

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

APRIL 29, 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, and Administrative Assistant, Jane Leslie.

Public Present: Roger Harrington, Paul Beaudin, Debbie Celino, Norm Belanger, and Kelly Philbrick

I. CALL TO ORDER

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

II. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the Lincoln-Woodstock joint meeting minutes of April 15, 2019 as amended."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

MOTION: "To approve the meeting minutes of April 22, 2019 as amended."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

MOTION: "To approve the Non-Public meeting minutes of April 22, 2019 as presented."

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

Abstained: Tamra Ham

III. CVRI SOUTH PEAK RESORT DEVELOPMENT AGREEMENT

Chairman Robinson explained that the town received a letter from Cypress Real Estate Advisors (see attached) in regards to the South Peak Development requesting the town sign an addendum to the original 2006 South Peak Resort Development Agreement. Robinson explained that the Selectmen previously signed an addendum to the 2006 agreement with the potential buyers of the project, and the owners are now requesting the town sign a similar agreement with them. Cypress Real Estate is seeking a written assurance from the town that the owner and its successors have completed all obligations outlined in the Development Agreement, and that it remains in full force and effect. Robinson went on to further explain the original agreement's intent (2006) as well as the recent addendum that was signed.

Town Manager Burbank commented that one of the issues the Board should consider when thinking about modifying the agreement is a commitment from the South Peak Project owner(s) to install a water storage tank within a set time-frame that the town will maintain. A discussion ensued on fire flow suppression and putting Crooked Mountain Road on the booster pump station as originally designed. The Board was in agreement that they should wait for the Hoyle Tanner Report before making any concrete decisions.

Paul Beaudin asked how many units were left to be built out of the 1018 proposed units, and whether or not CVRI had fulfilled their obligations according to the conditions outlined in the 2006 Agreement. The Board was not certain how many units have been built to date, but noted that all conditions that were previously outlined had been met. Beaudin commented that he feels the South Peak Master Plan should be updated prior to the signing of any agreement to reflect the changes that have taken place over the

past thirteen (13) years. A discussion followed on the town's water/sewer infrastructure and how this relates to the South Peak Development. Robinson noted that the previous agreement that was signed was done with an organization that was tightly situated and committed to the Town of Lincoln, and held a clear mutual understanding of the town's infrastructure challenges and concerns; however, the town does not know who the new beneficiaries of this agreement will be and are therefore a bit reluctant. Selectman Ludwig was in agreement and feels the Selectmen need to take a closer look at this agreement as a whole.

Robinson summarized next steps by outlining the towns course of action from here going forward: (1) put a hold on signing any agreement until a response is received from Hoyle Tanner, and, (2) if appropriate, negotiate the installation of a water storage tank as part of the agreement, (3) redefine what is sufficient water and sewer (e.g., slower buildout), and (4) request a review of South Peak's Master Plan. The Board was in agreement to wait for the Hoyle Tanner report and have the Planning Board review the Master Plan.

IV. OLD/NEW BUSINESS

Kurt O'Connell Letter

Chairman Robinson read a letter received from Kurt O'Connell, of O'Connell Builders, LLC (see attached) concerning Lot #4 in the Industrial Business Park. Chairman Robinson explained that this situation will proceed to the March 2020 Town Meeting for a vote.

Mary Conn Letter

Chairman Robinson read a letter (see attached) received from Mary Conn that had several questions for the Board of Selectmen to respond to:

- 1) Is the Lincoln Board of Selectmen accepting offers on all unsold parcels located at the Industrial Park? *As of April, 22nd's Board of Selectmen's meeting, the Board voted to not accept any offers for sixty (60) days (to give the Planning Board time to come up with a process and conditions).*
- 2) Have any other offers to purchase parcels at the Lincoln Industrial Park been submitted to the Town of Lincoln in the past six (6) months? *An offer was received from Delia & Kevin Sullivan for Lot #4 (\$65K) after the Board had accepted an offer from Kurt O'Connell on Lot #4 and was going through the Public Hearing process. The Sullivan's also made an offer on the adjacent Lot #2 (\$65K). Neither of the Sullivan's offers have been accepted at this time.*
- 3) The current owners of the Lincoln Industrial Park parcels located at Arthur Salem Way have covenants and restrictions listed in the warranty deed that are "not enforced." Under the existing Board of Selectmen, are all of the covenants and restrictions listed in the warranty deed subject to the same "no enforcement" to all current and future purchase offers of the Lincoln Industrial Park? *The Selectmen responded questioning, "what covenants are not being enforced?"*
- 4) What does Zone "SB" stand for on the Industrial Park property card? *"SB" stands for Small Business Development/District.*

Chairman Robinson noted that because this is a public letter being read during a public meeting, the Board's response would be provided in public, and the answers will be provided via meeting video and written meeting minutes (*Ms. Conn requested the Selectmen respond to these questions in writing.*)

2018 Total Equalized Valuations

Chairman Robinson reviewed the Department of Revenue Administration's Total Equalized Valuation document which shows the town's significant growth. This is used to determine Lincoln's portion of the county tax and portion of cooperative school district taxes, as well as state education property tax (see attached).

