

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

APRIL 22, 2019 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

Board of Selectmen Present: Chairman OJ Robinson and Jayne Ludwig

Present via conference call: Tamra Ham

Staff Present: Town Manager Burbank, Chief Ron Beard, Captain Jeff Burnham, Town Clerk/Tax Collector, Lisa-Jane Philbrick, and Assistant Brook Rose.

Public Present: Debbie Celino, Jim Welsh, Mike Donahue Sr. Mike Donahue Jr., Peter Moore, Roger Harrington, Delia & Kevin Sullivan, Margie & Dan Gozdiff, Kurt O'Connell, Jack Daly, Kerry J. O'Connell, Lisa Gillingham, Tom Zukowski, Kelly Philbrick, Mary Conn, and Dave Beaudin

I. CALL TO ORDER

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

II. CONTINUATION OF APRIL 8TH PUBLIC HEARING ON THE PROPOSED PURCHASE OF TOWN-OWNED LAND PURSUANT TO RSA 41:14-A

After the meeting was called to order, Selectman Ludwig made the following motion:

MOTION: "To accept a telephone call from Select Board member Tamra Ham to join the meeting remotely (*It was noted that no one else was present with Tamra Ham during the call.*)

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

Chairman Robinson provided a brief summary of the public hearing process that had taken place thus far leading up to tonight's meeting concerning the sale of Lot No. 4 in the Industrial Business Park. Tonight's meeting is the first opportunity that the Select Board is permitted to deliberate and possibly render a decision on the proposed purchase of the town-owned land. Robinson further explained that a petition signed by 50 voters was received on April 22nd (prior to the Board's vote) and reads as follows: **Petition for Town Meeting Article to be Placed on Warrant, Town of Lincoln, NH, dated April 15, 2019:** "*We the undersigned residents of Lincoln, NH, petition the Board of Selectmen to add the following article to the next town meeting warrant in March of 2020: To see if the Board of Selectmen will convey the town owned land on Arthur Salem Way in the Lincoln Industrial Park Known as lot #4 to O'Connell Builders LLC.*" This petition has been submitted in accordance with RSA 41:14a.

Robinson stated that the Board is charged with the care of the public's land and they take this responsibility quite seriously, noting that once a decision has been made, the Board cannot go back on it. Robinson added that the Board has heard a lot of great opinions and reactions by residents of the town, and provided a brief overview of many of the comments received at the recent hearings:

The Planning Board had several issues with the sale of Lot No. 2, and the biggest concern was the sale price. The previous sale of Lot No. 6 to the Sullivan's (2012) had been supported by comparable sales statistics, and the Board had fully supported the purchase price at that time. This proposed purchase had not been based on current comparable sales, and it was noted that a recent comparison of a very similar property for sale up on Route 3 (although the lot hasn't sold at this time) was \$75,000.

The Select Board was in agreement that O'Connell Builders proposed use of this lot is compliant and in total alignment with the intended and targeted use of the business park as a whole. The Board also agreed that it is a great business that employs four (4) people, and overwhelmingly meets the criteria of the original intentions that continue to this day.

Robinson explained that the Planning Board would like to see a more clearly defined set of criteria and processes moving forward, which he is in total agreement with. There was also a discussion and objection concerning the right of first notification which was considered and negotiated as part of this sale. Robinson stated that the Town has one really great business in the park at this time, and it is not the Board's intention to detract from the value of this business or their opportunity to expand. The Board would like to negotiate with the proposed buyer and offer them any other lot (other than lot 4) in the park and made the following motion:

MOTION: "The Board supports the sale of a lot in the Industrial Business Park to O'Connell Builders, LLC, being any other lot except Lot No. 4 (there is currently a written offer for Lot No. 2) for a price of \$65,000. There shall be no right of first notification to go along with this sale. The Board of Selectmen will not consider any other offers on any other lots in the Industrial Business Park for a period of no less than sixty (60) days in order for the Planning Board to have adequate time to recommend a process, and outline the criteria for future offers/sales of the remaining available lots. Meanwhile the Select Board will consult with the Town Attorney to determine the next legal steps if the Board of Selectmen were to sell lots (other than Lot No. 4) to O'Connell Builders, LLC."

