

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

JANUARY 7, 2019 – 5:30PM

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, & Administrative Assistant, Jane Leslie.
Public Present: Roger Harrington, Cliff Dauphney, Jay Scambio, Rick Kelley, Dave Beaudin, and Kevin McNamara.

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 27, 2018 as amended.”

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

Abstained: Tamra Ham

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

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

Abstained: Tamra Ham

III. LAND USE PERMITTING *Discussion*

South Peak

Town Manager Burbank spoke with Developer Dennis Ducharme this day concerning the South Peak Resort Development Agreement that the Selectmen had signed in May of 2006. Burbank explained that based on the recent Fire Flow Analysis and discussions with engineers, it appears that with all of the currently approved developments in town, the town's existing sewer system is over-capacity. Burbank requested clarification from the Board whether or not the town should continue to, (1) issue Land Use Permits to already approved sub-divisions, and (2) issue permits to those coming before the Planning Board for the first time. Mr. Ducharme wanted the Board to be aware that he is approximately 2-3 weeks away from potentially signing a purchase and sales agreement for the South Peak property. Ducharme's legal counsel and lending institution are advising that he re-negotiate an updated South Peak Resort Development agreement (May, 2006) with the town before they commit to this sale. Another developer seeking to build a hotel in town has stated that he feels he should be issued a permit to build his hotel because he was the first to apply for a permit (before Ducharme). Burbank wants to be clear when it comes to issuing building permits from here on so that there is no confusion on anyone's part.

Chairman Robinson responded that there are multiple developers out there that had been given Planning Board approval (years ago) and are in some state of continued development. A few months ago, Rick Kelley and Dennis Ducharme met with the Board to discuss the South Peak agreement (the Planning Board granted subdivision and site plan review approval twelve (12) years ago) and to confirm the Boards position. The Selectmen reiterated that they would not renege on this agreement and would continue to honor what was originally agreed upon in May of 2006. Selectman Ludwig feels that if the town is going to allow for building and development it is important that there is land to use, water, and

sewer to adequately supply the demand of further growth and development. Burbank added that he and Dennis did not discuss what (if anything) in the South Peak agreement requires updating. Rick Kelley explained that they are not looking for a new agreement, but rather an amendment to the current one as there are a few issues that their lenders have identified (other than that, Kelley explains they are ready to proceed). At this point in time there are 1485 units approved for building (Coolidge Falls, Riverwalk, South Peak Resort, Forest Ridge, the Rapids, and The Landing). Selectman Ludwig feels the Board should ask town counsel if they have the right to tell a developer that they cannot build at this time because there is not enough water and sewer infrastructure to support new construction. The Board agreed, however, Chairman Robinson reminded them that all of the building is not going to happen immediately. Many of these projects are being built over the long-term and it is not reasonable for the town to expand its water and sewer infrastructure at this time for units that "may be built". A discussion ensued concerning fire flow, water, and sewer infrastructure and Robinson suggested they find out what the capacity of the sewer plant is as it stands today.

Town Manager Burbank confirmed that the South Peak Development Agreement will be amended and he will reach out to the Town's Attorney to get things going, and Rick Kelley will coordinate with his team to draft the language for the proposed changes.

Kevin McNamara asked about the smaller single-family residential homes that are being built on smaller lots and if they are going to be denied a building permit. The Board's goal is not to deny anyone a building permit, and at this point in time the Planning Board will continue to issue permits. The Board however, would like to find out from town counsel when they have the legal right to stop issuing permits.

IV. PREPARATION FOR TOWN MEETING DISCUSSION

The Board discussed the public hearing that is scheduled for Tuesday, February 12th, 2019 on the proposed budget and warrant articles. Robinson noted that the Water Meter bond as well as any other bonded items will be posted as a separate event on the same evening (February 12th, 2019). If the hearing is canceled due to inclement weather, the public hearing will be rescheduled to Thursday, February 14th at 6:00 pm.

Declaration of Candidacy

Any legal voter in the Town of Lincoln who wishes to file a Declaration of Candidacy may do so between January 23, 2019 and February 1, 2019 at the Town Clerk's office during regular business hours (Monday, 8am – 6pm; Tuesday, CLOSED, Wednesday & Thursday, 8am – 5pm, and Friday, 8am – 4pm). Please note that the Town Clerk's office will be open from 8am – 5pm on February 1, 2019. (See attached).

