

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
SEPTEMBER 10, 2018 – 5:30 PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

APPROVED

Board of Selectmen Present: Chairman O.J. Robinson, Tamra Ham, and Jayne Ludwig
Staff Present: Town Manager Burbank, Fire Chief Ron Beard, Captain Jeff Burnham, DPW Nate Hadaway, & Administrative Assistant, Jane Leslie.
Public Present: Roger Harrington, Rick Elliott, Jerry Stringham, 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 27, 2018 as presented.”

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

Abstained: *Tamra Ham*

MOTION: “To approve the non-public meeting minutes of August 27, 2018 (Landing litigation and personnel issue) as presented.”

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

Abstained: *Tamra Ham*

III. DRAFT FIRE-FLOW ANALYSIS

Town Manager Burbank explained to the Board that Hoyle & Tanner conducted a *Fire Flow Assessment* for the town, and the draft document was received this week. Burbank had met with Chief Beard, DPW Hadaway, and Town Engineer Ray Korber to review the draft analysis and have identified numerous questionable items that need to be addressed further with Engineer Dave Edson (Hoyle & Tanner). Burbank suggested this discussion be continued until such time these questionable items are clarified and a final version of the analysis is presented to the Board. Robinson recommended this be addressed sooner then later so that plans can be made to address and remedy some of these pending issues and concerns.

IV. NHMA LEGISLATIVE POLICY *DISCUSSION*

The NH Municipal Association (NHMA) will be holding a Legislative Policy Conference on Friday, September 14th which will enable member municipalities to participate in, and vote on important legislative policy recommendations for the 2019-2020 biennium. Town Manager Burbank will be attending the conference and voting on behalf of the Town of Lincoln. The Selectmen have reviewed the policy recommendations and outlined the legislation that they either agree/disagree with, and have provided Burbank with the same. The Board continued to discuss the various policy recommendations and floor proposals.

IV. OLD/NEW BUSINESS

Town Managers Report

West Street Road Construction Update:

Town Manager Burbank met with the contractors today and although they have run into several issues that need to be resolved, the project overall is progressing. DPW Hadaway and Town Engineer Ray Korber are coordinating their schedules so that one of them is on-site during the hours of construction. DPW Hadaway explained to the Board that they will be pumping sewer lines across Rt. 112 for at least one full-day, but that is yet to be determined. A discussion ensued with DPW Hadaway on the pumping procedures and installation of new sewer lines.

Levee Update:

The construction project is progressing well, although there is a long way to go. FEMA denied the Town's claim for storm damages that the levee sustained from last fall's rain event, and stated these damages fall under the purview of the contractor's liability. The town will have to seek legal counsel and contact AJ Coleman's insurance company. The U.S. Army Corp. of Engineers (USACE) has reached out to Town Manager Burbank to schedule a visit to the levee on September 27th to assess the status of the levee because their fiscal year will be ending on the 31st. After their visit on the 27th, the USACE will be reissuing a letter outlining their determination and commitment to getting the levy back on the "active" list.

Pollard Road crosswalk striping and fencing is complete:

The striping is complete on the crosswalks on Pollard Road. Public Works has also erected fencing around the culvert on Pollard Road across from the Community Center.

The Pines update:

The re-construction project on the retention ponds is presently underway and progressing well.

Conn Easement update:

The town is waiting for a cost estimate on burying the overhead transmission lines to the pump station. Selectman Ham noted that the original agreement with Mr. Conn consisted of the town waiving the water/sewer tap fees on his new garage, and then later on Conn requested the additional stipulation of burying the overhead transmission lines. Selectman Ludwig asked about the history on this property and how this all came about. Burbank explained that the Conn's have owned this property on Connector Road for a very long time and the issue came about when the state ordered Mr. Conn to move his driveway that leads to his garage to another location, and he subsequently built and began using the driveway that accessed the town's pump station and his home. Technically, the town does not have an easement where the existing entrance is, and our easement goes where the original driveway used to be. Robinson added that the town is essentially aligning the easement with the existing driveway.

