

**LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
MARCH 2, 2015
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

Present: OJ Robinson, Patricia McTeague and Tamra Ham

Staff Present: Town Manager, Butch Burbank, Robert Wetherell, Moderator and Administrative Assistant Jane Leslie (recorder)

Public Present: Ron Beard, Dave Beaudin, Jayne Ludwig and Helen Rodgers

I. CALL TO ORDER

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

II. CONSIDERATION OF DRAFT MEETING MINUTES FROM FEBRUARY 23, 2015:

The Board passed over the minutes. The minutes will be considered later in the meeting.

MOTION: "To approve the minutes of the February 23, 2015 Board of Selectmen's meeting."

Motion: Patricia McTeague

Second: OJ Robinson

Abstain: Tamra Ham

III. REVIEW OF PROPOSED WARRANT ARTICLES FOR TOWN MEETING

The Board discussed Articles one (01) through twenty-three (23) which will appear on the official ballot and will be voted on from 10:00 AM until 6:00 PM. Articles twenty-four (24) to forty-nine (49) will be taken up during the Business Meeting beginning at 7:30 PM

IV. OLD / NEW BUSINESS

US Army Corp of Engineers Letter to the Town of Lincoln Board of Selectmen

Vice Chairman McTeague read the following letter into the meeting minutes:

(See attached)

With no further comment, the meeting proceeded with the reading of a second letter the Town received this week:

Letter of Support for the East Branch Pemigewasset River Granite Block Levee

Chairman Robinson read homeowner's Joyce J. Thomas and John F. Maguire's letter of support for the East Branch Pemigewasset Levee into the meeting minutes.

(See attached)

Loon Pond Dam Project

Town Manager Burbank informed the Board that the scheduled pre-bid conference on February 19th for the Loon Pond Dam project had been canceled. The U.S. Forest Service informed the Town that the National Environmental Protection Act (NEPA) process will delay this project for approximately one (1) year, as the Loon wooded area has become the habitat for endangered species (Long-eared Bat and the Lynx). Essentially what this means is we cannot touch any trees in this area until the Town conducts a complete environmental impact study which will take a minimum of one year. Selectman Ham commented that this “red-listed” dam project has been postponed previously, and feels this act could put *lives in danger*, for a species that is currently migrating in caves, and not in the trees. Chairman Robinson suggested we contact Senator Shaheen and Ayotte’s office for further clarification and direction. Resident Jayne Ludwig commented that she felt it would alarm readers of these minutes that “lives were in danger,” and felt it was an exaggeration. Selectman Ham responded, saying that state engineers have deemed the Loon Pond Dam a high hazard dam on their red-list that needs replacement.

Public Participation

Helen Rodgers informed the Board that the Ice Castle employees took it upon themselves to put cones out in the roadway to direct traffic without the presence of any police officials on Saturday, February 28, 2015, and questioned if there were going to be any repercussions as a result of this. Town Manager Burbank responded that the Police Chief was aware and followed up accordingly. Chairman Robinson commented when he drove through town over the weekend, there was traffic, however, no more than usual for this time of year, although heavier towards the traffic lights by the ice castle. Also, the shuttle bus service was extremely busy and operating at full speed.

Resident Jayne Ludwig questioned if the FEMA LAMP meeting scheduled for Monday, March 9, 2015 at 11:00 a.m. was opened to the public. Chairman Robinson responded that all were welcomed to attend, and even encouraged to, as this meeting is a Stakeholder Coordination Meeting for all of Lincoln’s residents.

Town Managers Report

Budget Committee Representation at Town Meeting

Town Manager Burbank asked if any member of the Budget Committee would be available to sit at the front table to answer questions on Town Meeting day, and Selectman Ham stated she would gladly do so, unless the Budget Committee Chairman requested to.

Police Department Grievance Hearing

Town Manager Burbank informed the Board he has scheduled the Police Department Grievance Hearing for Monday, March 16th at 5:00 PM, a non-public meeting, which is being appealed to the Board of Selectmen.

White Mountain Snow Mobile Club

Town Manager Burbank informed the Board the original ten (10) year agreement (2009 – 2019) was never signed or returned to Town Hall in 2009. The annual lease fee of \$1200.00 reflects the amount of money they would otherwise pay in property taxes. This was a warrant article (#21) that was voted on at the 2009 Town Meeting, therefore cannot be amended until 2019.

Goodies Market (P&S Market)

Ray Korber, KV Partners, has conducted a review of the project estimate which will include the connection of a water line at South Mountain, and combine as one (1) project for bidding purposes.

South Peak Water System

Ed Wendler has provided written authorization for the Town to proceed with the building of the Pump House addition, and we will be working in the next few weeks to finalize the project costs for moving the pumps.

Water Treatment Plant Filter Addition

A pre-construction meeting was held on Thursday, February 26th and materials have been ordered with work beginning in July 2015.

