

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

JUNE 10, 2019 – 4:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

Board of Selectmen Present: Chairman OJ Robinson, Vice Chair, Tamra Ham, and Jayne Ludwig

Staff Present: Town Manager Burbank, Chief Chad Morris, and Administrative Assistant, Jane Leslie.

Public Present: Roger Harrington, Debbie Celino, Jim Welsh, Dave Beaudin, James Crispen, and Kelly Philbrick.

I. RIVERFRONT PARK GROUNDBREAKING CEREMONY

Selectmen Robinson and Ham met at Jeans Playhouse parking lot to participate in the Riverfront Park Groundbreaking Ceremony. Upon completion of the ceremony and photo ops, the Selectmen returned to Town Hall in preparation for their weekly Board of Selectmen's meeting.

II. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:32 p.m.

III. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the meeting minutes of June 3, 2019 as presented."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

Abstained: OJ Robinson

MOTION: "To approve the Non-Public meeting minutes of June 3, 2019 as presented."

Motion: Jayne Ludwig

Second: Tamra Ham

Motion carries.

Abstained: OJ Robinson

IV. REQUEST FOR APPROVAL FOR A SPECIAL EVENT PERMIT (LEGION YARD SALE)

Mr. James Crispen, Commander of the American Legion Post 83 submitted an application to request approval for a special event (Legion Yard Sale) that will take place on Saturday, July 6th, 2019 from 10:00 a.m. to 3:00 p.m. at 183 Main Street with approximately twelve (12) vendor tables participating.

Chairman Robinson read a letter received from Mr. Crispen requesting a fee waiver for the special event due to their non-profit status (*see attached*). After a brief discussion, the Board made the following motion:

MOTION: "To approve the Special Event Permit Application for the American Legion Yard Sale scheduled for July 6, 2019."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

MOTION: "To waive the \$50 Special Event Permit fee for the American Legion Yard Sale."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

The Board thanked Mr. Crispen for all of the hard work the Legion does to recruit members in the community.

V. REVIEW OF TOWN ORDINANCES *discussion Police Chief Chad Morris*

Town Manager Burbank prefaced the discussion by stating the Board should review small sections of the ordinances at a time, with those relative and under the purview of the Police Department, as this can

become a time-consuming process. Chairman Robinson added that any Ordinances requiring in-depth discussion can be set aside for another date to discuss further.

Bicycle Ordinance: (*Approved 1948; Amended 1999*)

The Board had no suggested changes to this ordinance. Chief Morris's only recommendation was to remove the verbiage from Section 3. RSA 265:89 which has been repealed. The Board was in agreement to amend this ordinance as recommended by Chief Morris. *Bicycle Ordinance Amended June 10, 2019.*

Curfew Ordinance: (*Approved 1969*)

Chief Morris explained that the *Curfew Ordinance* had been deemed unconstitutional and he does not see a need for this ordinance in a *Tourist Community*. Selectman Ham made the following motion:

MOTION: "To delete the Town of Lincoln's Curfew Ordinance."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries

Private Alarm Ordinance: (*Approved "unknown," Amended 2014*)

This Ordinance was amended in 2014, and Chief Morris has no recommended changes.

Animal Control Ordinance: (*Approved 1970; Amended 2014*)

Selectman Ham suggested the wording be amended on **Page 2, Section 6: Disposition of unclaimed dogs:** be changed from ...redeemed by the owner shall be *killed* to, ...redeemed by the owner shall be *transferred to the Humane Society*. Chairman Robinson suggested Chief Morris look more closely at the fee schedule and wording of the state statute.

Permissible Fireworks Ordinance: (*Approved 2019*)

This ordinance was amended and approved on April 15th, 2019.

Traffic Ordinance: (*Approved 1960; Amended 2004*)

After a brief discussion with Chief Morris, the Board agreed to remove **Section 3: U TURN** from the ordinance ... "*It shall be unlawful for any operator of any motor vehicle or other vehicles to make a U-Turn, so called, on Main Street, North or Southerly side, between Railroad Street & Dodge Place, so called*". Chief Morris recommended removing the wording "*horse drawn vehicle*" from **Section 1; Section 2, Section 4, Section 5, and Section 9**. Morris also correct **Section 6: DISTANCE FROM FIRE HYDRANT** ... *park within five (5) feet of any fire hydrant*, to ...*park within fifteen (15) feet of any fire hydrant*. The Board continued to review **Section 12: PENALTIES & VIOLATIONS** and discussed possible rate discrepancies between offenses and fine schedules, and additionally recommended Chief Morris review and revise the current fee schedule to coincide with the state's existing, and future fee schedule increases (and add this verbiage to the amended ordinance). Selectman Ludwig asked if a *Loading Zone* section could be added to this ordinance. Chief Morris added that he could reach out to surrounding towns/cities to see what type of verbiage they have for loading zones.