Location for town's holiday tree:

Town Manager Burbank informed the Board that Nate has located a White Spruce tree and asked the Board if they had any suggestions on where they would like to plant the tree. Selectman Ham was concerned with the powerlines along Main Street and suggested DPW Hadaway find the best location around the town hall building and plant the tree there.

Castlebury Fair:

Terry Mullen of the Castlebury Fair event that takes place every July and October on the grounds of the Village Shops has requested a meeting with the Selectmen on October 15th. Historically, the fair in October has added to the chaotic traffic and parking issues in town during the busy Columbus Day weekend, and the Police Department has recommended that the fair change its venue for the October

event. Terry Mullen would like to continue using the grounds at the Village Shops in October and would like to continue this discussion with the Board.

Department Head Budget Meeting schedule:

The Board discussed the upcoming budget season and plans for the department heads to meet with Town Manager Burbank and Finance Director Johnna Hart the week of October 15th. Burbank anticipates having the initial draft budget ready for the Selectmen's review by the second week of November. Selectman Ludwig (Budget Committee Selectmen's Rep.) noted that the Budget Committee has requested to meet individually with each department head at different times. Burbank explained that with the Budget Committee meeting in the evenings, it may not be convenient for all department heads to be available to meet on specific dates, but Burbank will do his best to coordinate the scheduling. Ham noted that according to the NHMA government calendar, the Town Manager has until January 31, 2019 to submit his budget expenditures/revenues to the Select Board. Burbank explained that the schedule he has been following since the beginning of his tenure as Town Manager works well, and the Budget Committee always has a completed budget summary by the first (1st) of January.

ICMA Conference:

Town Manager Burbank will be honored at the upcoming ICMA (International City/County Management Association) Conference in Baltimore, Maryland in late September with a Lifetime Achievement Award celebrating 45-years of public service.

Highland Games (September 21st – 23rd):

A Selectmen's Representative typically attends the Tartan Ball and Dinner on the opening eve of the Highland Games and Chairman Robinson is unable to attend this year. Robinson has attended this dinner for the past few years and asked if either Select Board member would be able to attend. Selectman Ham just returned from a recent trip to Scotland with her daughter who had won the trip from a raffle at last year's event, and would be happy to go to the dinner as a Select Board representative.

The Landing litigation:

Chairman Robinson asked if the Landing litigation has been signed by all parties involved. Burbank explained that it was not, and that there are a few items being contested by the trustee. Burbank has a conference call scheduled with the town's attorney to finalize the details and would follow up with the board by email with the details as they become available.

Chenard Junk Yard clean-up:

Chair Robinson asked if there was anything new with the Chenard Junk Yard court case. Burbank explained that at this point the injunction has been served by the court and Chief Beard is monitoring the property to ensure Mr. Chenard continues to abide by the injunction's stipulations.

Wildlife Ordinance (Bear-proof dumpster)

Chief Beard presented the Board with a copy of the Town of Littleton's *Dumpster, Offensive Matter & Standing Water Ordinance* with highlighted language that he is recommending the Board add to the Town's current *Wildlife Ordinance*. The Board discussed revising the ordinance and adding the suggested language highlighted in Littleton's Ordinance (*see attached*) and made the following motion:

MOTION: "To add Section 1, item 5 from the Town of Littleton's *Dumpster, Offensive Matter & Standing Water Ordinance* to the Town of Lincoln's existing *Wildlife Ordinance*."

Motion: Tamra Ham Second: Jayne Ludwig motion carries.

Selectman Ham asked if Section (1) in the Town's Wildlife Ordinance that states...*No person shall engage in the practice of baiting wild animals* is correct because there are hunting laws that specifically allow for the baiting of animals. Captain Burnham suggested verbiage be added to the town's ordinance to clarify that this is not in opposition to the state law(s) regarding baiting for hunting purposes, but rather in reference to individuals who intentionally leave food around in hopes of attracting wildlife to take pictures, or for the sake of seeing wildlife up close. Captain Burnham will present the Board with the proper verbiage to be added to Section 1 at the next Selectmen's meeting.

