

**LINCOLN BOARD OF SELECTMEN**

**APPROVED**

**MEETING MINUTES**

**FEBRUARY 26, 2018 – 5:30PM**

**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

**Board of Selectmen Present:** Chairman OJ Robinson, Tamra Ham and Jayne Ludwig

**Staff Present:** Town Manager Burbank, Chief Ron Beard, Chief Ted Smith, & Office Assistant Mary Pelchat.

**Public Present:** Ivan & Paula Strickon, Paul Beaudin, Roy Whittaker, Roger Harrington, Patrick Griffin, Debbie Celino, Jim Welsh, Mike Simons, Dave Beaudin, Ken Chapman, Joel Bourassa

**I. CALL TO ORDER**

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

**II. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING**

**MOTION: "To approve the meeting minutes of February 12, 2018 as amended."**

**Motion:** Tamra Ham      **Second:** Jayne Ludwig      **Motion carries.**

**MOTION: "To approve the Non-public meeting minutes of February 12, 2018 as presented."**

**Motion:** Tamra Ham      **Second:** Jayne Ludwig      **Motion carries.**

**III. AMBULANCE COMMITTEE *Discussion***

Robinson opened up the discussion by explaining that the Ambulance Service has requested an increase in funding which the Budget Committee and Board of Selectmen have approved, however, they have not had a formal discussion on what the increase represents and invited members from the ambulance board to meet with the selectmen and to have this discussion.

Ambulance Board member Ivan Strickon asked the Selectmen if they had any questions concerning the *Business Plan* (see attached) they had submitted to the Board. Robinson noted the increase in funding appears to be driven by payroll issues, to which Ken Chapman explained that they appear to be transitioning from volunteers to paid/salaried employees. At the present time, there are 2 1/3 people who get paid hourly wages, and when volunteers do not show up for duty, Chief Wetherell is responsible for covering a variety of shifts which is beginning to get overwhelming. The service must cover two (2) people at a minimum per twelve (12) hour shifts (2 person's daytime, and 2 person's nighttime). Chapman feels it will be to the benefit of all to keep the working relationship between Lincoln, Woodstock, and the Ambulance Service as it is.

Ivan Strickon added that they will continue to keep this a volunteer organization in an effort to keep costs down and avoid conflicts such as what the Town of Littleton is presently experiencing. Strickon noted they are seeking to hire a Chief of Service who is credentialed in education so they may continue to utilize their facility as a local training center (which is presently not available anywhere else in the area) and would subsequently create a revenue stream for the ambulance service which will offset costs to the towns. Presently, the ambulance service offers CPR and AED training on a fee-based schedule.

Selectman Ludwig noted from previous discussions there was an excessive loss of revenue and questioned if there was any way the ambulance service could seek other methods of collections/recovery

(debt collectors) from those who do not pay for services rendered. Strickon responded that the recovery company they use follows up for one (1) year, however, it is often difficult to recover money from the aging population living on a fixed income. Court is an option which they have utilized, however, this can be costly. Ludwig asked if a low recovery rate was typical for the ambulance service industry. Chapman said it absolutely was and discussed the many variables involved when dealing with the insurance companies. Chapman provided the Board with copies of the most recent financial statements for 2015-2016 (also available through Helen Jones, Finance Officer) (see attached) for them to review.

Robinson commented that when they compile their numbers (billing vs. collections), it does not appear on paper (due to the high dollar amounts, Medicare, and insurance write-downs) that they are fully successful in collecting outstanding debts. Chapman responded that in 2017 they had their best year ever in billing (\$768K), and in 2016 (\$584K) of which they collected a substantial amount of that billing. The Board discussed billing and collections and reviewed financial records.

Ludwig asked Chapman what his vision is for the future of the ambulance service in five (5) years. Chapman explained he envisions less volunteers (if any at all) and more full-time employees. He is trying to slowly grow the service in a way that is fiscally comfortable for both towns and hopes to develop a compensation plan, benefit schedule, and retirement plan for employees. Chapman noted that they have done a little over 100 calls since the beginning of the year, and have had three (3) trucks on the road these past few weeks and unable to man them (needed Campton & Thornton for backup).

