

# LINCOLN BOARD OF SELECTMEN

APPROVED

## MEETING MINUTES

AUGUST 12, 2019 – 4:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(MEETING VIDEO AVAILABLE AT [WWW.LINCOLNNH.ORG](http://WWW.LINCOLNNH.ORG))

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

**Staff Present:** Town Manager Burbank, DPW Director, Nate Hadaway, Police Officer Mike Stevens, and Administrative Assistant, Jane Leslie.

**Public Present:** Roger Harrington, Steve Noseworthy, Dave Beaudin, Debbie Celino, James Welsh, Jay Scambio, Paul Beaudin, Rick Elliott, and Delia Sullivan

### RECOGNITION OF LINCOLN'S ELDEST RESIDENT, MARGARET THOMPSON

*Chairman Robinson began the presentation at 4:30 pm.*

The Board of Selectmen met at the residence of Ms. Margaret Thompson and presented her with the replica *Boston Cane* in recognition of being The Town of Lincoln's Eldest Resident.

Chairman Robinson adjourned the meeting at 5:00 pm.

### 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

**MOTION: "To approve the meeting minutes of July 29, 2019 as amended."**

**Motion:** OJ Robinson

**Second:** Jayne Ludwig

**Motion carries.**

**Abstained:** Tamra Ham

### III. WATER AND SEWER TAP FEES SCHEDULE *DISCUSSION*

The Board reviewed and discussed the Water & Sewer Tap Assessment Form with Impact Fees (*see attached*). Chairman Robinson noted that the Bedroom points are set by the Planning Board, however, the Selectmen can review and provide a recommendation to them. For the purpose of this discussion, Robinson suggested the Board focus on the water and sewer tap fees (hook up fees). The two (2) items the Board reviewed were (1) categories, and the fairness between the categories, and (2) whether or not to make changes between the two rates. There was an in-depth discussion that included public input.

Rick Elliott commented on grease traps and suggested that if the town is going to change this policy it would be a good practice to send out reminders to local businesses twice a year so that there is clear communication between these business establishments and the town. Elliott also commented about not opening hydrants without the proper authority and explained that part of the construction process requires contractors to chlorinate open hydrants and asked if contractors are now required get permission prior to doing this. The Board explained the contractor (or anyone) must get in contact with the Town Manager or DPW Director Hadaway for opening hydrants. Director Hadaway read the following from the *Water System Regulation, Article 10, Section 1. (pg. 11) – USE OF TOWN WATER SUPPLY AND SYSTEM:* "No person (or the public), except a public works employee and/or firefighter for the legitimate purpose of extinguishing fire or other official purpose, shall open any hydrant without consent of the Board of Selectmen." Chairman Robinson reiterated that anyone wishing to open a hydrant must either get

permission from DPW Director Hadaway, or the Board of Selectmen.

Dave Beaudin commented that businesses are required to have their backflow preventers inspected twice a year, and this would be a good time to remind the business owners that they must have their grease traps inspected as well. The Board thought this was a great idea.

The Board continued their discussion on the water and sewer tap fees and created various scenarios with different point systems in an effort to create a fair point system across the board. Selectman Ham suggested the Board do more research on the Indoor/Outdoor Swimming Pools; Outside Irrigation (residential), Outside Irrigation (commercial), and Commercial Car Washes and discuss further at the next Board of Selectmen's meeting (8/26/19).

*The Board agreed to continue the discussion on water and sewer tap fees to the next scheduled meeting.*

#### **IV. TOWN ORDINANCES REVIEW/APPROVAL**

*DPW Director Nate Hadaway and Police Officer Mike Stevens joined the discussion*

The Board continued their review of the Town's ordinances from the June 17<sup>th</sup> Board of Selectmen's meeting, and discussed the proposed changes and amendments:

##### **Sewer Use Ordinance:**

The Board reviewed the proposed changes to the Sewer Use Ordinance as recommended by DPW Director Nate Hadaway and made the following motion:

**MOTION: "To approve the amended Sewer Use Ordinance."**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion carries.**

##### **Water System Regulation Ordinance:**

The Board discussed **Article 6 (pg. 6) – Applications for Use of Water** which states, "*Application fees of \$50 per dwelling unit for a residential use, and \$200 per water line serving a non-residential use (as determined by the Board of Selectmen) shall be paid at the time the application is filed.*" It was noted that Town Planner Carole Bont, in her six (6) years of employment with the town, has never charged the \$200 non-residential water line fee when processing a Land Use Planning Application. Chairman Robinson suggested the Board set this item aside and continue reviewing the Water System Ordinance but not vote on it. Robinson will bring this to the Planning Boards attention at their next scheduled meeting (August 14<sup>th</sup>) for their input and recommendations.

