

**LINCOLN BOARD OF SELECTMEN  
& PUBLIC HEARING MEETING MINUTES**

**APPROVED**

**MARCH 25, 2019 – 5:30PM**

**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

**Board of Selectmen Present:** Chairman OJ Robinson, Tamra Ham & Jayne Ludwig  
**Staff Present:** Town Manager Burbank, Chief Ron Beard, & Administrative Assistant, Jane Leslie.  
**Public Present:** Roger Harrington, Debbie Celino, James Welsh, Kurt O'Connell, Mike Donahue Sr., Mike Donahue Jr., Kevin & Delia Sullivan, and Jay Scambio

**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 Board agreed to postpone the approval of the Selectmen's meeting minutes from March 18, 2019 until the next scheduled Board of Selectmen's meeting (April, 1, 2019).*

**MOTION: "To approve the Non-public meeting minutes of March 18, 2019 as presented."**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries**

**III. PUBLIC HEARING ON THE PROPOSED PURCHASE OF TOWN-OWNED LAND**

***Pursuant to RSA 41:14-a (First of two (2) hearings, 2nd hearing April 8th, 2019)***

Chairman Robinson opened up the Public Hearing and explained that the Board of Selectmen had received and negotiated an offer (from Kurt O'Connell) on parcel #19 (Lot No. 4) in Industrial Business Park and came to an agreement to sell the lot for the sum of sixty thousand dollars (\$60,000). Step one of the process of selling town-owned land is to present the potential sale to the Planning Board (which was done on March 13, 2019) for review and recommendation(s) on whether or not the to sell the lot. The Planning Board recommended **not** to proceed with the sale.

The second step of the process is to conduct two (2) public hearings (March 25<sup>th</sup> & April 8<sup>th</sup>) on this issue and to allow for public input (*questions, comments and anything related to the sale of the property*). Chairman Robinson made the following motion:

**MOTION: "To open up the Public Hearing."**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion carries.**

*The Public Hearing opened up at 5:38 pm*

Mike Donahue addressed the Board and explained that he had met with the Planning Board on March 13<sup>th</sup> (Non-public session) to discuss this matter and wanted to clarify several items. Donahue had met with the Planning Board to express *his* interpretation of the history of the Industrial Business Park and the content of his negotiations that took place at that time (2005) which involved two (2) town representatives. Donahue wanted it to be made clear that his primary concern with the sale of this property had to do with the monetary aspect, and had nothing to do with the additional commentary that the Planning Board members were discussing at the March 13, 2019 meeting. Donahue has no concerns with the type of business(s) that go into the Industrial Park or who purchases land in the park, and feels the property owner should be entitled to do whatever they want with their land.

Mr. Donahue explained that he was attending the hearing this evening to discuss the monetary values that the Selectmen are willing to sell the lots for, and explained that this has nothing to do with Kurt O'Connell (potential buyer) personally. Donahue explained that when selling a lot for \$60,000, that puts a value of \$3.88 per square foot on that lot. When these lots were initially marketed for sale, the value was \$7.68 per square foot (\$118,182) which means that the Board is essentially devaluing the lots by half of their worth. Donahue strongly disagrees with selling these lots at this price and feels that this is affecting the value of his property (and everyone else who owns lots in the Industrial Park). Donahue went on to further explain that Lot No. 6 sold for \$8,000 more than the price currently being offered for Lot No. 4 (which has a 540 square foot size differential) and the town is devaluing this property.

Selectman Ham commented that she feels that \$60,000 is a decent price and noted that the lots are currently assessed at \$56,200 and asked Mr. Donahue what he estimates the lots values to be. Donahue responded that somewhere in the area of \$90,000 would be more realistic. A discussion ensued on local real estate (housing) prices around town.