Motion: OJ Robinson Second: Tamra Ham

Discussion: Selectman Ham agrees completely with Robinson's motion and feels that this is a good step moving forward. Selectman Ludwig questioned what the thought process was for having a 60-day waiting period. Robinson explained that the Planning Board had strong opinions concerning the criteria and process of selling the land, and by providing them with a definitive timeframe or deadline, it will be helpful in getting this procedure in place. Selectman Ludwig added that it is paramount for the Town to not keep potential buyers waiting, and questioned whether Robinson was proposing that the other business park lots will be opened up and available for sale. Robinson replied that all lots are available for sale, other than lot 4. He added that this motion is *only* supporting the sale, but not yet approving the sale, as the next step would be for the Town Attorney to review the proposed purchase after the Board hears back from O'Connell Builders LLC.

The Board discussed the fact that there is an offer on Lot No. 2 but this offer will not be considered until the Planning Board has established the criteria/process for sale of the lots (after 60 days). Town Manager Burbank reminded the Board that the petition is for Lot No. 4, and the Town's Attorney has provided an opinion concerning Lot No. 2 which can be read when the Board is ready to address this issue.

Jayne Ludwig read an email from Town Attorney, Peter Malia which stated that the petition does not affect the other lots, therefore, the other lots can be discussed (*Lot No. 4 cannot be discussed because of the petition*). Town Manager Burbank added that the petition essentially freezes the sale of Lot No. 4 until Town Meeting 2020, unless the petition is withdrawn by each of the petition's signatories.

At this time, the Board opened up the discussion for public comment.

MOTION: "To open up the Public Hearing to public comment."

Motion: Jayne Ludwig

Second: OJ Robinson

All in favor.

Kevin Sullivan stated that there is currently an offer on Lot No. 2, and when he made an offer on Lot No.4 he was told he could not negotiate on a lot that someone else had made an offer on. Sullivan questioned if this would be the same situation as there is currently an offer pending on Lot No. 2. Robinson asked Mr. Sullivan whether he was looking to purchase Lot No. 2 as well as Lot No.4. Sullivan replied "perhaps" as he wanted to consult with his attorney first. Robinson explained that the Board is certainly open to negotiation but would like clarity from the Planning Board on the processes moving forward.

Delia Sullivan would like her covenants updated to meet the criteria that the Planning Board outlines in 60-days. She would like her covenants to reflect these updates in the event they sell their property some-day.

Jack Daly stated that the Town should have a bid package in place. The process should be definitive and potential buyers should know exactly what they're getting into. The Board agreed and this is exactly why the Town is taking 60-days to work on the process.

Kurt O' Connell stated that as far as the Sullivan's potential purchase of Lot No. 4, what are their intentions? Are they going to double the size of their business and employees? He also questioned why they cannot purchase the lot on the other side of their business, rather than Lot 4. Robinson replied that the Board is open to this, however, they are unable to discuss Lot 4 at this time due to the petition. Robinson further explained that the Board would stand by the same criteria and goals that they have established with Mr. O'Connell; to expand or create a business that creates employment in the town, and a building to be constructed on the lot. It would not be the intention of the Board to sell a lot as an investment, and Robinson noted that the Sullivan's will have to provide their intended use of the lot, their timeline, and explanation as to why one lot is better than another.

