

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
FEBRUARY 11, 2019 – 5:30PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

APPROVED

Board of Selectmen Present: Chairman OJ Robinson & Tamra Ham

Excused: Jayne Ludwig

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

Public Present: Roger Harrington, Rick Elliott, Jay Scambio, Debbie Celino, Jim Welsh, Dave Beaudin, and David Yager

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

The approval of the meeting minutes was postponed until the next Board of Selectmen's meeting when Selectman Ludwig will be present (Chairman Robinson was excused from the February 4th meeting).

III. FINAL BUDGET REVIEW

The Board discussed whether or not they were going to agree with the following proposed changes that the Budget Committee made to the *Operating Budget* at 234 their last meeting:

- **Executive Budget:** The Budget Committee proposed increasing the Operating Budget by \$1,000 to \$422,348 (from \$421,348).
- **Legal Budget:** The Budget Committee proposed decreasing the Operating Budget by \$27,000 to \$160,000 (from \$187,000).

The Board discussed whether or not to remove the Water Meter Warrant Article because the Budget Committee did *not recommend* this. Robinson felt there was another option: (1) leave this article on the Warrant for the town to vote on (with the verbiage that the Budget Committee did *not recommend*) and that it would exceed the 10% rule. The Board was in favor of not doing anything until after the hearing scheduled for tomorrow night (February 12th).

Selectman Ham explained that typically she is in favor of agreeing with the Budget Committees recommendations, however, for the Selectmen's recommendation on decreasing the Legal Budget she was inclined to *not agree* with the Budget Committee. Ham was in agreement with the \$1,000 increase to the Executive Budget which would go to the Trustees of the Trust Funds to assist with additional administrative costs that the committee may incur.

The Board discussed the budget further, and decided not to make any motions.

IV. WATER AND SEWER TAP FEE DISCUSSION

Town Manager Burbank provided documentation he retrieved from the March 9, 2004 Town Meeting minutes that provided a historical perspective on how the impact fees came about. Burbank went on to further explain that after careful review of the *Impact Fee Ordinance*, it is not clear to him whether

amending the fees would fall under the purview of the Board of Selectmen or the Planning Board. Burbank also questioned whether or not this was an ordinance as the wording was confusing (see attached). Robinson read the following from **Section G – Impact Fee Ordinance, # 4, Assessment and Determination of Impact Fee (Site Specific Impacts)**: “*The Planning Board shall review each development as defined in A.2 (B) to determine if an off-site impact is generated that is subject to an impact fee determination under this article. The development shall be subject to such a fee if the Planning Board finds that the costs required for construction or improvement of the municipal infrastructure described in A.2 (a) or any other Town owned or operated municipal capital facilities is appropriate...*” (see attached).

Robinson explained that he is of the opinion that the ordinance fee was site specific and did not relate to the water or sewer tap fees (which preceded this). A discussion ensued on the history and definition of the various impact fees.

Rick Elliott noted two (2) particular items that he was aware of: (1) When the Forest Ridge Developer approached the town with the project, there was a development agreement between the town and the developer that the developer would not pay any impact fees but rather build a tower and install a million-gallon water tank (at their expense), and (2) when the water impact discussion came about, there were four (4) developers that met with the Town Manager to figure out what it was going to cost to supply the water for each of the developments, and they then each developed and signed an agreement with the town (this is where the water, sewer, and bedroom fees originated), and from thereon the Selectmen regulated these fees. Elliott explained that essentially the town would never pick up the costs for an item that was site-specific and beneficial to a particular development or entity. Further discussion continued concerning the water, sewer, and bedroom fees.

Robinson explained that moving forward he was inclined to *not* touch the bedroom tax; however, he did want to look at the water and sewer tap fees as he does not feel the town is collecting nearly enough money to support the infrastructure as intended (*see attached Water & Sewer Tap Assessment form with Impact Fees*). A discussion ensued concerning the many variables involved with increasing the water and sewer tap fees and overall water usage in the town.

Robinson recommended they re-visit the fee structure and look at whether or not the fees are setting the town up to succeed and accommodate for anticipated future growth of the town, as he does not feel the current rates of \$120 & \$150 is sufficiently doing so. Robinson also believes that the fees for replacing and expanding the town’s infrastructure should come from the following: (1) water tap fees; (2) a flat fee for water usage (operating costs & capital costs divided by # of meters, and charge a flat fee), and from (3) the tax rate (a blend of all three).