##### **Public Loitering Ordinance:**

The Board reviewed the updated ordinance as recommended by Chief Morris and presented by Officer Stevens, and made the following motion:

**MOTION: "To accept the revisions to the Public Loitering Ordinance as presented."**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

### **Animal Control Ordinance:**

The Board reviewed the updated ordinance as recommended by Chief Morris and presented by Officer Stevens and made the following motion:

**MOTION: "To approve the Animal Control Ordinance as presented."**

**Motion: Tamra Ham**

**Second: OJ Robinson**

**Motion carries.**

*Selectman Ludwig voted "nay" and chose not to sign the ordinance due to her concerns with the section pertaining to "leashing dogs." Section 466:30-a Muzzling and Restraining Dogs, Dog Control Law (pg. 2)*

### **Bicycle Ordinance:**

The Board reviewed the revisions and noted that **Section 3. Required Equipment for Bicycles** added *"No person less than 16-years of age may operate or ride upon a bicycle on a public way unless he/she wears protective headgear of a type approved by the Commissioner of Health and Human Services."*

**MOTION: "To approve the revised Bicycle Ordinance."**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

### **Traffic Ordinance:**

The Board reviewed the revisions as recommended by Chief Morris and presented by Officer Stevens. The section on fines was revised as well as some of the language in the ordinance.

**MOTION: "To approve the revised Traffic Ordinance."**

**Motion: Tamra Ham**

**Second: OJ Robinson**

**Motion carries.**

### **Disorderly Actions Ordinance:**

The Board reviewed the revisions as recommended by Chief Morris and noted that **Section VI. Noise Limits, Item (1)** added *"Make, continue, or cause to be made or continued any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the town."* **Item (2)** added, *"Use, operate or permit to be played, used or operated of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the inhabitants of a neighboring premise. The operation of any such set, instrument, phonograph, machine or device by a commercial establishment between the hours of 10:00 pm and 7:00 am in such a manner as to be plainly audible at a distance of 50-feet from the lot line, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section."*

**MOTION: "To approve the amendments to the Disorderly Actions Ordinance."**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

### **Drug Paraphernalia Ordinance:**

Officer Stevens explained that the revised ordinance replaces the previous *Drug Paraphernalia Ordinance* and matches the current state RSA. The Board agreed to review this ordinance and discuss at the next scheduled Board of Selectmen's meeting on August 26<sup>th</sup>.

*This concluded the ordinance discussion and Officer Stevens departed the meeting.*

## **V. OLD/NEW BUSINESS**

### **Town Managers Report**

#### **Change in Town Planner public hours of operation**

Town Manager Burbank explained that Carole Bont will be changing her hours of public availability due to a heavy workload. The following will be the Town Planner's new public hours beginning August 26, 2019:

Monday: 1pm – 4:30 pm

Wednesday: 1pm – 4:30 pm

Thursday: 8am – 4:30 pm

Friday: 1 pm – 4:30 pm

Burbank explained that the days Carole is not accessible to the public, either Brook Rose or Linda McIntyre will be available to assist customers who come to the Planning Department window as well as schedule appointments for customers to meet with Carole.

#### **Northern Border Regional Commission Grant**

Town Manager Burbank informed the Board that the town was awarded a \$500k matching infrastructure grant. This was a very competitive grant process, and the town was one (1) out of 152 applications that was selected (total of 45 applications chosen). These funds will be used towards the towns fire flow/water storage issues. The town's portion of the matching grant (\$500k) will be earmarked from the water tap fees account, and the town has 11-months from the signing of the contract to lock the town's portion of the funds in place. Hoyle, Tanner is currently working on finding a suitable location for water storage tanks.

