

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

AUGUST 13, 2018 – 4:00PM

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, Deputy Town Clerk/Tax Collector Lisa Philbrick & Administrative Assistant, Jane Leslie.

Public Present: Roger Harrington, Jim Welch, Dave Beaudin, Debbie Celino, Terri MacDonald, John MacDonald, Renee Hoover, Lennie Dovholuk, Hillary Reardon, and Celeste Reardon.

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 4:00 p.m.

II. NON-MEETING WITH COUNCIL

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

Staff Present: Town Manager Butch Burbank

Public Present: Town Attorney, Brooke Shilo, Upton & Hatfield, Town Assessor, John Hatfield, Commerford Neider Perkins, Property Owner Mark Ehrman, and Attorney Margaret Nelson, Sulloway and Hollis PLLC

MOTION: "To go into a Non-Meeting with council"

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

The Board went into non-public session at 4:00 pm.

MOTION: "To re-enter public session."

Motion: O.J. Robinson

Second: Jayne Ludwig

Motion Carries.

The Board came back into public session at 5:51 p.m.

III. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the meeting minutes of July 30, 2018 as presented."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

Abstained: O.J. Robinson

Chairman Robinson received a request from Russ Cooley (LSMP) who asked that an amendment be made to the meeting minutes of July 16th, 2018 line #158 and line #159 as follows: *Robinson added that as part of the town settling the lawsuit and release of all claims, they added a permanent parking easement for the town over their land which is located near the substation. [period] and the road that goes down to the levy* be removed from the context of the meeting minutes.

MOTION: "To approve the amendment to the July 16, 2018 meeting minutes."

Motion: Jayne Ludwig

Second: O.J. Robinson

Motion carries

IV. APPOINTMENT OF *INTERIM* TOWN CLERK/TAX COLLECTOR

Chairman Robinson explained that Johnna Hart, the current Town Clerk/Tax Collector has transitioned into the Finance Director's position in lieu of Helen Jones retirement. The Selectmen will be interviewing this week to fill the vacant Town Clerk/Tax Collector's position, and will need to appoint an *interim* Town Clerk due to the requirements of the office. Mrs. Hart presented a note to the Selectmen that read as follows: *"I would like the Board to know that the Selectmen should appoint Lisa Philbrick "interim" Town Clerk/Tax Collector as of Friday August 17th, as Thursday, August 16th will be my last day for collecting taxes and I will be preparing all of my financials for the audit."* Selectman Ham noted that Lisa Philbrick is the current Deputy Town Clerk and made the following motion:

MOTION: "To appoint Lisa Philbrick as the interim Town Clerk/Tax Collector as of August 17, 2018."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

Lisa Philbrick accepted the appointment and greeted the audience welcoming them to stop by Town Hall and say hello.

V. OLD/NEW BUSINESS

Town Managers Report

Chief Ted Smith – Lincoln Police Department

Town Manager Burbank informed the Board and the public that as of this day, Chief Ted Smith has been put on paid *Administrative Leave* pending an administrative review of the department. In the interim, Captain Jeffrey Burnham will be overseeing and in command of all law enforcement operations within the department during this administrative review process. Burbank will be personally reviewing budget/finance issues (payments) and will be hiring a third-party to review internal police department operations. This is the only official comment that will be made concerning this matter as this is an administrative decision and personnel issue. Burbank wants the public to be rest assured that the department operations will continue functioning to full capacity and providing the residents and visitors of Lincoln with the utmost in safety and law enforcement services.

Crosswalk Street Lighting outside of Gordy's Restaurant

Burbank explained to the Board that he spoke with DOT who clarified that in order to install lighting in/on the crosswalk, it would require District One engineers approval as well as approval from the Traffic Bureau in Concord (they are part of any crosswalk lighting decisions in the town). There is an application process that will take some time and must be thoroughly reviewed (DOT will be looking at all of the crosswalks in town). Burbank elaborated that this is a very important issue for the town in light of a recent incident that occurred (witnessed by the Recreation Dept.) where an individual in a wheelchair crossing the crosswalk outside of Gordy's was almost struck by an oncoming vehicle that was not paying attention.

