

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

AUGUST 27, 2018 – 5:30 PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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

Excused: Tamra Ham

Staff Present: Town Manager Burbank, Fire Chief Ron Beard, Captain Jeff Burnham, & Administrative Assistant, Jane Leslie.

Public Present: Roger Harrington, Jim Welsh, Debbie Celino, and Dave Beaudin

I. CALL TO ORDER

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

II. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: “To approve the meeting minutes of August 13, 2018 as amended.”

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

MOTION: “To approve the non-public meeting minutes of August 13, 2018 (Landing litigation and personnel issue) as amended.”

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

MOTION: “To approve the non-public meeting minutes of August 14, 2018 (interviews for Town Clerk/Tax Collector position) as presented.”

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

III. NORDIC INN DISCUSSION

Nordic Inn condo owner, Arline Ventullo addressed the Board and explained that she has owned two (2) units at the Nordic Inn for the past thirty (30) years. In the late nineties, Ms. Ventullo modified one (1) of her units (#101) and added an *air block entry* in an effort to save on fuel costs (unit located on the corner of the building). After the fire in 2000, Ventullo re-built the *air block entry* and began renting out one bedroom/bathroom within the condo unit #101 and marketed the rental as a “hotel room.” The Nordic Inn Board of Directors subsequently reported this practice to Chief Ron Beard who informed Ms. Ventullo that this was not legal, and she could appeal his decision to the State Fire Marshall’s office. The State Fire Marshall’s office informed Ms. Ventullo that she would have to follow a chain-of-command by first addressing the town’s governing body and obtaining the exact fire code violation number prior to seeking relief from the Fire Marshall’s office.

Chief Beard explained to the Board that he has been to Ms. Ventullo’s unit on several occasions, most recently with an insurance carrier who acknowledged that unit #101 had been turned into two (2) units. Ms. Ventullo contends that unit #101 is one (1) unit with two (2) bedrooms. Chief Beard went on to further explain that there is no access to the protected means of egress for the one-bedroom unit, and the sole means of egress for the bedroom unit is through the door that leads to the porch (at ground level). According to NH Fire Code, the doors (path of escape) do not open in the path of the egress, so the doors must be modified to open “outwards” toward the path of escape (Fire Code NFPA 101, Chap. 3.3.172. 7.1.10.1, 7.2.1.1.2 and 7.2.1.2.3.2).

At this time, the Nordic Inn has issued a *Cease and Desist*, and the insurance carrier has stated that the unit must be put back to its *as built* state or it may not be insurable. Chairman Robinson reiterated that from the town's perspective, we have no say in what the Nordic Inn's Board of Directors or insurance company does/says, but the town is concerned with what their responsibility is as far as permitting and fire codes are concerned.

Town Manager Burbank explained that an unintended consequence of this entire event coming to light is that the Planning Department was made aware that other units at the Nordic Inn in addition to Ms. Ventullos' have also changed the design and use of their units for the purpose of renting out rooms such as Ms. Ventullo does. As a result of these changes, the parking requirements for the Nordic have changed and exceeded the allowable parking per unit. The Planning Department will be submitting an administrative request to the Nordic's Board of Directors to provide a count of condo owners that are renting out their units and their parking plans. Burbank emphasized that this is a separate issue from what is being discussed tonight, however, will need to be addressed in the near future.

IV. OLD/NEW BUSINESS

Town Managers Report

West Street update:

Contractors are setting up equipment and materials in preparation for the project to begin.

Levee update:

Contractors just made their first concrete pour today. There will be a construction update meeting scheduled for Friday, August 31st.

The Pines update:

It has been confirmed by the developers that the reconstruction of the ponds as approved by the Planning Board will be completed by September 7, 2018. Horizons Engineering will be submitting a revised *as built* plan upon completion of the reconstruction as well as a Construction Control affidavit that the ponds meet the design requirements.

Conn Easement update:

Town Manager Burbank spoke with Mr. Conn who approves of the present wording of the easement, however, there are two (2) items Mr. Conn requests: [1] waiver of water/sewer tap fees for his garage and, [2] the high voltage overhead powerlines that go to the pump station, he would like to have buried in the ground. DPW Hadaway is currently seeking costs associated with the burying of the powerlines, and Burbank asked for the Board's input as this can cost upwards of \$30K. The Selectmen suggested Nate get a definitive price from the NH Electric Co-op and the Board would discuss further at a later date.