Dave Beaudin stated that not all of the lots are the same size and thus should not be the same price. Robinson replied that they are not the same size but they are similar. Mary Conn questioned who is responsible for the enforcement of the covenants and restriction in the deed, and have they been enforced to date. Town Manager Burbank replied that the Select Board is responsible for the enforcement of the covenants. Robinson added that the Town has only sold one (1) lot in the business park to date. Mary replied that there is no point in having restrictions if the Town is not going to enforce them. Dave added that it stated in the minutes that Mr. Donahue was supposed to have a building on his property within 18 months of the sale of the lot, and that the Board has to be fair and not pick and choose who they want to be fair to. Robinson replied that the Town needs to offer their support to a business owner that has made a large investment in support of the Town. Jayne Ludwig added that the Town can look into this further during the 60-day review period. Robinson stated that it is not his intention to get the Town into another legal situation. Selectman Ham would like the Board to get a simple legal opinion on the matter of enforcing covenants. She does not want to spend a lot of money, but simply wants to know the Town's options.

Chairman Robinson invited Peter Moore who was a member of the Board of Selectmen for the original sale of the lots to offer his input. Peter Moore stated that in 2005 and 2006, Mike Donahue developed the industrial park's infrastructure in exchange for the lots 1 & 3. There were covenants attached to the agreement for those lots, which are the same covenants as the Sullivan's lot. There were other issues with Donahue Construction, and many realtors tried to sell the additional lots, however, no other lots sold. Moore added that Jack's idea of having a bid package is a good idea, and that as far as the enforcement of covenants, he does not believe the Town would have any legal grounds after 13 years. He added that one of the proposed intentions of the lots was always to encourage local contractors (plumbers, builders, electricians, etc.) to purchase them. The potential jobs created by the sale of the lots did not have to be "residential" jobs. The Board thanked Peter for his input.

Mike Donahue stated that those making comments on the deed restrictions are doing so based on assumptions. Further, his deed does not say that he has to put a building on the property. Donahue stated that he has a letter from Town Attorney, Peter Malia from 2005 that outlines the restrictions and gives the option to have a building or not. He added that in 2010, he approached the Select Board and was told by Peter Moore that he did not have to put up a building. Regardless, in 2011, Mr. Donahue went through site plan review in order to house his son's wood working business at the park and that is what they did. He stated that he understands the Sullivan's frustrations as well as Mr. O'Connell's frustrations. The Sullivan's have said from day one that their plan was to expand their business. Mr. O'Connell went through the proper process and it's just unfortunate for all that it had to come to this. He added that he has the original real estate ads that list 32 different kinds of potential businesses that would work in the park, and one of them was a contractor. He stated that the Town does need to do some housecleaning and figure this out moving forward. Robinson thanked Mr. Donahue for this very good synopsis. It is the Board's hope that everyone will move forward, and that the Town will make this process smooth for the future purchases of the remaining lots.

With no further public input, the following motion(s) were made:

MOTION: "To close the public hearing."

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

MOTION: "That the Board of Selectmen support the sale of a lot in the Industrial Business Park to O'Connell Builders LLC, being any other lot except lot 4 to be negotiated with the full fairness of the Board of Selectmen for a price of \$65,000 with no right of first notification to go along with the sale. The Board will not consider any other offers on lots in the Industrial Business Park for a term of sixty (60) days in order that the Planning Board has adequate time to recommend a process and criteria for future offers and sales of the remaining lots. Meanwhile the Select Board will consult with an attorney on legal process if the Board were to sell lots in the future."

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

Robinson stated that this motion is being made after five (5) public hearings on this matter, and the Board of Selectmen are simply trying to do what is best for the Town of Lincoln. Robinson explained that now that the terms have changed, Mr. O'Connell must now decide what it is that he would like to do. If there are other lots of interest, he must have this discussion with the Board which will include a consult with the other tenant in the Industrial Park. This process will be done with the intent of fairness for all parties involved. Chairman Robinson and Selectman Ham agreed that the Board is doing the right thing by Mr. Donahue's lots. As far as the petition is concerned, unless it is withdrawn, it will appear on the March 2020 Warrant and voted on next year, and no other steps will be taken without guidance from the town's attorney. Chairman Robinson invited Mr. O'Connell to come back to meet with the Board when Selectman Ham will be present.