Robinson wanted to clarify rumors that he had heard concerning Lincoln starting up their own ambulance service and stated that this is *not* true and most likely stemmed from an earlier conversation when the Board was discussing possibly future plans to consolidate the locations of the Police, Fire, Emergency Services, and Town Offices.

Town Manager Burbank thanked the ambulance service for the awesome work they do and suggested they maybe not pay cash for their vehicles, but rather amortize their vehicles because they could be taking a financial hit.

The Selectmen thanked the Ambulance Board for attending the meeting, and they departed.

*At this time, Chairman Robinson called for a short break and the meeting reconvened at 6:46 pm.*

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#### **IV. OLD/NEW BUSINESS**

##### **2018 Budget Summary**

Chairman Robinson presented an updated comparative summary of 2017 and 2018 budgetary figures. He noted that Operating Expenses increased by \$250K, however, with the offsetting revenue, the net operating expenses are up \$208K. The Reserve Trust Fund amounts are down \$104K; and the Special Warrant Articles (less the offsetting revenue) are up \$111K. Therefore, the total net appropriations after off-setting revenue are up \$216K (3.64%). This will be what is going to Town Meeting if it gets voted in.

##### **Auditors Questionnaire**

The Board has received a questionnaire from the Town's Auditors seeking information from the Selectmen which will be integrated into the final auditor's report to be submitted in the near future. The Selectmen and Town Manager will each review and follow-up with any questions they may have.

### **Town of Lincoln Appeal vs. Department of Environmental Services Dam Bureau**

Chairman Robinson explained that the Town has challenged the DES finding that Lincoln *owns* the dam and has certain responsibilities that are outlined according to the 1960 Agreement with the Army Corp of Engineers (ACE). Robinson clarified that we do have *some* responsibilities, however, the town never took ownership of the dam as DES and the Army Corp. of Engineers are alleging. Therefore, the Town has taken this matter to the Supreme Court as a last recourse. If the Town prevails in this case, we will still have the responsibility of maintaining the dam as per the ACE 1960 contract, and if we lose this case, the town will own the dam structure forever (not the land under the dam).

Paul Beaudin asked who the attorney(s) were representing the town on this matter. Robinson explained that Upton & Hatfield Law Firm (Attorney Russ Hilliard) and Town Attorney, Peter Malia have been coordinating on this matter.

### **Intent to Cut**

The Board reviewed and signed an *Intent to Cut* for the Second Presidential Forest (Map 1, PS-408) Franconia State Park submitted by Timberwolf Logging.

### **Lin-Wood School Roof**

Chief Smith explained that in order for the town to use the school as an Emergency Shelter, the roof must be classified as a Level IV, however, it is currently a Level III and the town is unable to legally use the school in the event of an emergency. In the meantime, Chief Smith has reached out to Homeland Security to apply for a grant for the town to purchase a generator that could be used at the Community Center to meet the requirements as a *temporary* emergency shelter (due to no showers being available). At this time, the school has no intention on upgrading the roof to a Level IV. Chairman Robinson had mentioned this to a few people and it was his understanding that a Level III does not mean it is inadequate or unsafe, it simply means that it needs monitoring (measure snow depths) and snow removal when applicable. A Level IV roof is rugged and does not require the same type of monitoring.

### **ALICE Training (Alert, Lockdown, Inform, Counter, Evacuate)**

Selectman Ludwig asked Chief Smith how far he has gotten with this training at the school. Smith explained he is working with school officials to outline this training program(s) tailored for each of the schools, and grants are available for the schools to implement these programs and security measures. Smith anticipates the next fiscal year a lot of training will be in place.

### **Moderators Discussion prior to Town Meeting**

The Board agreed to meet with Moderator Wetherell next Monday night to review the Warrant Articles for Town Meeting. Robinson asked who would be available to address the Planning Board issues at Town Meeting. Town Manager Burbank said Town Planner, Carole Bont will be present and he would check with the Planning Board to see if any of the members would be present.

