voice their support at Town Meeting.

##### **Land Use Plan Ordinance Warrant Articles**

Carole Bont will be at polls all day on Town Meeting day to educate town residents on the 22 proposed changes to the Land Use Plan Ordinance.

---

## **Weekly E-mail Correspondence**

O.J. read the following e-mails & attached letters into the meeting minutes.

### **USACE Response to Town of Lincoln re: Levee**

The attached letter was read into the meeting minutes by Chairman Robinson. The letter does follow the understanding of the Board regarding the matter of the levee. Paul Beaudin stated that he wondered what the Town would gain by getting the USACE recertification of the levee when they've demonstrated in the past that they are not willing to step up when there is maintenance to be done to the levee. There was some discussion between members of the public and the Board regarding the adequacy of the current levee. After bringing this issue to Town Meeting (and recessing the meeting until a later date), the Board will reconvene Town Meeting in September to see if any additional information from the USACE or FEMA is forthcoming.

### **Jon Ham – Response to Violation Notice**

O.J. read the attached letter from Jon Ham expressing his opposition to receiving a notice of violation from the Town. Paul Beaudin stated that there is a file on Mr. Ham's business. The nature of the business (allowable parking spots, curbing, setbacks etc.) was all discussed at a Planning Board meeting at the time when the additional bays were added to the garage. Patricia stated that she also remembers that meeting as she was on the Planning Board at that time. O.J. asked that Town staff conduct further research to see what can be found on file for this property.

### **Benjamin Clark – Ice Castle Traffic Management**

O.J. read the following letter received via e-mail:

Mr. O.J. Robinson, Chairman  
Town of Lincoln Board of Selectmen  
148 Main Street  
Lincoln, NH 03251

2/23/15

*Dear Chairman Robinson:*

*Kindly allow me the opportunity to thank the Lincoln Board of Selectmen, the Town Manager and the Police Department for the swift action put forth in developing a comprehensive plan in response to the traffic incident that occurred during the evening of Saturday, January 17, 2015. On behalf of my family and the staff of the Hobo Railroad, I want you to know how appreciative we are for your involvement in helping to bring about these positive changes. Clearly, the steps implemented have improved the traffic situation immensely. In particular, the orderly flow of traffic observed during the challenging Presidents' Day Weekend and Massachusetts Vacation Week is in my opinion, worthy of significant praise.*

*Public response to the Ice Castles attraction has been beyond anything we have experienced in the nearly 30 years that we have been doing business at our Lincoln location. I must admit, we were collectively caught flat footed to handle the crowds initially. For that, I sincerely apologize. All of us at the Hobo Railroad have been working closely with the Ice Castles management team to identify opportunities to improve upon traffic flowing to and from our venue. We remain committed to this process and continue to improve upon efficiencies already realized.*

*Although the town has heard from a vocal minority about the negative ramifications associated with the Ice Castles attraction, you deserve to hear about the positive impacts it has had upon our community as well. You should be aware that had it not been for the Ice Castles locating at the Hobo Railroad, my entire staff would have been laid off this winter. Instead, various employees have been engaged in activities such as helping to build the castle, property maintenance initiatives, ticket sales, and responding to telephone inquiries. Many of these individuals have personally expressed how thankful they are for these job opportunities and the pride--as well as the dignity--that stems from the security of gainful employment. There is a very human side to all that we do and the Town of Lincoln certainly had a hand in keeping these folks working all winter. Furthermore, the Ice Castles partnership provided our business the justification it needed to make significant investments in our facility, infrastructure and equipment. Many of these improvements were performed by area contractors, with supplies purchased locally from our Main Street merchants.*

*In a season where many towns dependent upon winter tourism are reporting fewer visitors due to uneven weather and a late start to the snowmobile season, Lincoln has been in the enviable position of being able to offer a well-rounded assortment of recreational options. Thousands of travelers never previously exposed to our area have been drawn here due to the Ice Castles and their vast exposure in the regional and national media. This attraction further diversifies our local economic mix and I personally take great satisfaction in hearing visitors regularly comment about 'coming back' to see what our community has to offer as a four season destination area. When properly managed, a rising tide lifts all boats and I hope you will soon hear from other businesses and individuals who have enjoyed the positive attributes brought about by the Ice Castles attraction.*