Chairman Robinson understood exactly where Mr. Donahue was coming from but reminded him that the zoning of a particular area will subsequently affect the value of the property in that area, and in Lincoln there is currently a high demand for residential property (*residential housing cannot be put on the land in the Industrial Park*). Robinson explained that he is not in a rush to sell off the land and feels that the important factor is not so much the price the town gets for the property, or the tax revenue it generates, but rather the jobs it brings to the community (*non-seasonal, non-hospitality, year-round employment*). Robinson added that he suggested to the Planning Board last week that they think about allowing multi-family housing on the undeveloped lots in the park (or some of the lots) and the Planning Board rejected this suggestion (although they may revisit this in the future). Donahue added that it appears to him that the current Planning Board appears to have different ideas on what the covenants and restrictions should be on the land that differ from the original intent outlined in 2005, and feels that the town is devaluing the property. Donahue explained to the Board that Lot No. 4 was originally marketed at \$118k, then in 2014 the lot price was reduced to \$95k.

Chairman Robinson took a moment to sum up the Planning Boards reasoning for rejecting this sale:

- They Board's biggest issue was the price and they agreed that it was below market value.
- This particular business did not create enough jobs.
- Lack of specific information (amount of jobs created, square footage of building, other anticipated uses on lot).
- Board unsure of exactly what the town wants to do with the land, and what is best for the town.

The Board thanked Mr. Donahue for attending the hearing and took a question from Roger Harrington. Harrington asked if there was water and sewer on each of the lots. Robinson explained that there is water, sewer, and underground electric. Mr. Harrington felt that these utilities increase the value of the lot(s) and the town should consider this when negotiating the sale of land.

Jim Welsh commented that when the lots were originally completed, the town had approached him and asked him if he was interested in moving his welding business over to the Industrial Park. At that time (and currently) Mr. Welsh was a sole proprietor with no employees and questioned if there were written rules/guidelines that a purchaser of a lot must have employees. Robinson responded that there are no written rules, however, his interpretation of the *intent* was that the business would provide decent quality wages, year-round employment that was not seasonal/hospitality, or tourist-based work.

Kurt O'Connell addressed the Board and commented that the lots are small and he is *not* looking to

devalue any property, however, there is a significant difference between commercial lots and residential lot values. O'Connell went on to further explain that his goal is to build a shop on this lot which employs 3-4 individuals, and to eventually hand this business over to his son who will continue operating in the Industrial Park and staffing employees. Robinson agreed that these lots are sized for exactly the type of business Mr. O'Connell is operating and not for a Burndy size corporation.

*With no further public input, the following motion was made:*

**MOTION: "To close the Public Hearing."**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

The Board thanked everyone for their valuable input and explained that the Selectmen are mere stewards of the town's property and equipment, and it is very important that they hear the public's opinion/comments on matters such as these which will aid them in their ability to make the right choices and decisions on behalf of the town. Robinson noted that the Board has received another offer for a lot in the Industrial Park which the Selectmen have not had a chance to review, and would do so during this evening's non-public session.

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#### **IV. OLD/NEW BUSINESS**

##### **Town Managers Report**

##### **NHEC Litigation**

The NHEC (New Hampshire Electric Co-op) Settlement Agreement is being drafted at this time and should be ready to be signed in a week.

##### **Sewer Lagoon Levee Repair Project**

The contractors are out of the river and the job should be completed by Friday, March 29th.

##### **The Pines Retention Ponds**

Selectman Ham asked Town Manager Burbank to reach out to Rick Elliott now that the snow is beginning to melt and the ground is thawing. Chief Beard said this item is on his to-do list and he will be reaching out to Mr. Elliott this week.

##### **"Old" Salt Shed on Route 3 (White Mountain Snowmobile Club lease)**

Selectman Ham asked if DPW Hadaway had a chance to look at the siding on the salt shed to determine how much repair work is needed. Burbank said that according to DPW Hadaway the siding is in bad shape and it will be costly to repair the structure. Hadaway also explained that this is not a project that the Public Works Department has time to do (during the summer months), and would have to be contracted out. Hadaway will be getting estimates on the costs to repair the building.