### **Town Manager's Report**

#### **Hoyle & Tanner Water Studies**

Town Manager Burbank spoke with Chris Mulleavey concerning water studies that were conducted for Lincoln some years ago, however, these studies neglected to address water storage for fire flow. Mr. Mulleavey provided an explanation and was going to put a report together to meet with the Select Board and address their questions and concerns with the water system and fire storage. Burbank was also speaking with Dubois & King (engineers) who will be presenting a report to the Selectmen on the levee, its failures, and possible inadequate engineering.

### **Fire Truck for Sale**

Chief Beard received an email that the Town of Manassas, Virginia has submitted an electronic check in the amount of \$5,000 for the sale of the tower fire truck.

### **Forest Ridge Property Owners Association mail/email received**

Chairman Robinson acknowledged a letter received from Harold Schofield, President of the Board of Directors of the Forest Ridge Property Owners Association concerning Homeowner/Condominium Association Protection Ordinance (see attached) requesting the January 10, 2018 Planning Board minutes reflect this document (see attached). Chairman Robinson suggested this letter be forwarded to the Planning Board to respond to accordingly.

Town Manager Burbank has met with the principles of Coolidge Construction (Jared and Rick Elliot) as well as representatives from their bank to create an understanding that the town must get everything it needs and requires prior to the issuance of any future Land Use Compliance Certificates. Burbank feels that they may have come to an understanding concerning the process of future construction, and that their engineer(s) must be in communication with the town's engineer about the drainage structures and whether or not they were built as designed. The Board continued to discuss the Forest Ridge Property and its subsidiaries history.

Paul Beaudin asked what the status was of the town's engineering behind the community center that had flooding issues and events that affected the Kelley residence, and if anything had been done to remedy this problem. Burbank explained that the town made some changes and opened up the swale, and although the parking lot may flood occasionally, the flow of water should not affect the abutting residents. Beaudin asserted that if the development continues up at Forest Ridge, the flooding issues will continue and he would hope someone is taking a further look at this. Burbank explained that the Planning Board must ensure that any future development abides by the Storm Water Management Ordinance, and that the runoff water remains on the developed land for the same amount of time as it would on undeveloped land.

Robinson clarified that in reference to "The Pines" development, the retention ponds were approved after the Town's Storm Water Management Ordinance went into effect, and their (The Pines) engineers designed something that was sufficient to meet the criteria of the ordinance (as well as the town's engineer). If the ponds were built wrong or functioning improperly (one issue) or functioning properly as designed but not meeting the requirements of the ordinance (second issue) he would think this would fall back on the engineers. Robinson also noted that any development after the adoption of the town's Storm Water Management Ordinance is subject to all aspects of the ordinance. Robinson clarified that there was *some* engineering done on the Community Center parking lot drainage issue (swale and berms), however, engineering was *not* conducted on the culvert underneath the parking lot to correct the water flow. This issue will remain on the board's radar, however, no further plans for this expensive project have been discussed at this time.

### **Public Participation**

Mike Simons asked the Board who would *own* the levee if the Town wins the appeal. Selectman Ham responded that the individual homeowners would become the owners, however, the Town will be responsible for the maintenance of the levee for perpetuity. Simons asked what the difference was between owning and maintaining the levee. Chairman Robinson explained that the Town of Lincoln's only responsibility is to maintain the levee according to the 1960 Army Corp. of Engineers standards. If DES was to get involved and say the dam needs to be brought up to current day standards, the town would not be responsible (according to the 1960 ACE agreement).

Paul Beaudin asked if the Intent to Cut signed earlier in the evening was for a 100-acre parcel of land, and if they had to comply with the Town's Storm Water Protection Ordinance. Burbank responded this is covered under the Forest and Land Protection, however, this was a good question to ask. Beaudin was concerned with the water runoff from the cut (as with Forest Ridge) and did not want to see another scenario like the drainage issues with Forest Ridge.

Beaudin also supports the ambulance increase, however, questioned what their net remaining balance is after all of their expenses are paid out. The Board reviewed the financial documentation they submitted and discussed further.

