

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

SEPTEMBER 17, 2018 – 5:30 PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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, & Administrative Assistant, Jane Leslie.

Public Present: Roger Harrington, Debbie Celino, Russ & Linda Bradshaw, 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 September 10, 2018 as amended.”

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

MOTION: “To approve the non-public meeting minutes of September 10, 2018 (Personnel issue and potential litigation) as presented.”

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

III. OLD/NEW BUSINESS

Town Mangers Report

West Street update:

The project is progressing slowly, but will continue as long as the weather cooperates.

Levee update:

The contractors are back on track and moving forward, and hoping that the forecasted Hurricane Florence does not travel inward but rather stays coastal and near the Southern part of the state.

Town Holiday Tree:

DPW was unable to purchase a 10' tree, however a 6' tree was planted near the Gazebo. The tree will be decorated and lit for the upcoming holidays and once again become an annual tradition for the town.

Sewer Lagoon issue:

DPW was clearing brush down off of the levee near the sewer lagoons last Thursday and noticed that substantial storm damage (most likely resulting from last fall's storms) has affected this area and will require repair as soon as possible. Sections of the retaining wall have been lost off of the levee and pose a potential threat to the sewer lagoons. This has been reported to the NH DES Dam Bureau (as mandated) and they have visited and inspected the site. Town Engineer Ray Korber has conducted a preliminary investigation and submitted a brief summary of findings and recommendations regarding the embankment along the East Branch of the Pemigewasset at the wastewater treatment plant (WWTP) and noted this should be repaired as expeditiously as possible. Burbank recommended the town file a FEMA claim for these damages as the costs can range from \$150K - \$200K.

FEMA Update:

Burbank has reached out to Perry Plummer, the Director of Emergency Management in the State of NH (all FEMA funding goes through Mr. Plummer) and scheduled a meeting with FEMA *Region 1* to discuss the original claim for damages which was denied claiming contractor's liability. Burbank is hoping that there will be mitigation funding (separate from FEMA) available because of the increased armoring of the granite blocks downstream of the levee and that FEMA will reconsider their original decision. The Board requested that they be notified when a date for the meeting is scheduled so that one or all may attend.

Riverfront Park update:

The town was approved for the full \$200K (matching grant funds) from the NH LWCF (Land and Water Conservation Fund) and is currently waiting for the official letter to proceed. On June 14th, Recreation Director Tara Tower met with the NH LWCF coordinators to review the application that they were to complete between the State of NH and the National Park Service. The NPS funds the state and then the state subsequently fund the grant projects that they select within the state. The official letter should be received by mid-late September. Burbank explained that once the letter is received the town can begin to survey the property for the parking lot and the placement of utilities.

Selectman Ham noted that the Skate Park project has gone to its final design phase and she would follow-up at next week's board meeting with the status of their fundraising efforts. Ham also noted that an Art Party Skate Park Fundraising event will be taking place this Thursday, September 20th at the One Love Brewery.

Fire-flow Analysis:

Department staff and Ray Korber have reviewed/commented on the draft document which has been returned to Hoyle & Tanner for follow-up. A final version of the analysis should be submitted to the town by next week.

Chenard Junkyard Case

Town council has been in communication with Mr. Chenard and the case is schedule to go to trial.

Wild Animal Ordinance Revised

The Board reviewed the updated ordinance with the following verbiage added to Section V:

Bear proof or other wildlife proof dumpsters – 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, and gaps must be 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.

Chief Beard noted that a draft of this proposed ordinance was forwarded to Andrew Timmons, Bear Biologist for NH Fish and Game Department who also suggested a few additional changes.

Selectman Ludwig asked if the amount(s) listed for the fines should be increased as this ordinance was adopted in 2003. Selectman Ham feels the stated fines are appropriate and do not need to be adjusted. The board continued the discussion about violations of the ordinance's provisions and civil forfeiture fees and made the following motion:

MOTION: "To approve the Town of Lincoln's Wild Animal Ordinance as presented."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

MS-1 Summary Inventory of Valuation

The Board reviewed and signed the Department of Revenue's MS-1 Form which lists the Town of Lincoln's taxable property that is privately owned within the town at \$845,643,714. Chairman Robinson made the following motion:

MOTION: "To approve the MS-1 Summary Inventory of Valuation Form as presented."