Chairman Robinson explained the historical background on how the town decided to apply for this grant as well as determine which infrastructure projects would be most appealing for the grant selection process. Robinson explained there were three (3) initial ideas: (1) water meters, (2) building a water storage tank at South Peak, and, (3) the expansion of the Indian Head water tank. The Grant Writer, Donna Lane recommended that she felt that the most feasible and attractive project that would meet the criteria of the grant requirements (as well as increase the town's chances of getting selected) would be No. 3, the expansion of the Indian Head water tank, and she was correct. This grant was awarded specifically for the installation of a water tank within the town's water system (the location of the tank is optional).

#### **Levee Operation & Maintenance (O&M) Manual**

Town Manager Burbank explained that as a US Army Corp. of Engineers (USACE) condition for re-activation of the levee, an updated O&M manual is to be submitted to USACE upon completion of construction for review and acceptance. The O&M manual will cover the portions of the levee under the jurisdiction of USACE, which is defined as the Flanking Levee and Primary Levee (granite block to the end of granite cover stones). The portion of the levee beyond the cover stones is under the jurisdiction of the NHDES Dam Bureau.

#### **Memorial Park 99-year lease vs. 2010 License Agreement**

Town Attorney Peter Malia has reviewed both the 99-year lease and the 2010 License Agreement for Memorial Park (the Gazebo) and he does not believe the 2010 agreement trumps the 99-year lease. In



Attorney Malia's opinion, both agreements are valid, and one agreement does not negate the other. Town Manager Burbank recommends a formal discussion take place with Mr. & Mrs. Imbrescia and the Board of Selectmen to discuss this matter further. Chairman Robinson read the following email received from Town Attorney Peter Malia: *"First to answer your direct question, no. The town has not lost its rights by non-payment (the town has not paid the \$1 per year as agreed). Paragraph 14 is entitled Default and it requires the lessor to provide the lessee with a written notice stating the default. Upon receipt of the written notice, the town would have 30-days to pay the rent due. I am assuming that the town never received written notice. I would suggest that the town go ahead and send them a check for the full \$99 to avoid the possibility of a written notice in the future. Therefore, I would have to say that it appears as though both documents are still in effect. The strange thing about the 2010 license agreement is that it does not reference the 1979 lease. Typically, a subsequent document affecting the same property addressing the prior document would say something like... "this license agreement is meant to replace the lease agreement dated \_\_\_\_ Book/page#, or is meant to further define said previous agreement." Its odd that the 1979 lease agreement is not referenced at all in the 2010 document. Either they mistakenly thought it was longer in effect because the town did not pay its \$1 per year; or they didn't know about it, or they chose to ignore it. Its okay to have two documents pertaining to the same parcel and less until they conflict with one another at which point there could be a legal battle over which one controls. Hopefully it will never come to a legal battle because the town and property owners seem to really need each other so I would think that a reasonable discussion or perhaps a mediation if necessary, would lead to a resolution."*

Chairman Robinson explained that he does not see any down side to agreeing to One Love extending their deck area which will include patrons being able to play corn hole. After brief discussion the following motion was made:

**MOTION: "To approve the use as applied to the Planning Board approval on 7/24/19."**  
**Motion: OJ Robinson                      Second: Tamra Ham                      All in favor.**

### **Solid Waste Roof**

The roof repair work is complete as of this day (August 12<sup>th</sup>). Saw cutting of the pavement at the Transfer Station will also begin this week in preparation of the pit for the scale.

### **West Street/Main Street Water-Sewer Project**

This project is complete except for some paving work that needs to be done. The state will now be able to begin their grinding of the roadway in preparation for the Main Street paving project which will be starting shortly.

### **Fire Department purchase of a Rescue Pumper**

Town Manager Burbank and Fire Chief Beard will be flying out tomorrow to Cottonwood, Arizona to look at a 2007 American LaFrance Rescue Pumper. Chief Beard did extensive research on locating a second-hand vehicle of good value. This particular Rescue Pumper is selling for \$99,900 and the price may be negotiable.

### **Levee Change Order**

Town Manager Burbank explained that a portion of the levee was grouted (cemented) last year, and during this past spring's high-water event all of the chinking (stones) was washed away. This could be an on-going issue in the future, so Burbank asked the engineers for an estimate to grout these stones the length of the granite blocks so that it is not a continuous event. The engineers estimate came back at \$55k, and DPW Director Hadaway and the foreman from Coleman Construction are all in agreement

that this will be money well spent because once the crew and equipment is up and out of the river, it will cost substantially more if they have to return.