Pat Griffin commented to the Board that he feels that Chief Smith is using the term "shelter" improperly when he references the emergency shelter at the school, as a *shelter* is a place to have cots available to keep people overnight, whereas if the town has an emergency, the school would be a place utilized as a gathering point until people can be relocated elsewhere. It is to his understanding that a Level IV roof would be necessary if the school was used as a *shelter*, which is not what we are doing. Chief Smith responded that we *would* be using the school as a *shelter* which was the main purpose. Griffin feels the school is pressuring the town to help pay for a new roof rather than pay for it out of their own budget. Chairman Robinson responded that the Chief has put a lot of time into the Emergency Management Plan which requires a shelter that would hold cots and people overnight. Paul Beaudin also noted that there is roofing technology today that consists of heating elements that can be attached to roofs that melt snow, avoiding the high costs associated with a new roof. Selectman Ham added that it goes beyond snow removal on a roof, and a Level IV is structurally different than the current roof the school has at this time. Robinson said this is a great point and suggested Griffin bring it up at a School Board meeting.

Pat Griffin commented on behalf of himself and not the ambulance service, that nationwide the collection rate for an ambulance service is 60%. Griffin also noted that ambulances have gone up substantially in cost over the past five (5) years, and staffing issues are not just an issue in Lincoln and Woodstock, but all over as this position requires continuing education on a long-term basis which is a commitment today's generations are not willing to make.

Dave Beaudin questioned what Ken Chapman meant when he stated that *Lincoln was getting a better deal*, when it came to the ambulance budget increase. Selectman Ham explained that Lincoln has a higher call volume than Woodstock, most likely because of Loon Mountain. Beaudin also wondered what the call volume breakdown was. Chief Beard cited the following statistics: 729 calls in 2017; 202 calls were Woodstock, with the remaining balance (527) in Lincoln. Out of that 113 calls were to Loon Mountain.

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#### **IV. NONPUBLIC SESSION Pursuant to RSA 91-A: 3:II(a,c,e) Personnel, Real Estate, Litigation**

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

**Motion: OJ Robinson      Second: Jayne Ludwig      Motion carries.**

The Board went into non-public session at 7:20 pm.

**MOTION: "To re-enter public session."**

**Motion: OJ Robinson      Second: Tamra Ham      Motion Carries.**

The Board came back into public session at 8:28 p.m.

## V. 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**

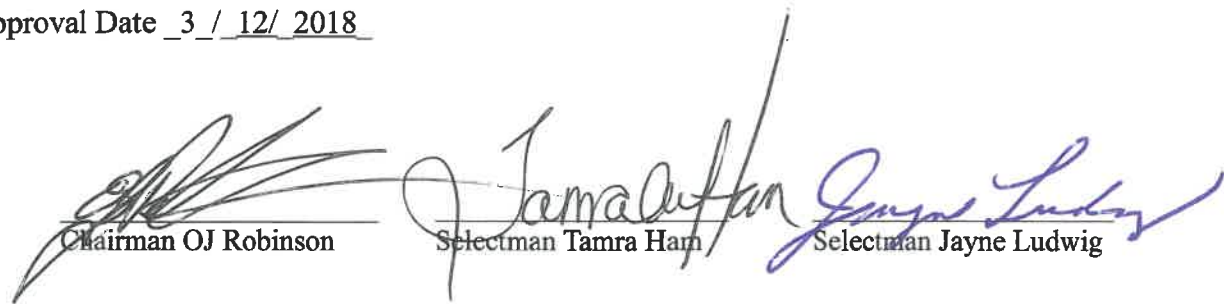
**Second: Jayne Ludwig**

**Motion Carries.**

The meeting adjourned at 8:30 p.m.

Respectfully Submitted,  
Jane Leslie

Approval Date 3 / 12/ 2018



Chairman OJ Robinson      Selectman Tamra Ham      Selectman Jayne Ludwig



## **Linwood Medical Center**

d/b/a Linwood Ambulance Service

PO Box 129, Lincoln, NH 03251

603-745-3904

[www.linwoodambulance.com](http://www.linwoodambulance.com)



### **President/Secretary**

Ivan Strickon

### **Vice President Treasurer**

D. Kenneth Chapman

### **Recording Secretary**

Francine Hilliard

### **Chief of Service**

Robert Wetherell

### **Members**

Joel Bourassa

Faith Desjardins

Rodney Felgate, MD

Mary "Meg" Haase

Ron Beard

Patricia McTeague

Paula Strickon

Stephen Tower

Judy Welch

## **Business Plan for Linwood Ambulance Service Operating as a d/b/a under Linwood Medical Center**

Linwood Medical Center was chartered on Sept. 20, 1972, to provide medical center services (Article 2, Lincoln Annual Report 1972) and ambulance services (Article 12, Lincoln Annual Report 1972). It has served the communities of Lincoln and Woodstock since 1973 (first year of tax filing according to the NH Department of State web site). As a volunteer organization, the Linwood Ambulance Service has been filling its obligation according to its charter since then.