V. OLD/NEW BUSINESS

Town Managers Report

Update to be discussed in Non-public.

Ladies Bathtub Parking Lot

Selectman Ham went up to the parking lot at Ladies Bathtub to count the parking spaces (after viewing the discussion from the last Selectmen's meeting) and counted seventeen (17) existing spaces. Ham feels that the town would need to have a recent survey done of the area (which will cost the town money) as well as have an engineered rock wall (at least a 6-foot drop near building) which will also cost the town money. Ham addressed the statement made at the previous Selectmen's meeting that cars had to be

towed from the area because they were parked in the condo spaces which she found to be untrue. Ham stated that according to records and those that operate tow trucks in town, it has been ten (10) years since a vehicle has been towed from Ladies Bathtub parking area. Ham added that three (3) summers ago a resident called Arnolds Towing several times to report that a vehicle was parked in a spot that it should not have been and Arnolds was unable to do anything because according to the law, the Police Department must request a vehicle be towed. Ham did acknowledge that this may have become more of an issue than normal these past couple of years because of work being done down at the Old Hole swimming area which will hopefully be completed by summer. Ham does not feel that the town should put money into a town-owned parking area when there is already adequate parking there.

Chairman Robinson explained that this discussion came about when he and Butch were at a meeting with a resident from the Riverfront Condos where it was discussed that public works could spread a few loads of gravel out on the area and subsequently creating expanded parking. The town was not looking to spend money on surveys and rock walls but rather to create additional parking at little cost. Robinson suggested Director Hadaway take a look at the area in the spring when the snow melts to confirm the amount of parking spaces available and discuss further at that time.

Public Participation

Roger Harrington asked if anyone has heard from Rick Elliott (The Pines). Robinson responded that there has been no further contact from Mr. Elliot since his last visit with the Board.

IV. NONPUBLIC SESSION *Pursuant to RSA 91-A: 3:II(e) Update potential litigation*

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

Motion: OJ Robinson Second: Jayne Ludwig Motion carries.

The Board went into non-public session at 6:40 pm.

MOTION: "To re-enter public session."

Motion: OJ Robinson Second: Tamra Ham Motion Carries.

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

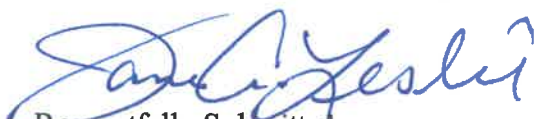
V. ADJOURNMENT

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


MOTION: "To adjourn."

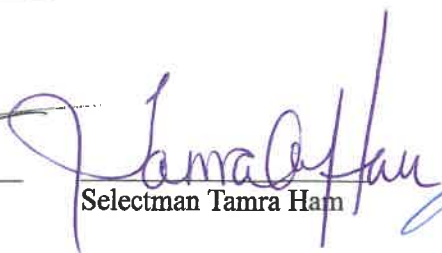
Motion: OJ Robinson Second: Jayne Ludwig Motion Carries.


The meeting adjourned at 7:15 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date 1 / 14 / 2019


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig

January 7, 2019
Board of Selectmen's Meeting
Please PRINT Legibly

Roger Harrington
(Print Name)

Jay Scambra

Roger Harrington
(Sign Name)



TOWN OF LINCOLN

NOTICE TO THE LEGAL VOTERS

Any legal voter in the Town of Lincoln who wishes to file a Declaration of Candidacy for the following town offices may do so between January 23, 2019 - February 1, 2019, at the Town Clerk's Office during regular business hours.

(Mon. 8am to 6pm, Tues. CLOSED,

Wed./Thur. 8am to 5pm, Fri. 8am to 4pm)

Please Note: (8am to 5pm on February 1, 2019)

OFFICES AVAILABLE FOR FILING:

Budget Committee	(5) Three-year term
Cemetery Trustee	(1) Three-year term
Library Trustee	(2) Three-year term
Planning Board	(2) Three year term
Selectman	(1) Three-year term
Town Clerk	(1) One-year term
Trustee of Trust Fund	(1) Three-year term
Zoning Board	(2) Three-year term
Zoning Board	(1) Two-year term

Lisa Philbrick, Interim Town Clerk