*In closing, I would like to again commend the Town of Lincoln for resisting the urge to "throw the baby out with the bath water," and instead work tirelessly to implement solutions to the unanticipated traffic situation. It is reassuring when in a close-knit community; business and civic leaders can come together in the spirit of mutual cooperation toward a common goal. That's part of what makes Lincoln a special place to work and live. Thank you again for your efforts.*

*Respectfully submitted,*

*Benjamin Clark, co-owner  
Hobo Railroad*

### **Ice Castle Traffic Management**

The Board agreed that the traffic pattern created by the Ice Castle had significantly improved. Jayne Ludwig questioned whether the Board has heard from any of the businesses that signed the petition objecting to the traffic situation created by the Ice Castle to see if they've noticed an improvement in the flow of traffic to their business. O.J. replied that they had not but took that as a good sign. He added that Town Manager Burbank was in Town Saturday night and O.J. & Patricia were in Town on Sunday evening and all noticed that the traffic had significantly improved.

### **E-mails Re: Copsync Grant / School Resource Officer (SRO)**

O.J. read the following e-mail from Town Manager Burbank to Police Chief Smith to update the Board on the Copsync Grant and the SRO:

*Ted:*

*Thanks for the update. I just had a very productive meeting with Judy McGann and Vance Pickering, Chairman of the School Board, regarding CopSync and the SRO. All agreed that we need to proceed with the CopSync program. They will need to know what the on-going costs for the program are going to be. Included in this request is when does the school need to have funding available for the annual updates and/or tech support. It appears that their budget is set thru the 2016 school year. They were not*

*supplied with any on-going cost estimates to include in their budget, including the grant, which I supplied to them last week. I would strongly suggest a face to face meeting between you, CopSync, and the school to make sure all issues have been addressed. I assured Lance that the program has been installed in dispatch and is ready to go, based on your comments to me. I believe the only issue is the installation into phones, is that correct? If so when could we expect to have that done?*

*Additionally, we discussed the status of the SRO. I informed them that the SRO will be reinstated to five days effective as soon as possible. I did advise that because of the Union Contract, one of the days may be filled with an on-duty officer. I also advised them that at the conclusion of this school year I would like to sit down and renegotiate the current contract. I advised them that during the contract talks I would be looking for validation that the program is working and I would be reassessing the fee charged the district for the officer. Because the contract is open-ended, we will need to find a convenient end/start date for a new contract, based on funding, officer availability, etc.*

*Please keep me in the loop on the CopSync program going forward. I have asked Judy to cc' me on all correspondence as well.*

*Al "Butch" Burbank  
Town Manager*

### **Future Traffic Management**

Paul Beaudin brought it to the Board's attention that the town needs to start planning for the significant increase in traffic expected in the near future. He stated that when Saber Mt., South Mt., Riverwalk and Innseason are all built out in the very near future, it will bring hundreds more visitors into town. The Board agreed that planning for this is crucial.

### **Veterans Credit Transferred to Spouse**

**MOTION: "To approve the application of the surviving spouse of a veteran that received the NHdra tax exemption approved back in 2003 as presented by Tax Collector Whitman."**

**Motion: McTeague      Second: Robinson      All in favor.**

### **Abatements**

**MOTION: "To approve the abatement request of Cathleen Harrington for property located at 16 Rue De Gionet, map 113-068 to reduce the original assessment of \$189,200 to \$185,900 as recommended by the Town's assessor"**

**Motion: Robinson      Second: McTeague      All in favor.**

**MOTION: "To approve the abatement request of Alan & Marion Malkasian Trustee for property located at 10 Bunker Lane #209 and to reduce the original assessment of \$267,800 to \$222,600 as recommended by the Town's assessor."**

**Motion: McTeague      Second: Robinson      All in favor.**

**MOTION: "To approve the abatement request of Lawrence & Ruth Poppe for property located at 35 Winter Way #2, tax map 121-047-000-0J-00047 and to reduce the original assessment of \$186,500 to \$162,000 as recommended by the Town's assessor."**

**Motion: Robinson      Second: McTeague      All in favor.**

## G.E. Sansoucy Contract

The Board signed the contract with George E. Sansoucy, P.E., LLC for engineering consulting and valuation update services for the Town of Lincoln.