In the more recent years, due to the drop in volunteerism (a nationwide problem), it has become more difficult to keep our valued membership. Keep in mind that members are required to be licensed EMTs, AEMTs, or Paramedics before they can participate in our service. An EMT course runs 120-150 hours at a cost of \$1,200.00, and AEMT course runs 250 hours at an approximate cost of \$1,500.00, and a paramedic course is a two year, full time commitment, approximately 1500 hours, at a cost of over \$10,000.00. Paramedic students spend half their time in hospitals or on ambulances; clinical hours are spent in emergency rooms, operating rooms, maternity and birthing, mental hospitals, pharmacy, 911 communications, ICU, pediatric ICU, and autopsy. It is obvious why volunteers are difficult to recruit. We also anticipate four to five of our members will be aging out.

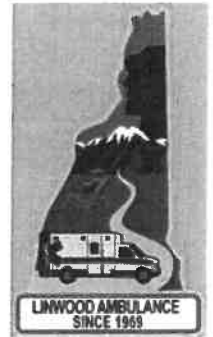
Our service works with a compensation plan that pays a small stipend for each tour they commit to, and additional compensation for each call they take during that tour.

With the resignation of our Chief of Service, effective April 1<sup>st</sup> we are taking this opportunity to restructure our operation to provide a more equitable payment system to employees and volunteer/call personnel (including benefits), additional ways to increase cash flow (add educational offering that will attract out-of-the-area students), and do an in-depth evaluation of policies and procedures.



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d/b/a Linwood Ambulance Service  
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**Members**

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Faith Desjardins

Rodney Felgate, MD

Mary "Meg" Haase

Ron Beard

Patricia McTeague

Paula Strickon

Stephen Tower

Judy Welch

With the above in mind we propose the following:

1. We will now pay 100% of the cost of EMT training for new members, 100% of the cost of AEMT training for current members seeking advancement to AEMT, and an increased percentage for those seeking paramedic training.
2. We will institute a revised compensation plan that will be more appealing to our volunteer members. This will keep us more in line with compensation received by our fire department volunteers.
3. As a requirement for our new Chief of Service, we will require that s/he be Instructor/Coordinator certified. This will give us the opportunity to develop a training center at ambulance headquarters, hopefully generating a revenue stream to lessen the towns' financial burden.
4. We will continue to seek funding from existing sources as well as new ones including:
  - a. Support from the towns of Lincoln and Woodstock.
  - b. Collections from billing for ambulance runs.
  - c. Annual tennis tournament.
  - d. New event with Clark's and Chief Wetherell (running of the bears)
  - e. Endowments.
  - f. Grants.
  - g. Training.
5. Since we now have a Lincoln Town representative on our board, our continuing progress can be monitored.
6. We will, as we have always done, continue to maintain a professional medical facility here on Main Street.

In order to accomplish the above, we are asking for additional funding in the amount of \$35,000.00 from each town, which will go to personnel and related taxes and other costs, per the new pay schedule for our volunteer/call personnel.

We hope that the Town of Lincoln will support this request as it has been supported in the Town of Woodstock.

