

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

FEBRUARY 25, 2019 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(MEETING VIDEO AVAILABLE AT WWW.LINCOLNNH.ORG)

Board of Selectmen Present: Chairman OJ Robinson & Jayne Ludwig

Excused: Tamra Ham

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

Public Present: Roger Harrington, Debbie Celino, Jim Welsh, & Dave Beaudin

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:30 p.m.

II. NONPUBLIC SESSION Pursuant to RSA 91-A:3: II(d) Real Estate

The Non-public meeting was canceled

III. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: “To approve the meeting minutes of February 12, 2019 as presented.”

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

MOTION: “To approve the Non-public meeting minutes of February 12, 2019 as presented.”

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

MOTION: “To approve the meeting minutes of February 19, 2019 as presented.”

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

MOTION: “To approve and seal the Non-public meeting minutes of February 19, 2019 as presented.”

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

MOTION: “To approve the Non-public meeting minutes of February 19, 2019 as presented.”

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

IV. WATER AND SEWER TAP FEE/SOLID WASTE FEES DISCUSSION

This discussion was postponed until the next scheduled Selectmen’s meeting (when a full board is present) on March 4, 2019.

V. OLD/NEW BUSINESS

Town Managers Report

White Mountain Snowmobile Club Contract

The White Mountain Snowmobile Club has a ten (10) year contract with the Town of Lincoln to lease the “old salt shed” property up on Route 3 (Tax Map 19 Lot 48) which is due to expire on July 1, 2019.

Burbank asked the Board if they wanted to renew the contract for another term of ten (10) years and noted that this would have to go before Town Meeting for a vote (which is too late for this year). **Item #22.** of the **Commercial Lease Agreement** states: *"If lessee desires to extend the term of the lease beyond June 30, 2019, it shall so notify the Selectmen prior to June 30, 2018, in which case the Selectmen may place an article in the warrant for the 2019 annual Town Meeting which will authorize them to lease the Premises for another multi-year term in accordance with RSA 41:11-a. If such authorization is Approved, then such multi-year term shall be on such terms and conditions as may be negotiated between the parties."* Burbank explained that the Selectmen have the authority to extend the lease for one (1) year at a time, but, anything more than that would have to go to vote at Town Meeting. Chairman Robinson questions whether this must go before Town Meeting based on previous land deals the town has dealt with (Industrial Park, Common Man) and believes that the Board may have to just notify the Planning Board and schedule a public hearing.

Robinson suggested they give notification to the Planning Board at their next scheduled meeting (March 13th) and then schedule a public hearing at the following Board of Selectmen's meeting (March 18th).

Sewer Lagoon Levee Repair Project Bid Opening

The bid opening was held on February 15th and the following bids were received: Sumco Eco-Contracting, LLC: **\$444,140.**, M.E. Latulippe Construction, Inc.: **\$500,570.**, Caulder Construction, LLC: **\$369,240.**, Jeremy Hiltz Excavating: **\$359,545.**, and Khriel Excavation: **\$426,088.** The winning bid was awarded to Jeremy Hiltz Excavating (\$359,545.). There was a preconstruction meeting this morning with Hiltz Excavating, and construction will begin next week (all permitting is complete). The funding for this project will be coming out of the Capital Reserve Funds.

DES MCL Water Violation Notice

The town received official notification from DES that the Lincoln Water Works is in violation for exceeding the HAA5 MCL for the fourth quarter (2018). DES believes that the MCL violations can be corrected and future violations can be prevented by taking specific measures formerly outlined by DES (see attached). Burbank explained that he met briefly today with DPW Hadaway and Ray Korber and discussed DES's mandated hiring of an engineering firm that primarily focuses on *water treatment processes*. **DES has mandated** the Town of Lincoln to retain a consultant who will have to submit a consultant's report that contains a summary of actions taken thus far to address the TTHM and HAA5 MCL violations; the consultant's evaluation of feasible options, cost estimates, identification and justification of the options proposed for implementation, a proposed project schedule for system improvements, and a final correction date to resolve the TTHM and HAA MCL violations. Korber and Hadaway will be discussing this further at Thursday's (2/28/19) Ad Hoc Water Committee meeting.