---

### IV. ADJOURNMENT

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

**MOTION: "To adjourn."**

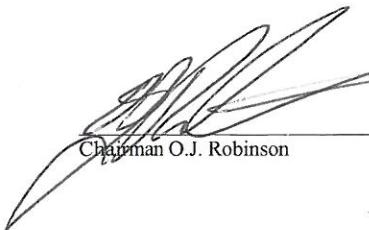
**Motion: Robinson    Second: McTeague    All in favor.**

The meeting adjourned at 6:45pm.

Respectfully Submitted,

  
Brook Rose

Approval Date 3/2/15

  
Chairman O.J. Robinson

  
Patricia McTeague



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

February 12, 2015

Engineering and Planning Division  
Geotechnical/Water Resources Branch

Mr. O.J. Robinson  
Board of Selectmen, Chairman  
148 Main Street  
P.O. Box 25  
Lincoln, New Hampshire 03251

Mrs. Patricia McTeague  
Board of Selectmen, Vice Chairman  
148 Main Street  
P.O. Box 25  
Lincoln, New Hampshire 03251

Mrs. Tamra Ham  
Board of Selectmen  
148 Main Street  
P.O. Box 25  
Lincoln, New Hampshire 03251

Dear Board of Selectmen:

This letter is in response to a request by the town of Lincoln Board of Selectmen regarding two key concerns relative to the federally constructed East Branch Pemigewasset River Flood Damage Reduction (FDR) System in the town of Lincoln, New Hampshire. The two key concerns presented in the Town's December 2014 letter along with USACE's responses are provided below.

**Concern #1:** U.S. Army Corps of Engineers (USACE) New England District's commitment to return the project back to an "Active" status in the Rehabilitation Program pursuant to Public Law (P.L. 84-99).

- To regain "Active" status in P.L. 84-99, all 18 critical items in the Interim Eligibility Checklist must receive a rating of Minimally Acceptable (M) or Acceptable (A). If the Town addresses the deficiencies described in the last inspection report relative to these items, USACE is required to confirm the work (through an inspection) and re-rate the 18 critical items. If all 18 critical items receive an "A"



or "M", USACE is obligated to place the project in an "Active" status in the program. USACE has spent a considerable amount of time with the Town in an effort to help you understand and prioritize the documented deficiencies. USACE is committed to working with the town of Lincoln and holds life safety paramount. The actions required to bring the project to an "Active" status are solely the responsibility of the Town.

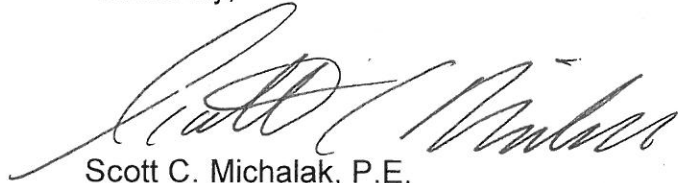
**Concern #2:** O&M responsibility of the FDR system in regard to comments made in the January 18, 2006 memorandum.

- USACE has reviewed the comments stated in the referenced memorandum regarding the systems physical life span. These comments refer to a physical life span which is not used or referenced in the Assurances of Local Cooperation (see Appendix B of the O&M manual). The physical life span is used during the project planning phase as a means to calculate economical benefits over a finite period of time in order to justify constructing the project. The time period used during this planning phase does not mean the project won't serve its intended purpose nor is it tied to the legal Assurances of Local Cooperation.

Based on the opinion of our legal counsel, in 1960 the town of Lincoln entered into legal Assurances of Local Cooperation with the United States for the restoration of a flood control dike at Franconia Paper Company. By entering into the assurances, the Town agreed to operate and maintain the project after completion. The project was originally authorized based on the Flood Control Act of 1941, as amended, which authorized USACE to repair or restore a flood control work threatened or destroyed by flooding. The authorization is a delegation from Congress to the Chief of Engineers to carry out such work. The authority does not, however, authorize USACE to de-authorize a project once constructed. The authority to de-authorize remains with Congress. Until such time as the project is approved for de-authorization, the Town is required to continue its operation and maintenance responsibilities. That requirement does not change based on the age of the project or the design life of the structures. USACE recommends you work with your elected officials if you choose to pursue a de-authorization of this project. Any action of that type would require coordination with USACE.

Should you have any further questions or concerns, please feel free to contact me at 978-318-8350, or Michael Bachand at 978-318-8075.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott C. Michalak', written in a cursive style.