Ice Castle

Selectman Ham asked Town Manager Burbank if he has received any further letters of comment concerning the ice castle to date. Town Manager Burbank stated he continues to receive letters of support and noticed as long as the Police Department is present, the traffic appears to move at a steady flow. Additionally, the Ice Castle has paid all money due for water usage (just passed 9 million gallons), and Town Manager Burbank is waiting to hear back from representatives for a definitive closing date.

John Ham Letter

Town Manager Burbank updated the Board on the current status of the complaint filed against John Ham, and Mr. Ham's letter written in response to this complaint. After extensive research it appears a lot of discussion took place over the years concerning the Ham business and towing, as well as available parking spots. The written record for approval is for fourteen (14) spots, including vehicles, with no mention of expanded auto body in any of the written minutes; however, it has *never* been formerly presented to the Planning or Zoning Boards in Lincoln to make it official. The big issue is not the 14 parking spots, but rather when he exceeds the fourteen (14) spots due to high volume business days during inclement weather, and Arnold's exceeds the 14 spots. Town Manager Burbank recommends that John Ham compile his information/documentation, and present it to the Planning and/or Zoning Board to explain his case for occasional spikes in vehicle parking due to weather and have it formally decided.

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

MOTION: To go into Non-Public Work Session at 7:05 PM

MOTION: Tamra Ham Seconded: Patricia McTeague Roll call vote all in favor

Motion to go back into public work session at 8:06 pm

MOTION: OJ Robinson Seconded: Patricia McTeague Roll call vote all in favor

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."

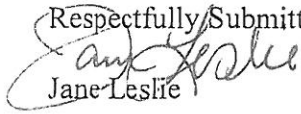
Motion: OJ Robinson

Second: Patricia McTeague

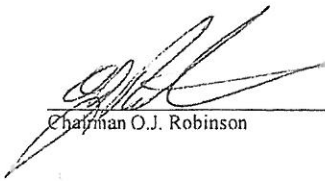
All in favor.

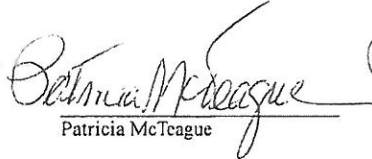
The meeting was adjourned at 8:10 pm.


Respectfully Submitted,


Jane Leslie

Approval Date 3/9/15


Chairman O.J. Robinson


Patricia McTeague


Tamra Ham

February 26, 2015

Town of Lincoln
Board of Selectmen
O. J. Robinson, Chair
Patricia McTeague, Vice Chair
Tamra Ham, Selectman
Butch Burbank, Town Manager ✓

Good Afternoon:

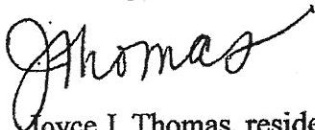
Because we are unable to attend the next town meeting, we are writing to urge support for the vote to raise and appropriate the sum of \$1,600,000 to rebuild the East Branch Pemigewasset River Granite Block levee.

The levee continues to serve the Town of Lincoln, not just a few. As I've researched, the Town signed an agreement, although not a clear cut one, with the USACE that it would in perpetuity maintain the levee according to the 1960 USACE Maintenance Agreement. Also, I understand the town of Lincoln approved all the building permits in the involved zone, which instills a strong level of liability.

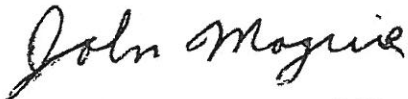
Passing a \$1.6 million bond would be a very small increase of approximately \$35 per property annually for 20 years and would save the hassles, headaches and continuous and huge expense of endless lawsuits for years. Meanwhile, there is still the very real danger of additional damage to the levee resulting in additional liability to the town including destruction of our transfer station and sewerage treatment plant.

Lincoln is a tourist town, plain and simple. All our livelihoods depend on growth, bringing in buyers, vacationers, and new business opportunities. It doesn't take much to turn a growing buyers' market into a stagnant real estate zone destroying Lincoln's reputation and potential for future economic growth. Trying to burden 211 owners with a town-wide issue is clearly going to ensure that nobody wins except our respective attorneys. Think about it -- \$35 per property owner yearly, the cost of a sandwich and a few lattes, would resolve this issue. It's time to do the right thing and put this behind us.

Sincerely,



Joyce J. Thomas, resident/voter, 36 Lodge Road, Lincoln, NH



John F. Maguire, owner, 36 Lodge Road, Lincoln, NH

Cc: Scott McIntyre



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
896 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.

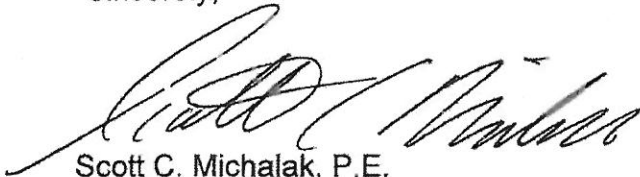
Concern #2: O&M responsibility of the FDR system in regard to comments made in the January 18, 2006 memorandum.

- 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,



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, 6th 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 (2nd 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