Motion: OJ Robinson

Second: Tamra Ham

Motion carries.

Public Participation

Roger Harrington asked the Board if they were going to leave the Pollard Road sidewalk the way it currently is, or if there were plans to change the storm drain covers. Burbank explained that he is still waiting for a cost estimate from Lincoln Trucking. The project is currently over budget, so if any changes are going to be made it will be in calendar year 2019.

Russ Bradshaw addressed the Board explaining he lives on Pollard Road and witnesses first-hand how many people (both tourists and locals) are using the Pollard Road sidewalk and how pleased he is with the project and what a positive asset it is for the community.

IV. 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 Chief Smith and a third-party administrative review of Police Department, (c) Trustee of the Trust Funds Board, (e) two (2) potential tax abatement litigations, and (e) the Landing proposed settlement agreement."

Motion: OJ Robinson

Second: Tamra Ham

Motion carries.

The Board went into non-public session at 6:12 pm.

MOTION: "To re-enter public session."

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

The Board came back into public session at 6:40 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."

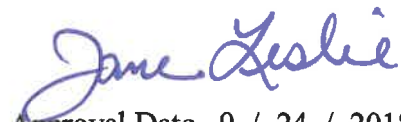
Motion: Tamra Ham

Second: Jayne Ludwig

Motion Carries.

The meeting adjourned at 6:45 p.m.

Respectfully Submitted,
Jane Leslie



Approval Date 9 / 24 / 2018


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig

September 17, 2018
Board of Selectmen's Meeting
Please PRINT Legibly

ROGER Harrington
(Print Name)

Roger Harrington
(Sign Name)

Debbie Cushing

Debbie Cushing

Russ + Linda Bradshaw

LK/B

**Town of
Lincoln, New Hampshire
Selectmen's Wild Animal Ordinance**

Adopted August 4th, 2003
(Amended September 17, 2018)

Lincoln is a resort and recreational community with a large number of transient visitors and guests. A major portion of the town consists of the White Mountain National Forest, home to an ever-increasing number of wild animals. This ordinance is adopted in an effort to assist our residents and guests in peacefully coexisting with the wild animals upon whose habitat we are infringing. Also, this ordinance is intended to enhance freedom and safety of movement in public areas of town.

In recognition that these animals are wild and should be left alone for the welfare and safety of both the animals and our residents and guests, it is hereby enacted by the Board of Selectmen that:

- I. No person shall engage in the practice of baiting wild animals.
 - For purposes of this ordinance, baiting shall mean the placing of any food or other substances so as to lure or attract wild animals.
 - For purposes of this ordinance, wild animals shall include fur-bearing and game animals as defined by NH RSA 207:1.
- II. No person shall loiter within 100 feet of the solid waste dumpsters nor shall they knowingly approach within 100 feet of any wild animal within the zoning confines of the Town of Lincoln.
- III. All domestic and commercial refuse must be placed in one of the following:
 - A building, house or garage that is inaccessible to wildlife
 - A wildlife resistant container
 - A container that is placed in a wildlife resistant enclosure
 - Deposited at an appropriate town disposal site.
- IV. 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) plastic dumpsters can attract wild animals, including bears or animals that may carry rabies or other viral infectious agents which may represent safety concerns to humans and domestic animals in some situations. Additionally, mosquitoes have enormous breeding capacity during warm weather months in small puddles of water lasting more than four (4) days, and standing water collects in dumpsters that are not properly closed or covered. Mosquitoes breeding in the Northeast United States are known to carry Eastern Equine Encephalitis (EEE) and West Nile Virus (WNV), serious viral diseases that may be transmitted to humans.
- V. Bear proof or other wildlife proof dumpsters – 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, and gaps must be 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.

The provisions of this Ordinance shall apply to all persons except those licensed by the State of New Hampshire, Department of Fish and Game.

Any person who knowingly violates the provisions of this ordinance shall be guilty of a violation and subject to a fine of not more than \$500.

A person may choose to pay a civil forfeiture of \$25 to the Town Clerk within 48 hours of the time notice of violation is provided 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, the amount of civil forfeiture shall be \$50. 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.

This ordinance shall be effective September 17, 2018

Town of Lincoln
By its Board of Selectmen

OJ Robinson – Chairman

Tamra Ham – Selectperson

Jayne Ludwig – Selectperson