

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

DECEMBER 27, 2018 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(MEETING VIDEO AVAILABLE AT WWW.LINCOLNNH.ORG)

Board of Selectmen Present: Chairman OJ Robinson and Jayne Ludwig

Excused: Tamra Ham

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

Public Present: Roger Harrington, Mike Donahue, Dave Tomaso, Steve Noseworthy, and Dave Beaudin

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:35 p.m.

II. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: “To approve the Board of Selectmen meeting minutes of December 17, 2018 as amended.”

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

MOTION: “To approve the Board of Selectmen Non-public meeting minutes of December 27, 2018 as presented.”

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

III. LADIES BATHTUB PARKING DISCUSSION

Lady’s Bathtub Parking Lot

The Riverfront Condo Association has inquired about expanding the parking lot at Ladies Bathtub so that patrons utilizing the swimming area could park in town parking instead of the condo parking area. Town Manager Burbank explained that he and DPW Director Hadaway went up to the location and determined that it could easily be expanded to accommodate additional parking spaces. The Selectmen had a few questions concerning the parking area and asked if this was a project that the Public Works crew would be able to work on. Burbank explained that if the Board was interested in pursuing this further, he would gather more specific information relative to the expansion of the parking area (material, costs, etc.) and follow-up with the Board. The Board thought this was a good idea and to at least get the process started.

IV. OLD/NEW BUSINESS

Town Managers Report

Transfer Station Roof

Town Manager Burbank explained that the roof at the Transfer Station was supposed to be replaced in 2017, however, it never happened. The cost for a new roof will range from \$17k to \$20k and will definitely be done in 2019 (cost will be shared with Woodstock at \$8,500 to \$10k per town). Robinson noted that this matter should be discussed with Woodstock the next time both Boards meet.

Chenard Lawsuit Mediation Date

The time-frame for the mediation has been scheduled for either February or March and Town Manager Burbank will confirm once he receives this information.

Zoning Change for Arthur Salem Business Park – Mike Donahue

Mike Donahue had approached the Planning Board back in September concerning putting in workforce housing on his property in the Industrial Park, and had not heard back from the town. Town Manager Burbank explained that Mr. Donahue is prepared to move forward with this project and is requesting a permit to do so. Burbank asked the Selectmen if it would be okay to issue a building permit at this time for the project.

Mr. Donahue addressed the Board and briefly summarized the history of his request and explained his frustration that nothing has happened to date. Donahue reminded the Board that the legislature passed RSA 674 in 2010 that stated: *All municipalities must provide reasonable and realistic opportunities for the development of workforce housing, including rental and multi-family housing* [RSA674:59, I]. Donahue explained that his other option would be to take this matter before a judge (which he does not want to do) and obtain a legal judgement.

Chairman Robinson agreed that this situation needs to be moved along, and clarified that Mike is looking to build regular housing (not *subsidized* or *low-income*) and the problem that was mentioned with the Planning Board is that the restriction on long-term residential housing is far more restrictive than commercial building. Robinson had suggested to the Planning Board that they change the Zoning Ordinances to allow for long-term residential housing, and that it follow the same mandates and rules as commercial builders. Robinson explained that he had also posed this question to a guest speaker (Attorney Buckley) from NHMA who had come up to meet with the Planning Board a short while ago and Mr. Buckley's response and advise was that the town should not do this, and take this matter slowly while gathering town support prior to making this change. Robinson understands this response however, he feels our current ordinance encourages the building of hotels and condos because they yield a greater financial return, and at the same time make it economically unrealistic to build long-term housing.

A second speaker (Mark Fougere, AICP – Fougere Planning & Development, Inc.) that had met with the Planning Board had noted that a developer could potentially approach the ZBA and apply for a variance under the guise of a *hardship* showing that the town had failed to fulfill its obligation under ***RSA 674 – Workforce Housing Law*** and that this is subsequently causing a hardship for housing, and the developer could resolve this issue. Robinson went on to further explain that if the ZBA denies the developer's request, they can then take this matter to a court of law stating that the town is not fulfilling its obligation according to the Workforce Housing Law (RSA 674), and if the Judge agrees that the town is not meeting the mandates of the law the court will essentially become the Planning Board and ZBA and hold jurisdiction for the project, and the town will have no say in parking spaces, green space, waivers, setbacks, etc.

The Board continued their discussion about the difference between *Workforce Housing* and *Affordable Housing* and asked Mr. Donahue what his intent was for the project. Donahue explained that he is not interested in subsidized/low-income housing and simply wants to provide market-based housing. Robinson suggested they *not* refer to this as workforce or affordable housing due to the many misconceptions surrounding the term(s). Selectmen Ludwig was concerned if individuals in the service industry making

industry wages would be able to afford to live in Donahue's proposed housing development.

Burbank wanted to clarify that the Selectmen are saying *no* to issuing a permit at this time, and that Mr. Donahue should appear before the ZBA to request a variance. If the ZBA denies the request for the variance then Donahue can proceed to challenge this through legal channels. Robinson clarified that the reason the Select Board is saying no is because legally they have to, and cannot approve a building permit. Donahue understands all of this and just wants to move this process along as it appears to have stalled. Burbank said that this is step one and the next step will be for Carole Bont (Planner) to schedule a meeting with the ZBA based on Mike's application. Robinson added that he applauds Mike for taking this step and wanting to provide much-needed valuable long-term residential housing in the town.