Fire Flow Analysis

DPW Hadaway, Chief Beard, Water Plant Operator Dave Beaudin, and Town Engineer Ray Korber conducted field testing last week and all is progressing well. This information will determine whether or not the town needs a *water supply study*, and the report should be available by the end of August.

West Street:

Material is beginning to arrive for the West Street project and is being stored over at the Old Airport. Robinson asked if Ray Korber would be available and overseeing the water and sewer aspect of the project. Burbank explained that DPW Hadaway and Korber have a schedule worked out that ensures at least one of them is available at all times for the utilities aspect of the project. Selectman Ludwig recommends the Board stay on top of this project and monitor its weekly progress.

Water Tank Mixer:

The Mixer has arrived for the Pollard water tank and DPW Hadaway is waiting for the electrician to come and do the electrical wiring.

Levee Update:

The levee project was shut down by DES last week due to SWIP (Stormwater Management) violations. Burbank met on Friday with DES representatives, the contractor, and the engineer and have come to an agreement and the project is back up and running. There is going to be another meeting to discuss proposed upgrades and design changes to the levee construction plans that will increase its durability. The plans include the implementation of 20-30-ton boulders (58 total) buried along the river (set in gravel) to hold/support the existing bricks in place. The Board continued to discuss the construction project and potential additional costs.

Pollard Road Culvert Incident:

Burbank explained to the Board that there was a motor vehicle accident on Pollard Road last week between a motorized scooter and a truck backing out of a driveway, and the scooter operator fell into the culvert across from the Community Center. This accident was not reported to the Police Department so there is no official report of the incident. Burbank explained to the Board that several years ago there was a discussion about putting a fence up around the culvert so Burbank has instructed DPW Hadaway to purchase and have fencing installed.

National Night Out

The Board gave kudos to the Lincoln Police and Fire Departments for a job well done! Ham said everyone she has spoken with had a wonderful time and commended the NNO Committee, Sargent Wood and Kara Baker (and all of its volunteers) for their hard work and dedication to making this year's event a great success.

Mark Dumont Property on Pollard Road

Selectman Ludwig wanted to continue last week's conversation (*Chairman Robinson was not present*) concerning Mr. Dumont's offer to exchange some of his land (166 Connector Road) to make the town-owned Industrial Park lots larger in exchange for the town eliminating its right-of-way across his property. Burbank feels that this deal benefits Mr. Dumont more than it does the Town of Lincoln and suspects this easement was negotiated back when the lots were being developed. The Board discussed Mr. Dumont's proposal and the pros and cons of having a second access to the Industrial Park lots. Chairman Robinson and Selectman Ham agreed to **not** trade any of the town land at this point and were **not** in favor of a second egress at this time, however, thanked Mr. Dumont for his inquiry. Chairman Robinson made the following motion:

MOTION: "The town will not take any action pertaining to the swap of land with Mr. Dumont."

Motion: O.J. Robinson

Seconded: Tamra Ham

Motion carries.

Opposed: Jayne Ludwig

Chenard Junk Yard Litigation

Town Manager Burbank explained that the judge rendered a temporary decree that Mr. Chenard has a cease and desist from moving or storing any further motor vehicles, debris, or other junk as defined by RSA 236:112 on his property pending further order of the court. The town will continue to monitor Mr. Chenard's property to make sure that he is abiding by the temporary decree. Selectman Ludwig noted that the town should be looking at all property in the Town of Lincoln that could be considered a "junk yard" and treated the same to equally enforce this ordinance town-wide. Burbank added that he has spoken to NH D.O.T. about certain business's in town that D.O.T. is looking at and ensuring that they are within the compliance guidelines with their business practices (Arnolds Garage & Tim's Garage).

Conn Easement

The easement is with Mr. Conn's attorney and the matter should be complete soon.