Respectively submitted,

Ivan Strickon – President

Linwood Medical Center/Linwood Ambulance Service



**February 26, 2018**  
**Board of Selectmen's Meeting**  
**Please PRINT Legibly**

PAULA STRICKON

(Print Name)

IVAN STRICKON

Paula M Strick

(Sign Name)

Roger Harrington

PATRICK J GRIFIN

Roger Harrington

Debbie Celino

Jim Welsh

MIKE SIMONS

Roy Whitaker

Debbie Celino

Jim Welsh

Roy Whitaker

Paul Beauden

Dave Beauden

Ken Chapman\*

Joel Bortessa



### 2018 Budget Summary

	2017	2018	Increase / (Decrease)	
Operating Expenses	\$ 5,654,760	\$ 5,905,051	\$ 250,291	
Offsetting revenue				
Planning	\$ 2,500	\$ 2,500		
Town Clerk	\$ 290,000	\$ 320,000		
Cemetery	\$ 7,000	\$ 7,000		
Police	\$ 57,500	\$ 48,000		
Solid Waste	\$ 188,123	\$ 197,786		
Water	\$ 4,000	\$ 4,000		
Sewer	\$ 4,000	\$ 4,000		
Community Bldg	\$ 135,024	\$ 138,641		
Rec	\$ 181,855	\$ 189,392		
Beechwood Bond	\$ 60,000	\$ 60,000		
Library	\$ 500	\$ 500		
Total Net Operating Expenses	\$ 4,724,258	\$ 4,933,232	\$ 208,974	4.42%
Reserve / Trust	\$ 1,062,000	\$ 958,000	\$ (104,000)	-9.79%
Special				
Sewer Asset Mngmt	\$ 60,000			
PD Vehicles	\$ 45,000			
Highway BG	\$ 28,000	\$ 28,000		
Employee Separation	\$ 40,000	\$ 40,000		
Levee - Repairs (Taxation)	0.00	\$ 400,000		
Levee - Repairs (Bond)	75,000.00	\$ 400,000		
Levee - Legal Fees	0.00	\$ 10,000		
Riverfront Park		\$ 400,000		
Roads Streets funds from Loon	\$ 45,000			
Cemetery Exp. Trust	\$ 1,272	\$ 134		
Cemetery Trust	\$ 2,528	\$ 266		
Union Contract		\$ 21,180		
Total Special	\$ 296,800	\$ 1,299,580		
Offsetting Revenue				
Sewer Asset Mngmt	\$ 60,000			
Highway BG	\$ 28,000	\$ 28,000		
Riverfront Park		\$ 200,000		
Levee (only fund one method)		\$ 400,000		
Levee (Bond proceeds)		\$ 400,000		
Roads Streets funds from Loon	\$ 45,000			
Cemetery Exp. Trust	\$ 1,272	\$ 134		
Cemetery Trust	\$ 2,528	\$ 266		
Total Net Special Articles	\$ 160,000	\$ 271,180	\$ 111,180	69.49%
Total Net Appropriations	\$ 5,946,258	\$ 6,162,412	\$ 216,154	3.64%



**Forest Ridge Property Owners Association  
174 Forest Ridge Drive, Suite 101  
Lincoln, NH 03251**

February 7, 2018

*(Via mail and email)*

Planning Board & Board of Selectmen  
Town of Lincoln  
Lincoln Town Hall  
PO Box 25  
Lincoln, NH 03251

**RE: Homeowner/ Condominium Association Protection Ordinance**

Dear Selectmen and Planning Board Members,

Forest Ridge Property Owners Association ("FRPOA") respectfully requests to supplement the record of the January 10, 2018 Planning Board Meeting concerning Agenda Item 4, "Require Approvals from Homeowners Associations and/or Condominium Association prior to issuing Land Use Authorization Permits (LUP) per Town Attorney". We believe that you should consider our position because the testimony at the hearing was almost exclusively from developers with vested interest in trying to develop property without regard for its impact on homeowners who have purchased property in the development.

The discussion during the hearing was confusing because at least two issues were being discussed simultaneously. First, most of the discussion and the proposed language distributed by Attorney D'Amante, addressed proposals by individual homeowners who wished engage in some construction which would be subject to requirements imposed by a homeowners association. Second, a lesser portion of the discussion concerned the relationship between a developer and a homeowner association when the developer plans construction of a new phase in a planned development. FRPOA comments relate to this second topic.