Town Managers Report

The Pines Retention Ponds:

Chief Beard met with representatives from DES and walked the property where the retention ponds are located up at The Pines and found significant issues with the ponds. The ponds are currently being filled and pumped, and DES will be following-up with the property owners.

PSNH Settlement Agreement

Town Manager Burbank received an email from attorney Chris Bolt overseeing the utilities lawsuit concerning the authorization of the settlement proposal. After a brief discussion the following motion was made:

MOTION: "To accept the settlement agreement reached with PSNH regarding the assessed value of the utilities valuations."

Motion: OJ Robinson

Second: Tamra Ham

All in favor

Department of Public Works Summer Projects

DPW Hadaway will be attending next weeks meeting and reviewing his scheduled summer work projects. Two (2) big projects scheduled are (1) Main Street re-striping (after the state completes their paving project), and, (2) Loon Mountain sidewalk.

The Landing Update

As a result of no counterbids to an initial bid offer of Loon Landing Development LLC for the purchase of The Landing at Loon Mountain for the sum of \$1,000,000, it appears that the sale will go through. There will be no "auction" and a hearing scheduled for April 30, 2019 will be for the purpose of approving the proposed sale. It is expected that the Bankruptcy court will approve the sale.

Town Ordinances

The Board discussed reviewing all of the current ordinances and updating them according to the Master Plan. This discussion will be an agenda item for the June 10th Board of Selectmen's meeting.

Public Participation

Paul Beaudin asked if any funds from the Highway Block Grant could be used for the re-striping of Main Street to free up Public Works time. Town Manager Burbank said he would look into that and follow-up next week.

Roger Harrington asked if there was an ordinance pertaining to house numbering in the town because he has noticed homes on Pollard Road that do not have visible address numbers posted. Harrington also noted that there is a giant boulder on the Maple Street Extension that appears ready to fall into the brook. Town Manager Burbank said he would have DPW Hadaway look into it.

Kelly Philbrick asked if it was ever considered to put a cover/roof over the C&D containers at the Solid Waste Facility. Chairman Robinson suggested this item be discussed at the next joint Lincoln-

Woodstock quarterly Board meeting as well as during the CIP meeting discussions.

V. NONPUBLIC SESSION Pursuant to RSA 91-A: 3:II (c,e) Town Official Reputation and Legal update

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

Motion: Tamra Ham Second: Jayne Ludwig Motion carries.

The Board went into non-public session at 7:00 pm.

MOTION: "To re-enter public session."

Motion: Tamra Ham Second: Jayne Ludwig All in favor.

The Board came back into public session at 7:15 p.m.

VI. 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 All in favor.

The meeting adjourned at 7:20 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date 5 /06 / 2019


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig



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

**CONFIRMATION REGARDING SOUTH PEAK RESORT
DEVELOPMENT AGREEMENT**

WHEREAS, Centex Destination Properties ("CDP") and the Town of Lincoln entered into a certain agreement entitled, South Peak Resort Development Agreement with an effective date of May 22, 2016 ("Agreement"), which Agreement is in full force and effect;

WHEREAS, the Town's Planning Board in 2006 conditionally approved the proposed South Peak Resort cluster development (the "Project") pursuant to Article VI(F) of the Town's zoning ordinance;

WHEREAS, CRVI South Peak TRS, Inc. ("CRVT") is the present owner of the real estate comprising the Project and intends to market and sell all or portions of the Project;

WHEREAS, the Town will benefit from the sale and completion of the Project;

WHEREAS, without confirmation by the Town that CDP's and its successors' and assigns' obligations under the Agreement have been met to date, it will be more difficult for CRVI to market and sell all or any portion of the Project;

NOW THEREFORE, for good and valuable consideration, the Town hereby stipulates and agrees as follows:

1. All the obligations set forth in Section 3 of the Agreement, entitled "CDP Undertakings and Commitments," have been satisfied in full.
2. Subject to required approvals from the Town's Planning Board and Zoning Board of Adjustment, the Project is vested and may be completed in accordance with the terms and conditions of the Agreement.
3. CDP, its successors and assigns, validly assigned the rights under the Agreement to CRVI, and CRVI may further assign its rights to a successor developer or developers pursuant to the terms therein.
4. All of the terms and conditions of the Agreement are in full force and effect.