Town-owned Land (abuts Loon Mt. parking lot)

Chairman Robinson has spoken with some residents that are opposed to the possible development of the town-owned land that abuts the Loon Mountain parking lot and feels this would take away from the peace and natural beauty of the bike path that goes through the land. Robinson wanted to make it clear that the town has no plans at this time to do anything with the land. Burbank asked the Board if this meant that he should not have the land surveyed as previously discussed. A discussion ensued concerning the town-owned land and the Board agreed that the town should at least have the land surveyed and recorded with Grafton County Registry for future use of the land.

Public Participation

Dave Beaudin asked for clarification as to whether or not the Police Chief was on "paid" Administrative Leave. Burbank confirmed it was paid leave. Beaudin also commented on the structures at the bottom of Mansion Hill Road as well as the cut-outs on the Pollard Road sidewalk and the potential safety hazards they present to the public. Robinson conceded that the culvert involved in the scooter incident has been on the "to-do" list for some time, and is now being taken care of. Burbank explained the town cannot protect everyone from every potential hazard on roadways and within the towns infrastructure, but they are doing their best with the available funding to make sure the public is safe.

Roger Harrington asked if there was any new information on "The Pines" retention ponds. Town Engineer Ray Korber is still working with the engineers from The Pines and things are moving along.

Hillary Reardon explained to the Board that she watched the July 16th Board of Selectmen's meeting and referred to a comment that was made concerning Chief Beard *educating* the public about the Fireworks Ordinance and practices. Ms. Reardon questioned who the residents were that Chief Beard met with and educated. Beard explained that approximately five (5) to six (6) individuals had come to him requesting a firework permit and he reviewed the laws and safe distances concerning fireworks use, however, he did not go around randomly educating the public. Several residents from the audience questioned the Board about Chief Smith's practices on the evening of the Fourth of July, and Burbank explained that the Chief was not present and he could not speak in his absence about protocols carried out that night.

Hillary Reardon also questioned the Town Manager's communication practices as she had submitted several emails that went unanswered. Town Manager Burbank responded that he received several redundant emails from Ms. Reardon and had answered the initial correspondence which he felt resolved the question(s) being asked.

Chairman Robinson noted that it was brought to his attention that the Lincoln Police Department Dispatch had handed out dispatch call logs to a resident(s) who requested the same, and unknowingly the logs contained personally identifiable information (PII). Robinson explained that it was completely inappropriate that the dispatch log was handed out without proper redaction, and that this was in fact done in error. Town Manager Burbank announced to the resident(s) that have the actual logs in their possession (inadvertently), that they have confidential information in their possession, and now that they are formally aware of this they should destroy these confidential documents and return to the Police Department to receive properly redacted copies. Burbank further explained that if this information gets out into the public domain (after having this discussion) this is considered an illegal act.

The issue of confidentiality and breach of security discussion continued, and the Board of Selectmen apologized and explained that they are in the process of taking the appropriate actions. An investigation is going to be conducted with a third-party organization that is going to review the entire operations of the Lincoln Police Department. Captain Burnham added that this situation is an embarrassment to the Lincoln PD and they plan on instituting procedural changes and safeguards so that events such as this do not happen again.

Lennie Dovholuk feels the town should do the same as large corporations do when there is a breach in security and pay for the service of identity theft protection securities to safeguard the victim(s) in these circumstances. Chairman Robinson asked who has the actual dispatch logs in their possession, and resident Celeste Reardon responded that she had the log. Selectman Ham asked if Reardon had the only copy at this time and she responded yes explaining that she had called the Police Department to request the log and was told to come in and pick it up. Ham requested that Ms. Reardon destroy the log, to which she responded she would.

The discussion continued concerning the events of the Fourth of July and written complaints that the Police Department received. Lennie Dovholuk voiced his concerns over the way law enforcement conducted business at his home on July 4th and feels he was targeted by Officer Wood. Lennie Dovholuk presented the Board with copies of a letter that Chief Smith wrote to him in response to the events on the Fourth. The Board thanked the residents for coming in and bringing these issues to their attention.