Burbank explained that it is important that the public understands that as a result of a recent water study, it was determined that the Planning Board has already approved more units to be built than the current water and sewer infrastructure could sustain (at build-out) based on the analyses of one engineer using average usage rates. The Board of Selectmen motioned at a recent meeting that all construction from here going forward would be handled on a first-come, first-serve basis. There was an extensive discussion concerning those who have been pre-approved (received building permits) by the Planning Board (and have not built yet) and those who are currently seeking approval and ready to break ground.

Chief Beard explained that implementing water meters is important because it will help obtain the data needed to charge for water as well as stimulate conservation, and to then re-evaluate where the town is with the water and sewer infrastructure. Beard feels if residents have to pay for their water, they will be

more mindful of not wasting water. Burbank agreed and said that the three (3) areas of concern should be on fire protection, water, and sewer (in that order) for today's development standards.

Dave Yager explained that he feels it is important that when the town looks at increasing the water and sewer tap fees that it is reasonable, and not being viewed as a method to make up for the lack of revenue that comes from water and sewer usage. Yager feels that when increasing fees there should be a clear and equitable distinction between the original intent of the water and sewer tap fees (infrastructure) and not for the loss of revenue from charging for these services. Robinson responded that he fully supports charging a flat fee for water usage (with/without water meters). Robinson also summarized the discussion and stated that the Selectmen appreciate all of the input this evening, as they rely heavily on the many different perspectives that have been expressed. If the water and sewer tap fees are adjusted, it must be done carefully and fairly while keeping in mind the history and the future of the town. It is also equally important to make good use of the impact fees (Planning Board issue) and to look at a specific project and effectively determine what the impact will be, and how that compares to impact fees posed on previous projects (historically). As for water meters, it has yet to be determined if they will be implemented although charging a flat rate for water is favorable at this time.

At 7:35 pm there was a brief recess and the meeting reconvened at 7:40 pm.

V. OLD/NEW BUSINESS

Town Managers Report

White Mountain Snowmobile Club Contract

Town Manager Burbank explained that the White Mountain Snowmobile Club had a ten (10) year contract with the town to lease the land and building up on Route 3 (old salt shed), and the contract has expired. Burbank requested the Board of Selectmen extend the contract for one (1) year due to state statute that prohibits the Selectmen from entering into a multi-year contract if they have not adopted the RSA. Robinson believes that Town did in fact adopt the proper statute and suggested they discuss this at the next Selectmen's meeting when they all have copies of the contract to review.

Town Hall will be closed on Monday, February 18th in observance of the Presidents Day Holiday

Town Hall will re-open on Tuesday, February 19th at 8:00 am. Burbank also noted that he has given staff permission to attend the funeral of Clair Bujeaud on Thursday, February 14th. There will be office coverage during this time.

SWEPT (HB-709) Statewide Educational Property Tax Legislation

This Senate Bill proposes the creation of "fiscal disparity aid" for districts with low local property tax revenue. To help pay state aid to less wealthy districts, this bill requires some property-rich districts to pay "excess education property tax payments" to the state. Opposing communities are recommending the towns expecting the greatest impact join together to hire a lobbyist to fight this proposed legislation, as the financial implications for Lincoln have the potential to exceed \$1.3 million in lost revenue. Burbank asked for permission from the Board to donate approximately \$1500. towards lobbying efforts to fight this proposed legislation. The Board was in agreement that if this bill passes it would be detrimental to the town's finances, and were in support of contributing the \$1500. towards lobbying efforts.

Budget Committee Request

A Budget Committee member requested that an additional column be added to the budget that lists the

estimated tax impact (Budget Committee agreed to put this on as a warrant article). Selectman Ham recited the following **RSA 32:5 V-b**: *Any town may vote to require that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article. The determination of the estimated tax impact shall be subject to approval by the governing body.* Therefore, the town would have to vote on the article this year, and it would go into effect next year. After a brief discussion the following motion was made:

MOTION: “To put RSA 32:5 V-b Budget Preparation. on the 2019 Warrant for the Budget committee.”

Motion: Tamra Ham

Second: OJ Robinson

Motion carries.

Solid Waste Fee Schedule

The Board had asked DPW Hadaway and Solid Waste Operator Jim Conn to review the *Solid Waste Fee Schedule* as a result of increased costs associated with hauling away debris. During Budget Committee meetings it was noted that costs associated with hauling away waste and debris exceeded the actual revenue the town received (rather than offsetting it). The Board agreed that they would like to review DPW Hadaway’s proposed fee changes when Selectman Ludwig is present and agreed to discuss at the February 25th meeting. Ham noted that upon completion of the Boards review of the proposed changes, they forward the same to Woodstock Selectmen to review and provide input as this should be a joint decision.