Public Participation

Roger Harrington explained to the Board that for thirty (30) years the Mill used to put their Christmas tree up at Memorial Park where the Gazebo is located and feels this location would be better suited for the tree so that the entire town can enjoy it. Burbank agreed that there is plenty of space in Memorial Park for the tree and he and DPW Hadaway will walk the area to determine the best place to plant the tree. Selectman Ham was concerned with the lease (easements) that the town has on the property and recommends the town make sure that this is permissible. After further discussion, the Board agreed to plant the tree in Memorial Park.

Candidate for State Representative, Jerry Stringham

Mr. Stringham got up and introduced himself to the Board and audience and explained he will be running against our current State Rep. Bonnie Ham in November's State election. Mr. Stringham is a Harvard grad who is currently living in Woodstock (Deer Park) and welcomed the community to reach out to him should they have any questions or comments.

Rick Elliott (Builder up at Forest Ridge) addressed the Board and explained that he has a licensed electrician on his staff, and the town is welcome to use his services if needed. Elliott also explained that he has worked with an engineer by the name of Bruce Lewis out of the Litchfield/Londonderry area whose expertise is in designing and building new water systems; and if the town needs a knowledgeable outside resource to assist with the town's current water infrastructure, he highly recommends Mr. Lewis.

VI. NONPUBLIC SESSION *Pursuant to RSA 91-A:3: II(a,c,e) Personnel, Potential Litigation*

MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II (a) Personnel issue, (e) potential litigation."

Motion: O.J. Robinson

Second: Jayne Ludwig

Motion carries.

The Board went into non-public session at 6:30 pm.

MOTION: "To re-enter public session."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

The Board came back into public session at 7:10 p.m.

VII. ADJOURNMENT

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

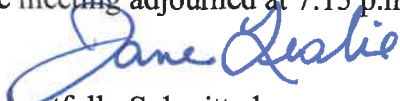
MOTION: "To adjourn."

Motion: OJ Robinson

Second: Jayne Ludwig

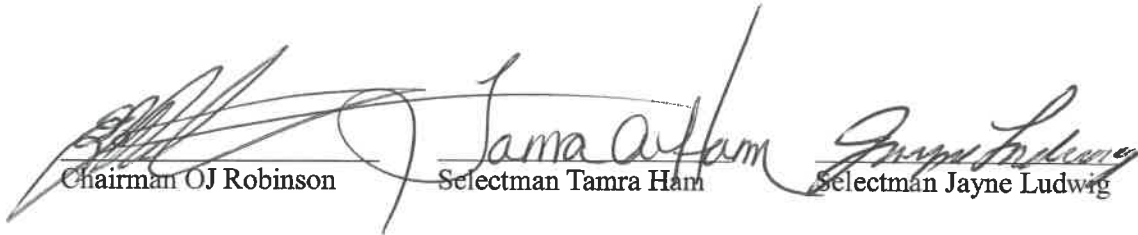
Motion Carries.

The meeting adjourned at 7:15 p.m.



Respectfully Submitted,
Jane Leslie

Approval Date 9 / 17 / 2018



Chairman OJ Robinson Selectman Tamra Ham Selectman Jayne Ludwig

September 10, 2018
Board of Selectmen's Meeting
Please PRINT Legibly

Rick Elliott

(Print Name)

Roger Harrington

Jerry Stringham

Rick Elliott

(Sign Name)

Roger Harrington

Jerry Stringham

TOWN OF LITTLETON
Littleton, New Hampshire

DUMPSTERS, OFFENSIVE MATTER & STANDING WATER

Chapter 24

In accordance with the authority conferred by RSA 147 upon selectmen, upon recommendation of the health officer, relative to NUISANCES; TOILETS; DRAINS; EXPECTORATION; RUBBISH AND WASTE, the following regulations are hereby adopted by Town Meeting Vote on March 13, 2018