Email received from resident Diane Donovan

Chairman Robinson read the following email into the minutes:

Last night my husband and I were home watching a movie when we heard fireworks on our road. We walked out to the porch and watched sparks flying in the sky and landing on the road on my side of the lawn and power lines. In addition to that over the yellow house and empty lot. I called the police to inform them of the incident. Shortly after the fireworks, there were two women walking the bike path passing my house. How safe is it for tourists and those who have homes on the road? We have friends and family staying at our home who enjoy the sound of the Pemigewasset River and what the community has to offer. Looking forward to hearing from you on how we are going to solve this problem.

Sincerely, John & Diane Donovan

Captain Burnham explained to the Board that over the weekend the department received three (3) separate fireworks complaint phone calls. One of the three individuals lighting off fireworks was found that night and advised of the state fireworks laws. Selectman Ham asked Captain Burnham to respond to the email sent by Mr. & Mrs. Donovan.

Town Manager Burbank explained to the Board that on July 25, 1988 the *then* Board of Selectmen enacted a temporary order banning the use of all fireworks until such time a Fireworks Ordinance was

drafted and approved. An ordinance was drafted however never formerly signed, therefore, the default temporary order signed in July, 1988 is technically still in force. Chairman Robinson reiterated that the Board is moving forward and will draft an ordinance that addresses the needs and safety of all in the Town of Lincoln.

Email received from residents on Hanson Farm Road

Chairman Robinson read an email received from residents concerning their mailboxes sinking into the ground which they believe is the direct result of previous road construction in front of their property. The residents are requesting the town's assistance in fixing this problem (*see attached*). Burbank explained that DPW Hadaway is aware of this issue and will be following up on it.

IV. NONPUBLIC SESSION Pursuant to RSA 91-A: 3:II(a,e) Personnel, Litigation update

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

Motion: O.J. Robinson Second: Tamra Ham Motion carries.

The Board went into non-public session at 7:30 pm.

MOTION: "To re-enter public session."

Motion: O.J. Robinson Second: Jayne Ludwig Motion Carries.

The Board came back into public session at 8:00 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: O.J. Robinson Second: Tamra Ham Motion Carries.

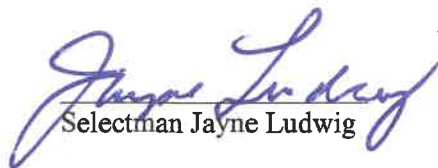
The meeting adjourned at 8:05 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date 8 / 27 / 2018


Chairman OJ Robinson

Selectman Tamra Ham


Selectman Jayne Ludwig

August 13, 2018
Board of Selectmen's Meeting
Please PRINT Legibly

(Print Name)

Debbie Celine

Jim Walsh

Roger Harrington

Weston Rardon

(Sign Name)

Debbie Celine

Jim Walsh

Roger Harrington

Weston Rardon

July 29, 2018

Lincoln Town Hall
148 Main Street
Lincoln, NH 03251

To who it may concern:

The mailboxes that are in front of 43 Hanson Farm Road and Pemi Drive are sinking. I don't know if anybody has brought this to anyone's attention or not?

The boxes continue to sink into the right side, and have done this since Caulder finished the work that was performed right in front of these mailboxes. The town did come and do a repair, however upon inspection you can see that, soon these boxes will be on the ground.

Could someone please come to this location referenced above and please fix this problem. All of the other mailbox posts on the street appear to all be new except for this cluster. Please note that this cluster holds boxes for

40 Hanson Farm Road – Tamolounis

43 Hanson Farm Road – Formerly Betty Houde (Sold on July 31) NEW OWNER LORI VAUGHN

6 Pemi Drive – Adam and Victor Cloutier

7 Pemi Drive – Matthew Gallagher

9 Pemi Drive – David and Tina Hostie

10 Pemi Drive – Andrea Thibeault

Thank you for taking the time to remedy this problem, with winter approaching once you see how these boxes are you will see that one good storm and you will lose the first three mailboxes.

CC: Janye Ludwig, OJ Robinson.