Bears & Dumpster issues Update:

Chief Beard met with Fish & Game Bear Biologist, Andrew Timmons concerning issues with bears and dumpsters around the Riverfront, Coolidge Falls and Loon Mountain area. Fish & Game does not typically relocate bears this close to the opening of hunting season, and Timmons suggested Chief Beard review a new ordinance that the Town of Littleton recently enacted that regulates dumpster companies and the types of receptacles they provide. The ordinance prohibits plastic lid dumpsters and maintains that all dumpsters within the town limits be bear proof and have metal lids. Chief Beard will be following up with Littleton's Health Officer to obtain a copy of the new ordinance to review.

Hanson Farm Road mailboxes:

DPW Hadaway followed up on a complaint received from residents on Hanson Farm Road concerning their sinking mailboxes (as a result of recent road construction). Hadaway made some adjustments and the problem has been taken care of.

Fireworks Complaint on Route 3 near the River:

Chairman Robinson had received an email from the Gilman Family (Route 3 residents) voicing concern about individuals lighting off fireworks near the river. Captain Burnham believes that local innkeepers are possibly suggesting to their guests interested in lighting off fireworks to do so near the river. Burnham responded to the complaint and provided fireworks literature to local hotel/motel owners in an effort to educate innkeepers on the laws and safe practices surrounding the use of fireworks. Burnham also noted that most firework complaints are filed after the fact, and usually the following day. Chairman Robinson suggested the public be aware that if there is an issue concerning fireworks in a resident's neighborhood, they should reach out immediately to the Lincoln Police Department and not wait regardless of what time of the day it occurs (Lincoln PD and dispatch are operational 24/7).

Town Clerk/Tax Collector

Chairman Robinson announced that upon completion of the interview process for the interim Town Clerk/Tax Collector's position, Lisa Philbrick has been appointed to fill the position through March, 2019. At that time, Lisa will have to run on the ballot for a term of one (1) year to complete Johnna Hart's term as Town Clerk/Tax Collector (2020). Robinson noted that Lisa has done a fine job in a short amount of time and comes with business experience and a strong accounting background.

Police Department Administrative Review

Burbank explained the organization in charge of the Police Department's administrative review process will be starting on or before September 20, 2018. They are presently reviewing the Police Department Personnel Manual and Standard Operating Procedures.

Police Department Dispatch Logs

Robinson asked if the dispatch logs that were inadvertently handed out to a citizen by the Police Department with personally identifiable information (PII) were destroyed by the individual who had them in their possession. Captain Burnham explained that he has made several attempts to find out from the resident if the logs were destroyed and was told *no*. Burnham asked the individual if they actually planned on destroying them at all, and was told that they were holding onto them until others who were involved could consult with legal counsel. Burnham emphasized to the individual that they are solely responsible for the PII in their possession and the repercussions resulting if fraudulent acts occur. Burnham consulted with the law enforcement Prosecutor concerning this matter and was informed that the Police Department does have a means to following-up on this investigation if the logs are not destroyed that can potentially result in criminal penalties. Burnham will continue dialogue with this individual in hopes of bringing this matter to a conclusion. Robinson thanked Captain Burnham for his follow-up on this matter and reminded all that this discussion took place during a public meeting where the individual with the logs in their possession agreed not to disseminate this information and to destroy the logs (which has not happened). Town Manager Burbank has also discussed this matter with town counsel and cannot emphasize enough that the Town of Lincoln has done all that it can to impress on the individual(s) involved that this is a very serious matter and they bear a great responsibility if they fail to comply with what was agreed upon at the August 13th, 2018 Board of Selectmen's meeting.

Crosswalk at Gordy's

Town Manager Burbank explained that crosswalk lighting outside of Gordy's will have to be a budget item for next year. The town will have to apply for special permits and the design of proposed plans will need to be approved by DOT. Robinson would like DPW Hadaway to research exactly what the permitting process will entail and if it will be obtainable for the town.

Pollard Road Sidewalk

Chairman Robinson asked what the financial status was for the sidewalk project and if all bills had been received. Burbank explained that he is still waiting on one (1) additional bill and the current projection has the budget overspent by approximately \$13K. The contractor is currently seeking pricing for changing the sewer covers (as a separate item) but has not submitted any estimates yet.

Selectman Ludwig received an email from Mary Conn concerning the crosswalk outside of Mountain View Condos that is supposed to have painted lines on it (for safety purposes) and questioned when/if this was going to be done. Burbank explained that the original design plans had specs for two (2) straight white lines and not hash marks. Robinson noted that other crosswalks in town are zebra striped and asked why this would not be the same for crosswalk(s) on Pollard Road. Burbank seems to think that the crosswalk may be treated different because it is in front of a private drive and not crossing a public roadway. The Board agreed that DPW Hadaway should paint zebra stripes on the crosswalks on Pollard Road for safety measures.