FRPOA is the master homeowners association for the Forest Ridge Community. The Forest Ridge Community was created as a planned development almost thirty years ago in 1988. In the public offering statement, the developer (then "The Satter Companies of New England") described their proposal for "a planned 285± acre community to be known as the Forest Ridge at Loon Mountain Community, which may contain a combination of residential subdivision and condominium projects in a variety of housing styles . . . over a period of approximately ten (10) years." Forest Ridge at Loon Mountain, a Condominium, Public Offering Statement (Revised March 1989) at page 3. Six years later, the developer (then "Granite State Phoenix Corporation") submitted a Master Plan Report October 1995 to the Town. At that time, about 49 acres had been developed with 110 units consisting of the original townhouse development along Pinehill Lane, Mountain Brook Circle, Hillside Circle, Woods View Lane and Forest Ridge Drive, the single family house developments along Forest Drive, and the first phase of the garden style condominiums in Forest Circle. Subsequently, a new single family homes development, Mountain View Homes, was added in 1996, a townhouse duplex community, Forest Woods, was added in 2005, and a garden style condominium development, Forest Gardens, was added in 2006. Most recently, the developers have begun construction of

another townhouse duplex community, The Pines, but as explained later in this letter, The Pines is not yet part of the Forest Ridge Community,

Perhaps, there is no better example of the problems caused by the unfettered actions of developers than Forest Ridge. A phased development originally intended to be complete by 1998 is still dragging on leaving problems in its wake. For example, neither of the last two phases, Forest Woods and Forest Gardens, were ever completed. Instead, the developer abandoned the projects leaving foundations for unfinished construction and unsightly construction sites for nearly ten years. The foundations were left as deteriorating safety hazards at Forest Woods and were only removed as a result of the objections raised by FRPOA at the Planning Board during the approval process for "The Pines". Now, both Forest Woods and Forest Gardens, are subject to a pending foreclosure sale because the developer failed to pay the mortgages they took out on the projects. In addition, roads that were the responsibility of developers still remain unfinished and had deteriorated in one area to the point where FRPOA funded repairs to address safety concerns. Forest Ridge homeowners have repeatedly had to pay for failures of developers to follow through on their commitments and promises.

The problems caused by developers in Forest Ridge are not simply "old news." The Pines continue to demonstrate their failings. For example, the storm water detention ponds had to be revised because a foundation was dug in the wrong location, and we understand there is a structural problem with the construction of at least one foundation. Further, as outlined in a letter mailed and emailed on February 6th from FRPOA, the storm water detention ponds in The Pines still are not properly constructed resulting in safety concerns and potential downstream flooding. As noted in that letter, The Pines have not been properly annexed as part of FRPOA or the Forest Ridge Community.

FRPOA strongly believes that the only way the Town can seek to avoid endless recurrences of similar problems is to seek the input of homeowner associations who are directly affected by the developer's plans. Whether the Town should require homeowner association approval prior to issuing a Land Used Authorization Permit ("LUP") or seek comment on the proposal, some mechanism is needed to assure that homeowners associations have a voice in any proposal for new development in their communities.

We are disturbed by the various commenters at the January 10 hearing that argue that homeowner association should be shut out of the process. For example, Attorney Michael Shepard, a part-owner in New Jefferson Holdings, a current developer in Forest Ridge, stated in his testimony that "we know from experience these associations can be fickle, capricious, vindictive and lazy." Dr. Brian Holub, another partner in New Jefferson Holdings, argued that "homeowner associations are not your constituents – the homeowner is your constituent."

Homeowner associations, however, represent their member homeowners who clearly are "constituents." Homeowner associations are created under the NH Condominium Act and the Declarations filed by developers in the Grafton County Registry of Deeds to represent all the individual homeowners who are their members and who are taxpayers and land owners in, and residents of, the Town of Lincoln. For example, FRPOA is a master homeowners association for the Forest Ridge Community representing 6 junior associations and 217 homeowners. The 9 dedicated homeowners on FRPOA's Board of Directors represent all of the homeowners in the Forest Ridge Community, and strongly object to Attorney Shepard's ad hominin attack. We

suggest that the Town consider the history of short sighted decisions and failures of the developers in Forest Ridge, and decide who is better described by Attorney Shepard's words.

We also wish to correct certain misstatements made concerning the Forest Ridge Community during the testimony presented at the hearing. First, Attorney Shepard stated in his public testimony that "Forest Ridge has been built in phases since 1988. There has been a condo declaration since 1988 that gives developers the rights to keep building the next phase without the input or veto power of the homeowners association." While on one level this may be true, on another it is clearly false.