Robinson explained that the White Mountain Snowmobile Club leases this building from the town and will be signing a one (1) year lease until the next Town Meeting (2020) when a multi-year lease will be voted on. Robinson suggested at that time when the snowmobile club signs the multi-year lease they can also agree to help reimburse for the costs of re-siding the building.

Robinson explained that the "Old Salt Shed" (the old Hanson Barn) is thought to be the oldest building in the Town of Lincoln and used to belong to the State of NH. The state had turned the "old salt shed" over to the town, however, the town cannot *ever* sell the shed or property and would have to turn it back over to the state in the event the town decided it no longer wanted the salt shed.

### **Joint Meeting with Woodstock Board of Selectmen**

Lincoln and Woodstock will be holding a joint Board meeting on April 15<sup>th</sup> at 5:30 pm at Lincoln Town Hall.

### **MS-535**

The Board reviewed and signed the MS-535, Financial Report of the Budget and made the following motion:

**MOTION: “To accept and sign the MS-535 as presented by Finance Director, Johnna Hart.”**

**Motion: OJ Robinson                      Second: Tamra Ham                      Motion carries.**

### **Public Participation**

Roger Harrington asked if there was any news on the leaking roof at the Community Center. Town Manager Burbank responded that DPW Hadaway did go and look at the roof and said that there was no contractor’s warrantee to cover this leak as this is the result of a natural wear-and-tear of a roof (ice dam caused the leak).

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### **IV. NONPUBLIC SESSION *Pursuant to RSA 91-A: 3:II (d) Offer on town-owned property***

**MOTION: “To go into Non-Public Session pursuant to RSA 91-A: 3II (d) Real Estate**

**Motion: OJ Robinson                      Second: Tamra Ham                      Motion carries.**

The Board went into non-public session at 6:20 pm.

**MOTION: “To re-enter public session.”**

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

The Board came back into public session at 6:35 p.m.

Selectman Ham explained that Kevin & Delia Sullivan have made an offer on Lot No. 4 in the Industrial Business Park and the Board has decided *not* to entertain the offer at this time. Ham noted that if the agreement with the proposed buyer does not come to completion, the Board will then consider the Sullivan’s offer for Lot No. 4 (*with the caveat that the Sullivan’s will provide a detailed proposal on their intentions for use of the lot*).

Kevin Sullivan commented to the Board that when he originally purchased his lot in the Industrial Park, he was told that he had to create jobs within the Town of Lincoln, which he did (created 4 full-time, year-round quality-paying jobs) and he is currently looking to expand his business and this lot is the most practical because it abuts his lot. Sullivan asked if he raised his offer for Lot No. 4 would that make a difference. Selectman Ham explained it would not make a difference because the original offer submitted by Kurt O’Connell was inadvertently disclosed to the public. Had this offer not been disclosed, the circumstances would be different, however, the town has accepted Mr. O’Connell’s offer and is currently going through the motions as required by statute. Robinson explained that there is a defined process and it would not be fair or ethical to accept another offer for this lot while the Board is going through the required steps for selling this property to Mr. O’Connell

**MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II (a,e) *Personnel Issue, Legal update***

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion carries.**

The Board went into non-public session at 6:45 pm.

**MOTION: "To re-enter public session"**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion carries.**

The Board came back into public session at 7:00 pm.

## **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 pm.

Respectfully Submitted,  
Jane Leslie

Approval Date 4 / 1 / 2019

  
Chairman OJ Robinson

  
Selectman Tamra Ham

  
Selectman Jayne Ludwig

**March 25, 2019**  
**Public Hearing &**  
**Board of Selectmen's Meeting**  
**Please PRINT Legibly**

(Print Name)

ROGER HARRINGTON

JIM WELSH

Debbie Celino

KURT O'CONNOR

Delia Sella

(Sign Name)

Roger Harrington

Jim Welsh

Debbie Celino

Kurt O'Connor

Delia Sella