PREAMBLE:

1. This Ordinance shall be captioned "Dumpsters, Offensive Matter & Standing Water" and shall take effect on its adoption by the Board of Selectmen.
2. Dumpsters, whether temporarily on a property or there regularly in connection with ongoing use of that property, have the potential of creating risks to the public health. Open (without a lid) or plastic lidded dumpsters can attract vermin, bears or other large animals that may be infected with Rabies Virus or other viral infectious agents, and therefore pose a threat to humans and pets who inadvertently come in contact with them. Additionally, mosquitoes have enormous breeding capacity during warm weather months in small puddles of water lasting more than four days, and standing water collects in dumpsters that are not properly closed or covered. Mosquitoes breeding in the NE United States are known to carry Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV), serious viral diseases that may be transmitted to humans.
3. If any word, term, phrase sentence or clause of this ordinance is found to be invalid by any court of competent jurisdiction, or any other agency, such finding shall not affect the validity of any other word, term, phrase, sentence, or clause of this ordinance.

SECTION 1: DEFINITIONS

1. Dumpster – Containers of various sizes and shapes designed for receiving, transporting and dumping waste, building or discarded household materials.
2. Standing water – H₂O that is not flowing, remaining stationary for 96+ hours between June 1st and October 1st of any given year.
3. Offensive matter – as defined in RSA 147:13 – "...exposed, unburied any animal or other substance liable to become putrid or offensive or injurious to the public health..."
4. Open dumpster cover – Properly fitted, waterproof industrial vinyl hand or throw tarp to minimize standing water accumulation.
5. Bear proof or other wildlife proof dumpster – *A bear resistant solid waste container shall be constructed of 12, 14, or 16 gauge metal and assembled with ¼ inch rivets or welds and be sufficiently strong to prevent bears from chewing, tearing, breaking or crushing the container. Lids and doors must recess into the body container, any gaps must within a ¼ inch of the container body, and they must be lockable with a trigger mechanism, padlock, carabineer clip or other device that prevents opening by bears. Latches, hinges and handles should be made of stainless or zinc-plated steel, sufficiently strong to prevent prying open or breaking.*

SECTION 2: REQUIRED ACTIONS

1. All domestic and commercial refuse (i.e., discarded animal and vegetable matter) must be placed in one of the following:
 - a. A building, house or garbage container that is inaccessible to wildlife.
 - b. A bear or other wildlife proof dumpster.
 - c. An appropriate town disposal site.
2. Commercial refuse (i.e., discarded building material, scrap lumber, household/office items, etc.) may be placed in an open dumpster, provided that the open dumpster is covered with a properly fitted waterproof hand or throw tarp during non-use periods and when it is raining.

SECTION 3: ENFORCEMENT

1. Enforcement against any person who, or business that, knowingly violates this ordinance shall be guilty of a violation in accordance with RSA 147 and (in conjunction with the NH Fish and Game Department) FIS 310.01 Control of Nuisance Black Bears subject to a fine of not more than \$100.00.
2. A person may choose to pay a civil forfeiture of \$50.00 to the Town Clerk within 48 hours of the time of notice of violation and shall thereby waive the right to be heard in District Court and shall not be prosecuted for that offense. For each subsequent offense by the same person or business, the amount of civil forfeiture shall be \$100.00. However, civil forfeiture may not be paid after three (3) offenses in one (1) year, but rather their case shall be disposed of by District Court proceedings and fines.
3. In addition to any other remedy established by law, the Selectmen shall be authorized to enforce the provisions of this ordinance by any proceeding commenced by the Grafton County Superior Court or the Littleton District Court, and shall be entitled to recover from any violator hereof all their costs, including attorney's fees, in connection with such enforcement, to the extent allowed by said Court.