Robinson clarified for the minutes that the town received a letter from DES (*see attached*) mandating the town hire an engineering consultant and summarized recent efforts that the town has taken to begin remedying the problems DES is referring to: (1) installed a circulator in the Forest Ridge tank, and, (2) changing the media in the pre-treatment filters.

RSA 41:11-a Section III. Town Property

Selectman Ludwig read the following RSA into the minutes: *"Notwithstanding paragraph II, the legislative body may vote to authorize the Board of Selectmen to rent or lease municipal property for a term of up to five (5) years without further vote or ratification of the town. Once adopted, this authority shall remain in effect until specifically rescinded by the legislative body at any duly warned meeting provided that the term of any lease entered into prior to the rescission shall remain in effect."* Selectman Ludwig referenced this RSA to follow-up on the White Mountain Snowmobile Club Contract discussion from earlier in the meeting.

Public Participation

Roger Harrington asked if the Board of Selectmen meeting on February 19th was a regular board meeting. Robinson explained that the meeting was a non-public session that was held to discuss amendments to the original *South Peak Resort Development Agreement*. When the Board came out of non-public, they motioned (and passed) to sign the proposed amendment to the original *South Peak Resort Development Agreement* that was originally signed on August 25, 2006, and to amend as discussed and proposed. Robinson explained that this issue came about because South Peak's attorney and the Town's attorney had corresponded back-and-forth until an agreement was reached that was beneficial to all parties involved. Considering saving on any further legal fees, both sides agreed to meet in person and discuss the proposed amendment, and to come to a settlement/resolution (which they did). Both sides signed an agreement that essentially said, *the agreement that was signed in 2006 is still valid.* The letters from both sides' attorneys will remain sealed with the non-public minutes, however, the *South Peak Resort Development Agreement* that was signed is public information and available to anyone wishing to see it. Robinson detailed the changes that were made as follows: (1) revised build-out is in the range of twenty (20) years from the effective date of the Amendment, (2) each of the CDP Undertakings and Commitments set forth in Section 3 of the Agreement have been satisfied in full (sewer, water), (3) the Project has attained vested rights to be completed in accordance with the terms and conditions of the Agreement and Master Plan, subject to any necessary site-specific approvals from the Planning Board and Zoning Board of Adjustment, (4) the Town has received timely notice of all prior assignments of the Agreement by CDP, its successors and assigns, including but not limited to the assignment to LMRC.

Roger asked if they pay water and sewer tap fees at the rate of the original agreement (2006) or at a different rate. Robinson explained the tap fees are paid at the current rate upon completion of the building construction.

Roger asked if the town has a Clerk of the Works on site at the Levee Reconstruction Project. Robinson explained that Dubois & King does have an individual(s) on-site during the reconstruction process. Roger asked if there was any paperwork available on the Clerk that he could review or receive. Burbank said he was welcome to review any of the available paperwork.

Selectman Ludwig provided information to Town Manager Burbank that was given to her by a community member concerning government funding and grants available for water infrastructure/upgrades. Burbank explained that he is familiar with the various funding programs available, however the town is simply not ready for this at the present time. Robinson noted that Paul Beaudin had emailed him the contact information for a Grant Writer out of the Conway area, and felt this was a great lead and will be helpful when/if the town needs to write/submit grants in the future.

IV. NONPUBLIC SESSION Pursuant to RSA 91-A: 3:II(a,c,e) Levee update, Real Estate (2), West Street Road Construction Project, Trustees of the Trust Fund update.

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

Motion: O.J. Robinson Second: Jayne Ludwig Motion carries.

The Board went into non-public session at 6:18 pm.

MOTION: "To re-enter public session."