Fire Flow Test Results

Chief Beard explained to the Board that he was expecting the preliminary fire flow field test results by the end of the month.

Public Participation

Dave Beaudin asked the Board if the newly hired Town Clerk/Tax Collector had any prior municipal government experience, or if she obtained her training on the job as the Deputy Town Clerk/Tax Collector. It was explained that Lisa gained all/most of the Town Clerk job responsibilities from her position as Deputy Town Clerk, however, Lisa had an extensive background in accounting/banking finance which supported her responsibilities as Tax Collector. Robinson explained that at the time of the interview process Lisa had become certified by the State of New Hampshire as a Motor Vehicle Agent.

Roger Harrington asked the Board why the Town Clerks office was now closed on Tuesdays. Burbank explained that the Town Clerk by statute has the power and authority to set their hours of operation for the office, and Lisa decided to close on Tuesdays and extend the hours of operation on Monday (8:00am to 6:00pm), Wednesday – Thursday (8:00am – 5:00pm) and Friday (8:00am to 4:00pm). Robinson added that a Deputy Town Clerk will be hired to work part-time hours, and possibly restore the Tuesday hours of operation in the future.

Roger Harrington asked the Board if the contractors for the West Street road construction project will have the job completed in time to have the asphalt laid. Burbank responded that according to the contract, the road will have at least a base coat pave (for winter plowing) if it is not completed before snow falls, and the contractor will then have to return in the spring (at their cost) to complete the project.

MS-1, Summary Inventory of Valuation Extension

The Board reviewed the MS-1 Extension Request form because the utility values have not been completed.

MOTION: "To extend the MS-1 extension request through September 28, 2018 for the purpose of updating the utility values."

Motion: O.J. Robinson

Second: Jayne Ludwig

Motion carries.

Abatement Request

The Board reviewed the abatement request for property located at 22 South Mountain Road, Master Lot, Map number 118, Lot number 044 as requested by Commerford Neider Perkins Assessor, Cindy Perkins.

MOTION: "To approve the 2017 abatement request for 22 South Mountain Road, M/L 118-044-000-00-00000, Master Lot as requested by Cindy Perkins, CNHA."

Motion: Jayne Ludwig

Second: OJ Robinson

Motion carries.

Grafton Regional Development Corporation

The Board has been invited to the annual meeting for the *Grafton Reginal Development Corporation* on September 13th. Each municipality in Grafton County is a member of Grafton RDC and receives one (1) vote during the Annual Meeting. Members will vote to approve a new slate of Directors, and the bylaws require that 25% of the membership (or 10 communities) be represented at the Annual Meeting in order to constitute a quorum. If a municipality is unable to attend, they may vote by proxy which will authorize GRDC's Board Chair to vote on the town's behalf. Chairman Robinson explained that he has represented the Town of Lincoln for the past 3-4 years and will be unable to attend due to a prior commitment. The Board agreed to vote by proxy.

NHMA Policies

The Board agreed to make this an agenda item for the next Selectmen's meeting (September 10th) to discuss policies relevant to the Town of Lincoln.

V. NONPUBLIC SESSION Pursuant to RSA 91-A:3: II(a,c,e)

MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II (a) Personnel issue related to placement of Chief Smith on paid administrative leave and a third-party administrative review of Police Department, (e) the Landing litigation update."

Motion: O.J. Robinson

Second: Jayne Ludwig

Motion carries.

The Board went into non-public session at 6:45 pm.

MOTION: "To re-enter public session."

Motion: O.J. Robinson

Second: Jayne Ludwig

Motion carries.

The Board came back into public session at 7:15 p.m.

VI. ADJOURNMENT

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

MOTION: "To adjourn."

Motion: O.J. Robinson

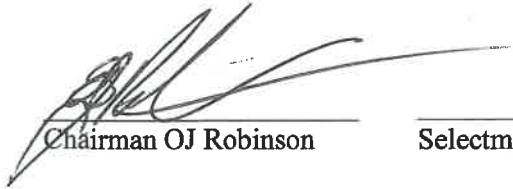
Second: Jayne Ludwig

Motion Carries.

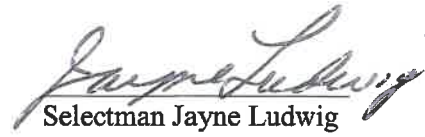
The meeting adjourned at 7:15 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date 9 / 10 / 2018


Chairman OJ Robinson

Selectman Tamra Ham


Selectman Jayne Ludwig

August 27, 2018
Board of Selectmen's Meeting
Please PRINT Legibly

Roger Harrington
(Print Name)

Debbie Celino

Jim Welsh

Roger Harrington
(Sign Name)

Debbie Celino

Jim Welsh