Scott C. Michalak, P.E.  
Chief, Geotechnical/Water Resources Branch  
Levee Safety Officer

Copy Furnished:

Steve Doyon, P.E.  
Administrator, Dam Safety & Inspection Section  
NHDES - Dam Bureau  
29 Hazen Drive; PO Box 95  
Concord, New Hampshire 03302

Mr. Dean Savramis, P.E.  
Director, Mitigation Division, FEMA Region 1  
99 High Street, 6<sup>th</sup> Floor  
Boston, Massachusetts 02110

Senator Jeanne Shaheen, U.S. Senate  
520 Hart Senate Office Building  
Washington, DC, 20510

Senator Kelly Ayotte, U.S. Senate  
144 Russell Senate Office Building  
Washington, D.C. 20510

Representative Ann McLane Kuster (2<sup>nd</sup> District)  
U.S. House of Representatives  
137 Cannon House Office Building  
Washington, DC 20515

Representative Edmond D. Gionet  
NH State Representative  
P.O. Box 414  
Lincoln, New Hampshire 03251-0414



Senator Jeff Woodburn, NH State Senator  
State House  
Room 120  
107 North Main Street  
Concord, New Hampshire 03301

# *Arnold's Auto Center*

98 US Route 3 Lincoln, NH 03251

(603)745-8489

Town of Lincoln

Town Manager

Butch Burbank

148 Main Street

Lincoln, NH 03251

February 16, 2015

Dear Mr. Burbank,

In response to your recent letter regarding the status of my business I would like to clarify a few things for you.

First of all, I understand that your letter was prompted by a complaint from Ed Peterson Jr., formerly of Speed Bear Repair. Considering the source I am appalled at your conclusion.

I am an esteemed business man. I pay my bills, taxes, and dues. I volunteer and donate substantially to this community. I am well respected by the towing and law enforcement communities. I strive to be an exemplary citizen.

I inherited this business from my father in January of 1994. He opened this business on the corner of Route 112 and Route 3 in N. Woodstock in 1966 and moved to its current location in 1972. It has been called Arnold's Chevron, Arnold's Esso, Arnold's Exxon and finally Arnold's Auto Center.

I have worked at this shop for as long as I can remember. Back when I was still in elementary school Bernie Dowland worked for my dad pumping gas, fixing and towing cars, and doing body work. Butch Gagnan and Hank Coburn did the same. There were a ton of local kids that pumped gas for my dad, Matt Kimball, Bill Willey, Arthur Brunetti, and a zillion others. I'm not exactly sure when they began working for my dad but I do remember being small enough to be placed on top of the coke machine so I would stay out of the way, somewhere there are pictures of that. I was born in 1968. In the early 80's when the Town of Lincoln first adopted a planning board I would have been between 12 and 15 years old. I can assure you that at 12 I wasn't being place on a coke machine. I bought my first car, a 1957 Chevy 2 door

hardtop, when I was 14 and was excited that my dad and Bernie were going to help me with the body work. It was just something we did at the shop. For as long as I can remember.

I know that the Town of Lincoln's current planning board chair spoke to you and the selectman in a public meeting attesting to the fact that he himself had body work done at my shop prior to their being a planning board in Lincoln. I'm confused, are you calling him a liar? I know that Mr. Romprey is many things but I've never known him to be a liar.

As far as the number of cars on my lot. It's winter. When it snows or gets icy cars go off the road and I tow them. Usually to my shop. Sometimes they leave that day, sometimes it takes the insurance companies a few days to remove them. Sometimes they stay and are repaired at my shop. Either way, they cannot be left on the highways, in snowbanks, or trees. Two days ago, Saturday 2/14 I towed in about 20 cars, 18 that had crashed on the snowy roads, some of those were quickly repaired and left that day, 2 that were broke down and needing repairs that couldn't be done until Tuesday because Monday was a holiday and most parts stores are closed.

The amount of cars in my lot will always fluctuate, it's the nature of my business. I will try to do better in keeping that in check.

As far as and illegal body shop, you are mistaken. You state in your letter that you "can find no record that permission for an auto body shop was ever requested and/or approved." Again, there was no planning board in Lincoln at the time that this business was opened, therefore there was no one to ask permission of. I can only assume you were not able to find where my father asked for permission to open the towing and repair part of this business either. Back then you didn't ask permission, you just got to work.

If you have any questions or comments please don't hesitate to contact me.

Sincerely,



Jonathan A. Ham

cc. Town of Lincoln Planning Board and Town of Lincoln Selectmen