Public Participation

Roger Harrington asked a few questions concerning the Landing and the type of water system they were on. Robinson explained they were on town water and sewer, and due to pending litigation with the town he would not comment any further.

Commerford, Neider Perkins (CNP) Assessing Contract(s)

The Board signed a three (3) year contract for General Assessing and a two (2) year contract for Data Verification services. The State Department of Revenue Administration (DRA) reviews these contracts and submits written suggestions when necessary. The following was suggested language for the General Assessing contract, *consider adding intermediates dates for completion of certain services, for instance, all of the pickups will have to be completed in time for the town to submit the MS-1.* There were no DRA recommendations for the Data Verification contract. The Board did not feel it was necessary to add DRA’s suggested language and made the following motion:

MOTION: “To sign a three (3) year General Assessing Contract as proposed by CNP and a two (2) year Data Verification Contract as proposed by CNP.”

Motion: OJ Robinson

Second: Tamra Ham

Motion carries.

IV. NONPUBLIC SESSION Pursuant to RSA 91-A: 3:II(d,e) Real Estate and Legal

MOTION: “To go into Non-Public Session pursuant to RSA 91-A: 3II (d,e)”

Motion: O.J. Robinson

Second: Tamra Ham

Motion carries.

The Board went into non-public session at 7:55 pm.

MOTION: “To re-enter public session.”

Motion: OJ Robinson

Second: Tamra Ham

Motion Carries.

The Board came back into public session at 8:25 p.m.

MOTION: "To seal the minutes of the non-public meeting of February 11, 2019 until the real estate transaction discussed has been completed."

Motion: OJ Robinson

Second: Tamra Ham

Motion Carries.

No action will be taken on this matter until Select Board member Jayne Ludwig is present at the next Board meeting to participate in the vote.

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: Tamra Ham

Motion Carries.

The meeting adjourned at 8:30 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date 3 /04 / 2019


Chairman OJ Robinson


Selectman Tamra Ham

Selectman Jayne Ludwig

February 11, 2019
Board of Selectmen's Meeting
Please PRINT Legibly

Rick Elliott

(Print Name)

Roger Harrington

Jay Scumbie

Jim Welsh

Debbie Celino

Rick Elliott

(Sign Name)

Roger Harrington

Jay Scumbie

Jim Welsh

Debbie Celino

**Town of Lincoln, New Hampshire
Minutes of Town Meeting
March 9, 2004**

Moderator O.J. Robinson called the meeting to order at 10:00 am. Joan Hughes made a motion to disperse with the reading of the entire warrant. Nola Grant seconded the motion. Vote in the affirmative – unanimous. O. J. Robinson declared the polls open.

Articles One, Two, and Three, were on the Official Ballot to be voted on from 10:00 am to 6:00 pm.

Article #1. To choose all necessary Town Officers for the year ensuing as follows: Selectmen, Budget Committee, Library Trustees, Cemetery Trustees, Trustees of Trust Funds, and Supervisor of the Checklist.

Selectman for Three Years (vote for one)

Votes Cast:

Patricia McTeague	163
Edwin A. Peterson	25

Budget Committee for three years (vote for four)

Charles C. Cook	145
Fred Fink	146

Budget Committee for two years (vote for two)

Al MacQuarrie	149
Channing Waldo	160

Budget Committee for one year (vote for one)

Walter C. Wrye III	156
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Library Trustee for three years (vote for two)

Wilfred T. Bishop	48
Lori H. Tetley	159
Christina S. Weissbrod	142

Cemetery Trustee for three years (vote for one)

Thomas Adams	172
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Trustee of Trust Funds for three years (vote for one)

Trustee of Trust Funds for two years (vote for one)

Trustee of Trust Funds for one year (vote for one)

Supervisor of the Checklist for Three years (vote for one)

Cheryl Zwaagstra	154
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Article #2. Question #1. To see if the Town will vote to adopt the change in the Lincoln Land Use Plan Ordinance as proposed by the Planning Board. The following question will appear on the Official Ballot, and is not subject to further amendment at the meeting:

Shall the Lincoln Land Use Plan Ordinance be revised pursuant to RSA 674:16 and RSA 674:21 by adding Section G to Article VI, to allow the Town to adopt an Impact Fee Ordinance? This will equitably allocate the costs associated with development to meet the needs occasioned by particular development for the construction of off-site capital facilities owned or operated by the Town including district or intermunicipal facilities owned or operated for the benefit of the Town of Lincoln. (The Planning Board supports this proposal.)

Yes: 129 No: 53

Article #2, Question #1 passed.