Town Manager Burbank brought up the sealed bid on Lot No. 2 and questioned how it would be handled. Robinson decided to read the offer as follows: *"Sully and Sons Holding LLC hereby offers to the Town of Lincoln sixty-five thousand dollars (\$65,000) for Lot No. 2 on Arthur Salem Way in the Lincoln Industrial Park. \$65,000 cash offer to be paid 90-days after the signing of a purchase and sales agreement and other terms to be negotiated."* Robinson stated that this bid will be subject to the 60-day waiting period per the Board of Selectmen and the developed process and criteria of the Planning Board.

III. FIREWORKS ORDINANCE *REVISION REVIEW/DISCUSSION*

The Board reviewed the proposed Fireworks Ordinance and discussed the permitting process. Fire Chief Ron Beard stated that the proposed ordinance and accompanying fee schedule were drafted by the Fire Marshall's office for the use of municipalities. The Board reviewed and discussed the ordinance and made the following motion.

MOTION: "To accept the proposed Fireworks Ordinance as presented effective immediately."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries unanimously.

IV. OTHER BUSINESS AS PRESENTED

CVRI South Peak Resort Development Agreement

The Board reviewed a letter regarding a revised development proposal on the South Peak Resort Development presented by Cypress Real Estate Advisors (see attached). In an effort for the Board to have adequate time to review this correspondence, it was suggested that it be placed on the agenda for the next Board meeting.

Frank & Jean Bill Abatement

The Board discussed an email received from Town Counsel stating a resolution has been negotiated concerning the assessed value of the Bill's property, and there was a nominal cost differential from what was previously discussed and agreed upon. The Board stated that they previously voted on this matter and are still in agreement with the final resolution.

Town Manager's Report

Levee

Town Manager Burbank updated the Board on the levee. There was a flow of 13,000 cubic feet per second in the river during the most recent rain/flooding event. The Town's contractor and NHDES are of the opinion that the levee held up well. There was a small amount of damage, some chinking stones were lost, but overall all parties are pleased with how it held up. Burbank met with engineer Bob Durfee (Dubois & King) today and he also concurs. At this point, the contractor is waiting for the water level to go down so that the anchors can be placed for the granite blocks.

DOT Crosswalks

The State Department of Transportation is working with the Town to make some changes on Main Street. Two crosswalks will be removed, crosswalk lighting will be installed, and the speed limit will be revised in the area of The Depot. The NHDOT is also requiring that the sidewalks be lit.

Department of Public Works

The Board requested that Public Works Director Hadaway be invited to an upcoming meeting to discuss the summer projects. The Board also asked when street sweeping operations would begin. Burbank said he would find out from DPW Hadaway when he returns from his vacation.

Water Treatment Plant

Town Manager Burbank informed the Board that he received two quotes for work on the Water Treatment Plant. One quote is \$14,500 for a pilot study, and the other quote is in the \$350,000-\$400,000 range. Burbank is opting for the pilot study to be done by West Tech. They will study the water quality

coming in and propose suggestions for treatment. This will be done in the fall when the water changes with the autumn rains. Upon completion of this study, the much larger fix will be implemented. Dave Beaudin added that NHDES was satisfied that the Town is taking the appropriate steps to remedy the situation.

Jayne Ludwig asked if the audience seating could be changed in the meeting room as it is quite difficult to hear members in the back of the room on the live streaming. Perhaps a semicircle or seating on either side of the room closer to the microphone. Town Manager Burbank will look into this.

Public Participation

Delia Sullivan thanked the Board for the handling of the industrial park meetings. She added that there are no hard feelings on her part and she is glad everything is on the right path.

V. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the meeting minutes of April 8, 2019 as presented."

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

MOTION: "To approve the Non-Public meeting minutes of April 8, 2019 as presented."

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

VI. NONPUBLIC SESSION Pursuant to RSA 91-A: 3:II (c) Employee Reputation and Legal.

MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II (c) Employee Reputation and Legal

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

The Board went into non-public session at 6:50 pm.