Drug Paraphernalia: (*Approved 1981*)

Upon review of this Ordinance, Chief Morris explained that this ordinance is archaic and has completely changed and should mirror current state laws. Morris explained that Whitefield PD conducted extensive research and created this ordinance based on their research findings and current NH State Statutes. Woodstock PD has since pirated this ordinance, and Chief Morris would like to do the same. Final revisions for this ordinance should be completed and ready for adoption next week.

Public Loitering Ordinance: (Approved 1982)

Chief Morris discussed revisions he has made to this ordinance which will be ready to be ratified at the next Select Board Meeting.

Public Drinking Ordinance: (Approved 1982; Amended 2016)

Chief Morris felt this Ordinance did not require any further updating or amending at this time.

Street and Sidewalk Vendor Ordinance: (Approved 1988)

There was a discussion concerning whether or not this ordinance fell under the purview of the Police Department or Planning Board. Chief Morris explained that the applicant applies for the permit at the town office (through the Planning Department) and the Police Department is tasked with the actual enforcement of the ordinance.

The Board asked for Town Planner Carole Bont to review this Ordinance as there have been no changes since its adoption on December 1, 1988. Selectman Ham noted that "*firewood sales*" was not listed as part of the "*exceptions and waivers*" on the ordinance and would like this added to the list. Town Manager Burbank explained that firewood sales are addressed under the new Zoning Regulations permitting process. The Board would like firewood sales to be coordinated between the Street and Sidewalk Vendor Ordinance and the Zoning Regulations for clarity and continuity.

Wild Animal Ordinance: (Approved 2003)

This Ordinance was amended on September 17th, 2018.

Disorderly Action Ordinance: (Approved 2003; Amended 2018)

Chief Morris presented the Board with suggested changes for the Ordinance. There was a brief discussion on the suggested changes and how they coincide with the town's increasing population, growth, and climate of tourism. Selectman Ludwig asked about adding verbiage to **Page 2, (b). Public Places** as follows: ...*government offices and facilities, and public events*. Chairman Robinson added that the Board will investigate the legalities around adding *lobbies; hallways, dormitories, hotels, & motels*.

Snowmobile Ordinance: (Approved 2002)

The Board had a lengthy discussion on the validity and relevance of this Ordinance and thought they should maybe have a discussion with the White Mountain Snowmobile Club prior to making any final decisions as to whether or not to keep the ordinance.

Dave Beaudin reminded the Board that government grant funding helped build the sidewalk outside of McDonalds and other sections of sidewalk up towards the Nordic Inn and Loon Mountain, which is why it was designated "multi-use". Chairman Robinson suggested the ordinance be left the way it is, particularly because it is unenforceable and its primary focus is the Penstock Trail (which is not really used much anyway).

Boarding House Ordinance: (Approved 2005-Town Meeting)

Town Manager Burbank proposed to the Board, that in light of the recent phenomenon known as "*short-term rentals*," where homeowners and out-of-town investors are essentially creating "Boarding Houses" (in some cases) and openly advertising these one-time privately-owned residences as 16+ (give or take) people guest rentals (Air B&B etc.). Burbank explained that this is subsequently creating parking issues in residential neighborhoods, and overloading community services (Police, Fire, EMS, Water, Sewer, etc.) Burbank feels the Planning Board and Board of Selectmen need to look at this matter more closely and discuss the possibility of creating an ordinance that addresses these very issues and their key impacts that they are beginning to have on the Lincoln Community. The Board had an in-depth discussion on short-term rentals, Air B&B's and what other communities are doing.

The Board agreed to skip over the **Sewer Use Ordinance; Water System Regulation, Cross-Connection Control Regulation, and Wastewater Treatment System Connection Fee Ordinance**. Chairman Robinson ended the Ordinance discussion at this time.

Chief Morris departed the meeting at 7:00 pm.

VII. OLD/NEW BUSINESS

Town Managers Report

Levee NH Supreme Court Ruling

Town Manager Burbank summarized the NH Supreme Court Decision that was ruled on June 7, 2019. The NH Supreme Court ruled (3-2) that the Town of Lincoln is not the “owner” of the levee and therefore is not subject to DES (Department of Environmental Services) regulation with respect to its maintenance.

At issue was whether an easement the Town holds is sufficient to make the Town an “owner” for the purposes of RSA 482:11-a (a statute that subjects’ “owners” to DES regulation with respect to repair and maintenance of dams). A majority of the justices’ rules that the Town’s easement is not sufficient to make it an “owner” of the levee.

Clarks Trading Post Crosswalk Traffic Signal Maintenance Agreement

Town Manager Burbank signed the Traffic Signal Crosswalk Maintenance Agreement between the Town of Lincoln and DOT.

White Mountain Snowmobile Club Lease Extension

Town Manager Burbank signed a lease extension for a term of one (1) year for the White Mountain Snowmobile Club’s lease on the “Old Salt Shed” up on Route 3, until the 2020 Town Meeting when the long-term multi-year lease will be voted on.