This Confirmation is effective as of the ____ of _____, 2019

**TOWN OF LINCOLN BOARD OF
SELECTMEN**



April 24, 2019

Dear Selectman,

It has been quite a process for the sale of lot 4. In my opinion the Sullivan's have no interest in expanding their business but would like to add to the footprint of their property. As far as them making an offer on lot 2, this was to just stop the thought of me expanding in a few years if all went well. I know you have a lot to deal with as far as the sale of the lots go. I would suggest that a possible buyer produce a set of architectural plans of their proposed building. I find it hard to believe the Sullivan's would like to invest in a new building and land to grow their business. This set aside, I would like to proceed with the purchase of lot 4 and let the town vote on the sale to O'Connell Builders in March of 2020.

I thought all of you performed well at the meetings and were fair.

Thank you

Kurt O'Connell



Mary Conn

10 Louis Lane
Lincoln, NH 03251
603.745.2775
mconn00@yahoo.com

April 29, 2019

Lincoln Board of Selectmen
Town of Lincoln
PO Box 25
Lincoln, NH 03251

Dear Board of Selectmen:

I am writing to you with a few questions I have regarding Plan #12580 "Subdivision of the Lincoln Industrial Park" located at Arthur Salem Way. I would appreciate clarification and confirmation to the following:

1. Is the Lincoln Board of Selectmen accepting offers on all unsold parcels located at the Industrial Park?
2. Have any other offers to purchase parcels at the Lincoln Industrial Park been submitted to the Town of Lincoln in the past six months?
3. The current owners of the Lincoln Industrial Park parcels located at Arthur Salem Way have covenants and restrictions, (a, b, c, d, e, f, g, & h) listed in the warranty deed that are "*not enforced*". Under the existing Board of Selectmen, are all of the covenants and restrictions, (a, b, c, d, e, f, g, & h) listed in the warranty deed subject to the same "*no enforcement*" to all current and future purchase offers of the Lincoln Industrial Park?
4. What does Zone: SB stand for on the Industrial Park property card?

I am respectfully requesting the Selectmen please respond to my questions in writing so I have the information for my files.

Thank you for your time.

Very truly yours,

Mary Conn

Mary Conn



Lindsey M. Stepp
Commissioner

Carolynn J. Lear
Assistant Commissioner

State of New Hampshire Department of Revenue Administration

109 Pleasant Street
PO Box 487, Concord, NH 03302-0487
Telephone (603) 230-5000
www.revenue.nh.gov



MUNICIPAL AND PROPERTY
DIVISION

April 26, 2019

TOWN OF LINCOLN
OFFICE OF SELECTMEN
148 MAIN STREET, PO BOX 25
LINCOLN, NH 03251

Dear Selectmen/Assessing Officials,

This is your official notification of the 2018 Total Equalized Valuations. We used your municipality's weighted mean ratio to calculate these valuations.

We calculated two equalized figures for your municipality. The "Total Equalized Valuation Including Utilities and Railroads" is used for your portion of the county tax and your portion of any cooperative school district taxes. The "Total Equalized Valuation Not Including Utilities and Railroad" is used to calculate your portion of the state education property tax. We adjusted your modified assessed valuation as reported on your 2018 MS-1 to bring the valuation to fair market value.

Town Name: Lincoln	Including Utility Valuation and Railroad Monies Reimbursement	Not Including Utility Valuation and Railroad Monies Reimbursement
2018 Modified Local Assessed Valuation	\$847,148,614	\$824,689,414
+ D.R.A. Inventory Adjustment	\$116,770,976	\$135,363,710
= 2018 Equalized Assessed Valuation	\$963,919,590	\$960,053,124
+ Equalized Payment in Lieu of Taxes	\$2,380,420	\$2,380,420
+ Equalized Railroad Tax	\$0	\$0
= 2018 Total Equalized Valuation	\$966,300,010	\$962,433,544
2018 Equalized Assessed Valuation	\$963,919,590	
+ Adjustment RSA 31-A (Shared Revenues)	\$0	
= Base Valuation for Debt Limits	\$963,919,590	

You have the right to appeal these valuations to the N.H. Board of Tax and Land Appeals within 30 days of the date of this letter. Call our office to discuss any concerns or questions you may have at (603) 230-5950. We will continue working with you to resolve any issues but please be advised that the appeal period will not be extended.

We have enclosed informational sheets that show how each of the figures were calculated.



Sincerely,

Linda C. Kennedy
Linda C. Kennedy, Manager
Equalization Bureau

TDD Access: Relay NH 1-800-735-2964

Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.