Dave Beaudin asked when the use of the Industrial Park changed to residential use as he recalled at a previous meeting on this subject it was determined that affordable housing would not be able to be erected in the Industrial Park. Robinson explained it has not changed and that the strong opposition to housing in Industrial Park was because AHEAD came in and proposed putting in workforce housing which was not welcomed by the residents.

Robinson explained that in order to change the Zoning Ordinance and have the rules for long-term residential housing to be the same as commercial building it will have to go before the Planning Board for approval, and then a public hearing will have to be held in early February, and then to vote at Town Meeting in March.

Loon Mountain Parking Lot

Town Manager Burbank explained that there had been a discussion a few year's ago that the Loon parking lot may have been overlapping town land. Loon Mountain had agreed to have the lot surveyed to determine if this was in fact true and the town would share in paying 50% of the surveying expenses. Jay Scambio presented the completed survey to Burbank this day and it does show that the lot is on Loon Mountain property and not the towns land.

Burbank explained that during his parking lot discussion with Jay Scambio, the Water Treatment Plant came up because the town has a lease for the footprint of the building, the roadway, and the 50-foot right-of-way that goes down to the pumphouse and that is it (there is no ownership). Burbank asked Scambio if he would be willing to discuss sectioning off and deeding the property so that it is clearly defined and there would be no issues in the future if the town decided to expand the water treatment facility. Scambio was in agreement and thought this was a good idea and something to discuss in the near future.

Route 112 – Main Street Pot Holes

Burbank reached out to DOT and they have agreed (weather permitting) to fill the two (2) problem pot-holes on Main Street.

Trustee of the Trust Funds Update

Burbank has been in communication with Director Donovan of the Attorney General's office and the Trustee's investigation is still under review. An official report should be completed and submitted to the town shortly detailing their findings and final decisions.

NHEC Mediation Request

The BTLA (Board of Land and Tax Appeals) partially granted NHEC's request to extend the deadline for a mediation/settlement conference. Instead of the January 31st deadline that was requested, the Board gave the parties until January 11th to hold a mediation/settlement conference. DTC is looking for a representative from each of the towns involved in this suit to attend this mediation in early January. Robinson said he would be interested in attending this mediation as long as the date does not conflict with other scheduled meetings.

Impact Fees

Chairman Robinson responded to an email that Chief Beard had submitted to the Board concerning research he had done on Impact Fees charged by other towns in the state. Beard explained the formula that towns use in determining impact fees and the many ways that towns utilize this money. Burbank explained that the town currently has impact fees for water and sewer but was not aware that these fees could be extended to Recreation, School, Police and Fire Departments as well. Robinson asked Chief Beard to do further research to be discussed in the near future.

Public Participation

Roger Harrington asked if anyone had heard from Rick Elliott (Forest Ridge Retention Ponds). The Board had not heard any further from Mr. Elliott since he last addressed the Board.

Budget Questions

Chairman Robinson asked why the Property Liability that was spent in 2018 was under by \$22k, and if there was another payment that had not been paid out yet. Burbank explained that this was because the town had switched Property Liability companies in 2018 and saved a substantial amount of money, however, he would look into it and get back to the Board. Robinson questioned this because for 2019 the costs were substantially higher. Burbank explained that the policy is claims-driven, so if the town had claims in 2018, that would affect the costs for the following year (2019).

Robinson asked why the contracted services budget for Solid Waste was overspent by approximately \$22k and remained in the 2019 budget. Burbank was not sure and would follow-up with Nate and report back to the Board.

Robinson noted that the Sewer Department budgeted \$7k for electric and spent \$15,800, and this year the budgeted amount is \$12k and questioned if this would be enough money. Burbank discussed this with Hadaway who thought this would be enough money. The Board asked why it would be less next year if the intention was to continue running the aerators to get a handle on the odors when the lagoons roll-over. Burbank said he would discuss this further with Nate and follow-up with the Board.

Robinson explained that last years contracted services for the Water Department was budgeted at \$37,700 and spent \$45k (\$8k over-budget) and this year they are budgeting \$8k less and Robinson wanted to confirm that this was in part because of the cleaning of the storage tanks which is done every five (5) years. Burbank confirmed that this is the reason for the decrease.

Robinson noted that two (2) big items that were under-budget were debt service (under by \$76k) because the town converted the construction loan on the Pollard Road Sidewalk to a termed loan and it was too late in the year to have a payment due on it, and the \$400k for the Riverfront Park was a Warrant Article and the town could encumber these funds because they were unspent. This money was

part of the matching grant fund (\$200k) that the town was approved for, so even though the town gross budgeted \$400k, the matching grant will offset this with a net cost of \$200k to the town.

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

MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II (e) Potential litigation – The Levee

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 7:00 p.m.

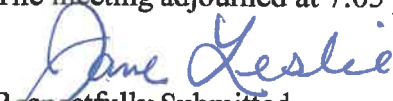
V. ADJOURNMENT

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

MOTION: "To adjourn."

Motion: OJ Robinson Second: Jayne Ludwig Motion Carries.

The meeting adjourned at 7:05 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date 01 / 07 / 2019


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig

[illegible]