While the developer can build new developments on the additional land included under the Forest Ridge Declaration ("Declaration of Covenants, Restrictions, Easements, Charges and Liens for Forest Ridge Community" (November 16, 1988) Book 1773 page 0971, as amended), annexation of any new development to the Forest Ridge Community and FRPOA requires an amendment of the Declaration to adopt an Annexation Amendment. Prior to 1998, the Declarant had the unilateral right to amend the Declaration to annex new parcels to the master association, but since 1998 an Annexation Amendment can only be adopted with 2/3 approval of Forest Ridge owners at a regular or special meeting at which a quorum is present. Under amendments adopted by FRPOA in September 2017 and recorded in the Grafton County Registry of Deeds at Book 4311 page 0563, the FRPOA Board of Directors may enact an Annexation Amendment. However, the Declarant no longer has this authority.

Nonetheless, the developer of "The Pines," without legal authority, has recorded an annexation amendment for The Pines. Please note for record that FRPOA believes the "annexation" of The Pines is a nullity, and we do not recognize nor do we accept "The Pines" as part of the Forest Ridge Community or FRPOA. FRPOA will consider annexation of The Pines in the future when project is substantially complete, free of construction debt, and the malfunctioning detention ponds are corrected.

Attorney Shepard further states that "New Jefferson Holdings, LLC (NJH) now owns the Forest Ridge Resort and is building "The Pines at Forest Ridge." This too is false. NJH does not own the Forest Ridge resort. Forest Ridge unit and homeowners own Forest Ridge Resort. NJH owns the adjacent/annexable land defined in the Declaration.

While we agree that continued appropriate development is important to Lincoln, we strongly disagree that the developer's interests are the only ones that should be considered. To fulfill its obligations, the Town must consider the views of all of the residents and homeowners who will be impacted by its decisions, including the homeowners who make up homeowner associations. Among other issues, the Town should require that a developer provide:

- Proof that the developer has properly notified any affected association of its intent to build or develop at least 60 days before it submits its proposal to the Planning Board.
- Evidence that the planned development designs are consistent with and/or enhance unit and/or home values within the subject association.
- Evidence that plans contain proper provisions for parking, including additional visitor parking.
- Evidence of sufficient road and building bonds to assure that the developer will properly finish what the developer starts.

- Evidence of an enforceable developer plan to fund any added infrastructure requirements imposed on an association as a direct result of the proposed development.
- An enforceable agreement to finish the project and the associated road and utility infrastructure to standards consistent with the Town and the homeowners association.
- Proof developer and the plan of development is in compliance with the rules of the affected association.

FRPOA is not seeking a veto power on development in Forest Ridge. While there is no requirement that we annex new developments into the Forest Ridge Community and FRPOA, we believe it is in the long term interest of the Town, the developer and the homeowners association to work together cooperatively for the benefit of all. Unfortunately, we have found over the years that the developers prefer to simply charge forward with their plans without consideration of the Town and the homeowners who are left to live with the consequences. We believe the Town should adopt notice and comment requirements to assure there is an opportunity for communication which can avoid future conflict.

Most real estate brokers in town refer to Forest Ridge as a premier community with a long consistent history of effective, high quality association management. FRPOA urges the Town to adopt rules requiring consultation with homeowner associations to protect existing future homeowners in terms of property values, environment and lifestyles that attracted them to Lincoln. The Town of Lincoln should adopt rules to seek to prevent developers from starting projects that are poorly designed or that they will ultimately abandon unfinished and unsafe with no effective recourse by the homeowners, their associations or the Town. While involving homeowner associations in the LUP approval process will not guarantee that future projects will succeed, it will improve the likelihood of good outcomes,

We respectfully request that your include this letter in the record for public viewing, and that the Planning Board reconsider its decision not to recommend adopting a procedure for involving homeowner associations in the process for considering approval of an LUP.

Thank you



Harold Schofield  
President, Board of Directors  
Forest Ridge Property Owners Association

Cc: Butch Burbank, Town Manager  
Carol Blont, Town Planner