Motion: OJ Robinson Second: Jayne Ludwig Motion Carries.

The Board came back into public session at 6:55 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 7:00 p.m.


Respectfully Submitted,

Jane Leslie

Approval Date 3 /04 / 2019


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig

February 25, 2019
Board of Selectmen's Meeting
Please PRINT Legibly

(Print Name)

Roger Harrington

Jim Welsh

Debbie Celino

(Sign Name)

Roger Harrington

Jim Welsh

Debbie Celino



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

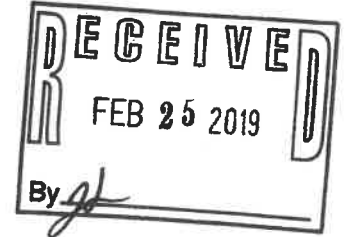


Robert R. Scott, Commissioner

February 21, 2019

LETTER OF DEFICIENCY #DWGB 19-007
Certified Mail #7016 1370 0001 4709 3791

Town of Lincoln
Lincoln Water Works
Attn: Alfred Burbank
P.O. Box 25
Lincoln, NH 03251



Subject: Lincoln – Public Water System: Lincoln Water Works (PWS ID: 1351010)

Dear Mr. Burbank:

The records of the NH Department of Environmental Services (“DES”) show that the Lincoln Water Works water system (the “Water System”) is classified as a public water system (“PWS”), as defined by RSA 485:1-a. The Water System adds chemical disinfectant into the drinking water to provide bacteriological protection to consumers. As a result, the Water System is required to submit water samples for Disinfection Byproducts analysis, more specifically, Total Trihalomethanes (“TTHM”) and Haloacetic Acids (five) (“HAA5”), to a State-accredited laboratory in accordance with NH Administrative Rule Env-Dw 715, *Disinfection Residuals, Byproducts, and Byproduct Precursors*.

Pursuant to Env-Dw 705.03, the maximum contaminant levels (“MCL”) for TTHM and HAA5 are 0.080 mg/L and 0.060 mg/L, respectively. Compliance with the MCLs for TTHM and HAA5 are determined by calculating the locational running annual average (“LRAA”), which is defined as the average of sample analytical results for samples taken at a particular monitoring location during the previous four calendar quarters. The Water System’s LRAA exceeded the MCL for TTHM at the sampling location for the following quarters (“Q”): **Q2-2018 and Q3-2018**. Notices of Violation (“NOV”) were issued on August 13, 2018 and November 13, 2018 respectively noting the TTHM MCL violations. The Water System’s LRAA exceeded the MCL for HAA5 at the sampling location for the following quarters (“Q”): **Q3-2017 and Q2-2018**. NOV’s were issued on October 27, 2017 and August 13, 2018 respectively noting the HAA5 MCL violations.

On November 8, 2018, representatives of Lincoln Water Works reportedly monitored the Water System for Disinfection Byproducts for Q4-2018. The records of DES indicate that the results of the LRAA for site 321 (Recycle Road Sewer Treatment Plant) exceeded the MCL for HAA5. The Q4-2018 LRAA for HAA5 was reported as 0.062 mg/L. **This letter will serve as the formal notice of violation for exceeding the HAA5 MCL for Q4-2018.** Env-Dw 801 requires the owner of a public water system that violates an MCL to provide public notification of the violation to persons served by the water system within 30 days of learning of the violation and to submit certification of such public notice to DES within 10 days of providing public notice.

On January 28, 2019, DES received proof of public notice for the Q4-2018 HAA5 MCL violation.

DES believes the MCL violations can be corrected and future violations prevented by taking the following actions:

1. **By April 22, 2019**, Lincoln Water Works shall retain a consultant and submit to DES, for review, the consultant’s report, which shall contain a summary of actions taken thus far to address the TTHM and HAA5 MCL violations, the consultant’s evaluation of feasible options, cost estimates, identification and justification of the options proposed for implementation, a proposed project schedule for system