Article #3. To see if the Town will vote to adopt the change in the Lincoln Land Use Plan Ordinance as proposed by the Planning Board. The following question will appear on the Official Ballot, and is not subject to further amendment at the meeting:

Shall Article VI (District and District Regulations) of the Lincoln Land Use Plan Ordinance be revised as follows: revise Section D, Item 1 pertaining to the Flood Plain Development District to include the update proposed by the Federal Emergency Management Agency (FEMA) to bring the Town of Lincoln up to the minimum requirements for the National Flood Insurance Program. (The Planning Board supports this proposal.)

Yes: 154 No: 29

Article #3, Question #2 passed.

Moderator O.J. Robinson called the Lincoln Town Meeting to order at 7:30 pm. He thanked everyone for showing up to participate in democracy, talk about and discuss our opinions on the budget and tax rate for next year.

Article #4. To see if the Town will vote to modify the optional veteran's tax credit (RSA 72:28,) the amount of which is subtracted each year from the property tax on the veteran's or surviving spouse's residential property, by increasing it from the current amount of \$100 to \$500, effective in the tax year beginning April 1, 2004.

Paul Beaudin Sr. stood up and read a statement supporting the increase of the veterans tax credit.

So moved by Bill Conn and
seconded by Paul Beaudin Sr.
Affirmative vote on Article 4 –
unanimous.

Article #5. To see if the Town will vote to modify the optional tax credit for service-connected total disability (RSA 72:35,) the amount of which is subtracted each year from the property tax on the disabled veteran's residential property, by increasing it from the current amount of \$1,400 to \$2,000, effective in the tax year beginning April 1, 2004.

Section G – IMPACT FEE ORDINANCE

Article A. Impact Fees.

1. Authority and Purpose.

This article is adopted pursuant to RSA 674:16 and RSA 674:21. The purpose of this article is to allow the Town to equitably allocate the costs associated with development to meet the needs occasioned by particular development for the construction or improvement of off-site capital facilities owned or operated by the Town.

2. Definitions. In this article:

- a. **"Impact fee"** means a fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the Town, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space.
- b. **"Development"** means the construction, improvement, replacement, addition, expansion, or other use of a structure or land which requires approval of the Planning Board, Zoning Board of Adjustment, or the issuance of a land use authorization permit or certificate of land use compliance. Development also includes, without limitation by reason of enumeration, subdivisions, nonresidential development of land, construction or expansion of structures, or commencement or expansion of uses which may reasonably be expected to have an impact on the municipal facilities described in A.2 (A). "Development" does not include such structures or uses which may not be reasonably expected to have an impact on such municipal facilities, including the lawful, in-kind replacement or reconstruction of an existing structure that was damaged or destroyed by fire, accident or other natural disaster, if the replacement occurs within 2 years after such damage or destruction.

3. Administration.

This article shall be administered by the Planning Board which shall adopt regulations establishing procedures and guidelines for the implementation of this article. As this article is adopted pursuant to the innovative zoning provisions of RSA 674:21, administrative decisions made by the Planning Board under this article may not be appealed to the Zoning Board of Adjustment but shall be appealed pursuant to RSA 677:15. The Planning Board may adopt regulations which establish threshold levels of development or for consideration of impact fee assessments under this article.

4. Assessment and Determination of Impact Fee.

Any development as defined in A.2 (B) shall be liable for the payment of an impact fee in accordance with this article. The amount of the impact fee shall be determined as follows.

Site Specific Impacts.

The Planning Board shall review each development as defined in A.2 (B) to determine if an off-site impact is generated that is subject to an impact fee determination under this article.

The development shall be subject to such a fee if the Planning Board finds that the costs required for construction or improvement of the municipal infrastructure described in A.2 (a) or any other Town owned or operated municipal capital facilities is appropriate. To determine if it is appropriate to impose such an impact fee, and if so, the amount of the impact fee, the Planning Board shall determine the off-site improvements to the payment of costs for such improvements is appropriate. In making such determination, the Planning Board shall consider the future and indirect benefits accruing to the development from the improvement(s), noting that permanent improvements are not made solely with reference to present conditions. The Planning Board may then determine the amount of the impact fee which shall be that portion of the cost which bears a rational nexus to the needs created by, and special benefits conferred upon, the subdivision and which considers the burdens imposed upon the Town either forthwith or in the immediate future.

Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

5. Assessment Handling, and Collection of Impact Fees.

An impact fee shall be accounted for separately and shall be segregated from the Town's general fund. An impact fee: may be spent upon order of the Board of Selectmen, shall be exempt from all provisions of RSA 32 relative to limitation and expenditure of Town moneys. And shall be used solely for the capital improvements made in anticipation of the needs which the fee was collected to meet. Each impact fee imposed pursuant to this article shall be assessed prior to, or as a condition for, the issuance of a land use permit or other appropriate permission to proceed with the development. An impact fee shall normally be collected as a condition for the issuance of a certificate of land use compliance or prior to the occupancy of the development if a certificate of land use compliance is not required by the Town. However, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where the Town has appropriated the necessary funds to cover such portions of the work for which it is responsible, the Planning Board may advance the time of collection of an impact fee, the Planning Board and the assessed party from establishing an alternate, mutually acceptable schedule of payment. Any portion of an impact fee which has not become encumbered or otherwise legally bound to be spent for the purpose for which it was collected shall be refunded, with accrued interest, after the expiration of 6 years from the date it is collected. When an impact fee calculation has been predicated upon some portion of capital improvement costs being borne by the Town, a refund shall be made upon the failure of the Town Meeting to appropriate the Town's share of the capital improvement costs within 6 years.

6. On-Site Improvements.

This article shall not affect the authority or ability of the Planning Board or the Zoning Board of Adjustment to consider and impose conditions relating to on-site conditions associated with development, including, but not limited to internal roads, drainage, water and sewer connections, and other factors as may be appropriate to the circumstances.

7. Waivers.

The Planning Board may waive the imposition of an impact fee upon written request of the developer or person assessed if the Board finds that good cause is demonstrated for such waiver. Prior to the approval of any such waiver, the Planning Board shall notify the public and the Selectmen and shall hold a public hearing on the waiver request. The burden shall be upon the person requesting waiver to demonstrate that it is in the public interest to do so and that good cause for the waiver exists.

PLEASE MAKE CHECK PAYABLE TO "TOWN OF LINCOLN"

Town of Lincoln, N.H.

Water & Sewer Tap Assessment Form with Impact Fees

Page 1 of 1

MAP: _____

LOT: _____

Date: _____

Owner: _____

Address: _____

Email: _____

Phone Number: _____

Inspected by: _____

Make check out for this amount: →		
If you would like to pay the Land Use Permit fee on this form, put 50 in this box. →		
Total Water Tap Points		X \$120 =
Total Sewer Tap Points		X \$150 =
Total Bedroom Points		X \$100 =

	Number of Items	Water Points	Sewer Points
RESTAURANTS (Total seating capacity x 1 point)			
TAKE-OUT TYPE RESTAURANTS (15 points)			
BARS (Total seating capacity x 0.5 points)			
MOTELS, INNS, LODGES, SKI CLUBS (3 points x rooms)			
MOTELS, INNS, LODGES, SKI CLUBS (3 points x baths)			
CAMPSITES (For recreation vehicle, travel trailers 2 points x each hookup)			
CAMPGROUNDS (30 points)			
COMMERCIAL ICE MAKERS (2 points)			
WATER FOUNTAINS, WATER COOLERS/BUBBLERS (0.5 points)			
ADDITIONAL SINKS (1 points each sink)			
HALF BATHS (1 washbasin & 1 toilet x 3 points)			
EXTRA TOILETS OR URINALS (2 points)			
SINGLE SHOWER OR SINGLE TUB (3 points each)			
FULL BATH (shower or tub, washbasin & toilet) x 6.0 (If a wash basin is located in a room directly adjacent to a shower, a tub or a toilet, they shall be considered a full bath & assessed 6.0 points)			

	Number of Items	Water Points	Sewer Points
BEDROOMS - (5 points per bedroom - new construction only)			
KITCHENS (5 points)			
COMMERCIAL LAUNDRIES (4 point x washers)			
RESIDENTIAL LAUNDRIES (and ROUGH-INS) (1 point each washer)			
OUTSIDE WATER TAPS/SPIGOTS (2 points each) (all residents or commercial establishments shall be assessed for at least one outside water spigot or water tap.)			
INDOOR SWIMMING POOLS (10 points sewer, 20 points water per pool)			
OUTSIDE SWIMMING POOLS (4 points sewer, 8 points water per pool)			
OUTSIDE IRRIGATION - RESIDENTIAL (4 points)			
OUTSIDE IRRIGATION - COMMERCIAL * (8-20 points)			
COMMERCIAL CAR WASH (40 points)			
COMMERCIAL JACUZZI / HOT TUB (12 points each)			
RESIDENTIAL JACUZZI / HOT TUB (4 points each)			

* Commercial Irrigation fees are charged on the size of the irrigation system and number of spigots. The fee is determined by the Town Manager and Board of Selectmen at the time of application.

Total Bedroom Points:	
Total Water Points:	
Total Sewer Points:	