Friends of Lincoln Library Project

Library Director and Friends of Lincoln Library member Carol Riley requested the Board’s permission to have a free book Kiosk put in at the Memorial Park near the Gazebo. These books will be free for the public to take a read, and will be replaced as needed. The Board thought this was a great idea.

Transfer Station Roof Repair (RFQ)

The Town has been advertising for the past two (2) weeks (newspapers, website) requesting RFQ’s to repair the Lincoln-Woodstock Solid Waste Facility roof, and has been unsuccessful (Bids due by June 21st). Town Manager Burbank reached back out to Riess Construction to see if he would reconsider doing the job and was told that Riess has several openings in mid-late August and it will be first-come-first-serve. Burbank added that the building is property of the Town of Lincoln and should have been repaired last year. and feels that time is critical and this roof must be repaired as soon as possible. The Board was in agreement to reach out to Woodstock Selectmen and invite them to next Monday’s Board meeting (June 17th) to discuss this matter further.

Hoyle Tanner Fire Flow Report Phase II

Town Manager Burbank explained that Hoyle Tanner will be attending the July 1st Board of Selectmen’s meeting to present their findings to the Board and public.

West Street Construction Project

Town Manager Burbank updated the Board on the status of the West Street Project (upcoming bidding process, bonds, etc.) OJ questioned whether this project could be put back out to bid. Mr. Burbank replied that the Town would go back out to bid on this project but the bond issues will be a legal issue the Town will likely deal with for some time.

Other Business

Jayne Ludwig mentioned that the sixty days for the Planning Board to review and suggest conditions for the industrial park is approaching. OJ replied that the Planning Board is aware and is working towards that deadline.

Tamra Ham informed everyone that Wednesday night is a presentation supported by several local rotary clubs on engaging the community in identifying solutions related to job creation, housing, and sustainability matters. The presentation is being held at the Flying Monkey in Plymouth.

She also informed the Board that LinWood High School had 20 seniors graduate this year. The graduation ceremonies over the past week were impressive. This community awarded \$53,900 in scholarships to the graduating class. The Board was very impressed with the generosity of our great community.

Public Participation

Roger Harrington questioned whether there is anything new to report on the Pines. Town Manager Burbank replied that there is not. Roger informed the Board that there is a sewer smell in the pond by Victor Aldridge's house. Roger believes its coming from the pump station that doesn't always seem to work in Forest Ridge. Town Manager Burbank stated that this is a NHDES issue. The Board thanked Roger for sharing this information.

V. NONPUBLIC SESSION *Pursuant to RSA 91-A: 3: II (a) Legal Litigation updates*

MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II

Motion: OJ Robinson Second: Jayne Ludwig Motion carries.

The Board went into non-public session at 7:30 pm.

MOTION: "To re-enter public session."

Motion: Tamra Ham Second: Jayne Ludwig Motion Carries.

The Board came back into public session at 8:00 p.m.

Abatement Requests

There is an abatement request for Richard Olsen, located at 14 Osseo Circle, #2, M127 L124-000-00-00000 for the 2019 Spring Tax Bill (Veterans Credit). The abatement is to correct an incorrectly applied Veteran's Credit. The requested abatement amount is for \$250 for the above-mentioned property.

MOTION: "To approve the abatement request for the amount of \$250.)

Motion: Tamra Ham Second: Jayne Ludwig Motion Carries

There is an abatement request for the Lodge at Lincoln Station, 36 Lodge Road, Units H4, H5, & H6. M117-L121-000-OH-00004 in the amount of \$584, M117-121-000-OH-00005 in the amount of \$334, and M117-L121-000-OH-00006 in the amount of \$334. The total abatement for all three (3) parcels equals \$1252.

MOTION: "To approve the abatement request in the amount of \$1252."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion Carries

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: Jayne Ludwig

Motion Carries.

The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Jane Leslie

Approval Date 6/ 17 / 2019

Chairman OJ Robinson

Selectman Tamra Ham

Selectman Jayne Ludwig

June 10 , 2019
Board of Selectmen's Meeting
Please PRINT Legibly

Roger Harrington
(Print Name)
JIM CRISPEV

Debbie Celina
Dym Welsh

Roger Harrington
(Sign Name)
Jim Crispev

Debbie Celina
Jim Welsh

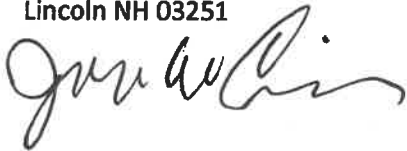
June 6, 2019

To the Board of Selectman:

I, Jim Crispin Commander of the American Legion would like to request an waiver of the fee for a Special Event for the upcoming Yard Sale we will be having on Saturday July 6th, as we are a Non-Profit Organization.

Thank you for your consideration in this matter.

Jim Crispin
Commander American Legion Post 83
Lincoln NH 03251

A handwritten signature in black ink, appearing to read "Jim Crispin", written in a cursive style.