MOTION: "To re-enter public session."

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

The Board came back into public session at 7:30 p.m.

VII. 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 7:35p.m.

Respectfully Submitted,
Brook Rose

Approval Date 4/29/2019


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig

PETITION FOR TOWN MEETING ARTICLE TO BE PLACED ON WARRANT
TOWN OF LINCOLN NEW HAMPSHIRE
DATED APRIL 15, 2019

We, the undersigned residents of Lincoln NH, petition the Board of Selectmen to add the following article to the next town meeting warrant in March of 2020:

To see if the Board of Selectman will convey the town owned land on Arthur Salem Way, in the Lincoln Industrial Park known as lot #4 to O'Connell Builders LLC.

Thank you for your consideration:

SIGNATURE & PRINTED NAME

ADDRESS: # AND STREET

- *Peter E Moore* / *Peter E. Moore* 120 Pollard Rd. Lincoln, NH
- *Dianne Reid* / *Dianne Reid* 12-2 Ravine Lane Lincoln, NH.
- *Paula M Strickon* / *PAULA STRICKON* 127 Pollard Rd " "

DATE Received by Town of Lincoln :

TIME :

Received by :

1086

RECEIVED
APR 22 2019

BY: *AM*

8:40 AM

Lou-jane B. Philbrick
4/22/19

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SIGNATURE & PRINTED NAME

ADDRESS: # AND STREET

<i>Debra McSullivan</i>	Debra McSullivan	13 Coolidge St, P.O. Box 665 Lincoln NH
<i>Kevin Sullivan</i>	Kevin Sullivan	13 Coolidge St.
<i>Ed Rush</i>	ED RUSH	227 MAIN ST
<i>Denise A. Rush</i>	Denise A. Rush	" " "
<i>MARTY HASTASIA</i>	MARTY HASTASIA	405 NOTCHVIEW LN LINCOLN, NH
<i>REV. DAVID FINELAND</i>	REV. DAVID FINELAND	25 CHURCH ST. LINCOLN, NH
<i>Mark Rosier</i>	Mark Rosier	37 Maple St. Lincoln NH 03251
<i>JOHN R KENN</i>	JOHN R KENN	20 SCHOOL ST LINCOLN N.H. 03251
<i>Breton W. Dwyer</i>	Breton W. Dwyer	156 Black Mt N Road Lincoln NH.
<i>James H. Sullivan</i>	James H. Sullivan	47 School St 03251
<i>CAROL RILEY</i>	CAROL RILEY	11 ROBIN ROAD #3 LINCOLN NH
<i>JEFF MARTEL</i>	JEFF MARTEL	113 POLLARD RD LINCOLN NH
<i>Denis Desmaris</i>	Denis Desmaris	11 Maple St Lincoln NH
<i>Cheryl Bailey</i>	Cheryl Bailey	11 Maple St LINCOLN, N.H.
<i>Kelly Philbrick</i>	Kelly Philbrick	11 Conn Dr Lincoln NH
<i>Aimee Philbrick</i>	Aimee Philbrick	11 Conn Dr Lincoln NH
<i>Marcellin Taliberte</i>	Marcellin Taliberte	156 Connector Rd
<i>TAYLOR BEAUDIN</i>	TAYLOR BEAUDIN	8 LOUIS LANE LINCOLN NH
<i>Tim Churchill</i>	Tim Churchill	236 US RT 3 Lincoln NH
<i>CALLUM GRANT</i>	CALLUM GRANT	207 US RT 3 LINCOLN NH
<i>DEANNA HEWITT</i>	DEANNA HEWITT	183 CONNECTOR RD LINCOLN, NH

20 f6

Lisa Jane B. Philbrick
4/22/19

RECEIVED
APR 22 2019

BY *[Signature]*

8:40 am

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<i>Marjorie Gozdiff</i>	Marjorie Gozdiff	19-1 Birch Rd
<i>Daniel Gozdiff</i>	Daniel Gozdiff	19-1 Birch Rd
<i>Terry Macdonald</i>	Terry Macdonald	53 West Street
<i>John Macdonald</i>	<i>John Macdonald</i>	<i>53 West Street</i>
<i>John Duncan</i>	John Duncan	17-7 Hummingbird Dr.
<i>David Dodge</i>	<i>David Dodge</i>	<i>19 Black Mt Rd</i>
<i>Helen Rodgers</i>	Helen Rodgers	19 Black Mt Rd
<i>Holly Anderson</i>	Holly Anderson	11 Labrecque St.
<i>Tami Aron</i>	Tami Aron	11 Labrecque St
<i>Gregory Reid</i>	Gregory Reid	12-2 Rosene Lane
<i>Lisa Gillingham</i>	Lisa Gillingham	28-1 Loonwood Drive
<i>Tom Zukowski</i>	Tom Zukowski	28-1 Loonwood Dr
<i>Lisa Jane Baticbrick</i>	Lisa Jane Baticbrick	11 Loon Drive
<i>Scott Sullivan</i>	<i>Scott Sullivan</i>	<i>13 Coolidge St</i>
<i>Tucker Sullivan</i>	Tucker Sullivan	13 Coolidge St

3 of 6

Lisa Jane B. Baticbrick
4/22/19

RECEIVED
APR 22 2019

BY: *AKB*
8:50 AM

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Thank you for your consideration:

SIGNATURE & PRINTED NAME

ADDRESS: # AND STREET

• <i>[Signature]</i>	Dexter Drouin	156 Black Mountain Road
• <i>[Signature]</i>	John Daly	186 Black Mountain Road
• <i>[Signature]</i>	Donna M. Daly	186 BLACK MTN. 03257
• <i>[Signature]</i>	Millie Berry	7-3 Potash Rd
• <i>[Signature]</i>	Gloria Morio	13 Maple St 03257

4 of 6

RECEIVED
APR 22 2019

BY:

[Signature]
8:40 am

[Signature]
4/22/19

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Thank you for your consideration:

SIGNATURE & PRINTED NAME

ADDRESS: # AND STREET

• Roger Harrington	Roger Harrington	131 Pollard Road
• MIKE HARRINGTON	MIKE HARRINGTON	6 MCGEE DR
• Deborah McElroy	Deborah McElroy	255 Pollard Rd
• Jane O'Connor	Jane O'Connor	249 Pollard Rd
• Joe Chenard	Joe Chenard	11 Liberty Rd
• Casey Scurry	Casey Scurry	22-2 Winters Way
• James Welsh	James Welsh	22 East Spur Rd
• Chad Lamotte	CHAD LAMOTTE	87 Pollard
• Wayne A. Wright	WAYNE A. WRIGHT	118 POLLARD RD.
• Graham B. Wright	Graham B. Wright	23 Boyle St

5 of 6

for Jane D. Phibeck
4/22/19

RECEIVED
APR 22 2019

BY: *ALY*

8:40

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Thank you for your consideration:

SIGNATURE & PRINTED NAME

ADDRESS: # AND STREET

Maureen S. Clark	Maureen S. Clark	197 U.S. Rte. 3, Lincoln, N.H.
Diane Clark	Diane Clark	202 US Rt 3 Lincoln NH
Tom Clark	Tom Clark	202 US Rt 3 Lincoln NH
Vladimir Akhlatkin	V. Akhlatkin	197 US Rte 3 Lincoln, NH
Jason Goodbout	Jason Goodbout	6 Goodbout RD Lincoln NH
Gene Smith	Gene Smith	18 MALTAIS FARM Rd Lincoln NH
Linda Smith	Linda Smith	18 Maltais Farm Rd Lincoln, NH
Bryan Pelletier	Bryan Pelletier	231 US Rte 3 Lincoln NH
Joe Ouellette	Joe Ouellette	16 Front Street Lincoln NH
Deborah Ouellette	Deborah Ouellette	16 FRANKLIN ST LINCOLN NH
James R. Martin	James R. Martin	26 Franklin St Lincoln NH
Steve Roy	Steve Roy	22 Franklin St Lincoln NH
Jennifer Whitman	Jennifer Whitman	45 Mansion Hill Lincoln NH
Craig M. Whitman	Craig M. Whitman	45 Mansion Hill Lincoln NH
Susan Whitman	Susan Whitman	45 Mansion Hill Lincoln NH
Joseph Bossie	Joseph Bossie	44 Mansion Hill Drive Lincoln NH
Grant E. Clark	Grant E. Clark	44 Mansion Hill Drive Lincoln NH
Faith S. Clark	Faith S. Clark	44 Mansion Hill Dr. Lincoln
Louise M. Willey	Louise M. Willey	47 Mansion Hill Dr. Lincoln
John MacDonnell	John MacDonnell	53 West St Lincoln
Elizabeth Poirier	Elizabeth Poirier	48 MANSION LINCOLN NH
William Willey	William Willey	48 Mansion Hill Lincoln NH
Susan Holdsworth	Susan Holdsworth	47 MANSION HILL LINCOLN NH
Gloria Tardif	Gloria Tardif	32 Church St Lincoln NH
		190 Pelland Lincoln NH 03251

6 of 6

RECEIVED
APR 22 2019

BY:

8:40

Lisa Jane B. Phibeck
4/22/19

April 22, 2019
Board of Selectmen's Meeting
Please PRINT Legibly

Debbie Celino
(Print Name)
Jim Welsh
Mike Donohue Jr.
Roger Harrington
Delia Sullivan
Kevin Sullivan
Margie Gozdzik
Kurt O'Connell
Jack Daly
KERRY J. O'CONNELL
Lisa Gillingham
Tom Zukowski
Mary Conn
Dane Beaudin

Debbie Celino
(Sign Name)
Jim Welsh
Mike Donohue Jr.
Roger Harrington
Delia Sullivan
Kevin Sullivan
Margie Gozdzik
Kurt O'Connell
Jack Daly
Kerry J. O'Connell
Lisa Gillingham
Tom Zukowski
Mary Conn
Dane Beaudin



April 9, 2019

Al "Butch" Burbank, Town Manager
Town of Lincoln
148 Main St
PO Box 25
Lincoln NH 03251

Re: South Peak Resort Development Agreement

Dear Butch:

We are currently marketing the South Peak property for sale. In connection with a potential sale, a buyer inquired about the Development Agreement originally entered by Centex Destination Properties ("CDP") and the Town of Lincoln on May 22, 2006. As you know, CRVI South Peak TRS, Inc. ("CRVI") succeeded to the rights of CDP under the Development Agreement, which is recorded in the Grafton Country Registry of Deeds and which, by its terms, runs with the land. To aid in the future marketing and sale of the property, we need to present potential buyers with a written assurance from the Town, that CDP and its successors and assigns have completed all obligations under the Development Agreement, required to date, and that the Development Agreement remains in full force and effect.

CRVI understands that it and any successor in interest must apply for subdivision approval for each future phase of the project as described in Section 2 of the Development Agreement, and any buyer should understand the same; however, we view the Development Agreement as a valuable and important component of the project. It seems apparent that without a reasonable assurance from the Town that the Development Agreement remains effective, we may face significant obstacles in selling all or portions of the property.

Accordingly, I have enclosed a proposed Confirmation to be executed by the Town, to simply confirm that CDP's and its successors' obligations under Section 3 of the Agreement have been met, and that the project approved by the Town Planning Board on May 17, 2006 has certain vested rights. We assume that the Town should have no problem executing the document, but please contact me with any concerns. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Wendler".

Ed Wendler,
Cypress Real Estate Advisors
1601 S. Mopac Express, Suite 175
Austin, Texas 78746
(512) 904-2234