Town Manager Burbank noted that the town has been denied two (2) times (by FEMA) for mitigation funding to help with damages sustained during the 2017 flooding event. The town has recently submitted new information with a third appeal in hopes of getting accepted and some funding to help with costs.

### **Sewer Lagoons**

Chairman Robinson asked if there was any movement on the hiring of an engineer for the sewer lagoons. Town Manager Burbank is currently researching drawing up an RFQ. In the interim DPW Director Hadaway has been in touch with Utility Partners to get a representative to attend a Board of Selectmen's meeting to discuss the Wastewater Treatment Plant. Burbank suggested this meeting be scheduled when the Board of Selectmen resume their weekly meeting schedule in September.

### **Air B&B Units**

Chairman Robinson explained that Chief Beard has done extensive research on Air B&B's throughout the town and found that there were a number of property owners that had initially reported to the town that they were building a certain size home, yet, Chief Beard has discovered that they are advertising a much larger unit on short term rental websites (# bedrooms & # bathrooms do not match up). Essentially, at some point between an assessment and now, bedrooms and bathrooms were added yet not paid for. The seven (7) units that Chief Beard discovered total \$20k in unpaid bedroom/water tap fees. Town Manager Burbank explained that Chief Beard is primarily concerned with the life safety issues and cited an example from up at South Peak with a home that originally listed 4-5 bedrooms and 4.5 baths, and is now sleeping 21 beds and 8 baths (most beds are in the basement).

Chairman Robinson suggested the Board continue this discussion on what to do about the short-term rentals at the next Board of Selectmen's meeting (8/26) as well as tap fees, and the Drug Paraphernalia Ordinance.

### **Other Business**

#### **Motor Vehicle Town Revenue Report**

The Town Clerk submitted a monthly motor vehicle report through July 31, 2019. The total year-to-date revenues are \$220,027 (year-to-date is down \$14,369.82) and the month of July is down \$2,937 from July, 2018.

#### **National Night Out**

Selectman Ham commented that the National Night Out event on Tuesday, August 6<sup>th</sup> was phenomenal and thanked all of the 70+ volunteers that helped make this event a success! Specifically, Kara Baker, Erica Haase, and Tara Tower worked tirelessly from the beginning to the end of this event. A member of the Hobo Railroad sent an email that commented/complimented both towns explaining that when the event was over at approximately 7:30 pm, the entire grounds of the Hobo were cleaned by 8:15 pm and you would never know there was an event there.

#### **Public Participation**

Jay Scambio publicly thanked the Board for repairing the sidewalk up on Loon Mountain Road. Jay also asked when work was going to begin at the Riverfront Park. Town Manager Burbank explained that it will be going out to bid shortly now that the West Street/Main Street sewer line connection is complete.

The West Street project will be going out to bid and Town Engineer, Ray Korber will be focusing on the Riverfront Park.

Roger Harrington asked when the paving was going to begin on Main Street. Town Manager Burbank responded that to the best of his knowledge, the work will begin on 8/19.

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

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

**Motion: Tamra Ham**

**Second: OJ Robinson**

**Motion carries.**

The Board went into non-public session at 8:35 pm.

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

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion Carries.**

The Board came back into public session at 8:45 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: Jayne Ludwig**

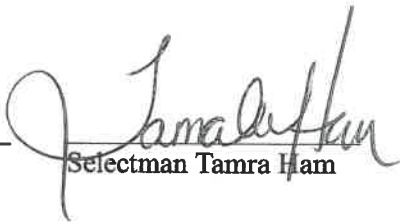
**Motion Carries.**

The meeting adjourned at 8:45 p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date 8 / 26 / 2019

\_\_\_\_\_  
Chairman OJ Robinson

  
\_\_\_\_\_  
Selectman Tamra Ham

  
\_\_\_\_\_  
Selectman Jayne Ludwig

**August 12, 2019**  
**Board of Selectmen's Meeting**  
**Please PRINT Legibly**

Rick Elliott  
(Print Name)

Roger Harrington

Dianne Celina

Jim Welsh

Steve Nosworthy

Delia Sullivan

Rick Elliott  
(Sign Name)

Roger Harrington

Dianne Celina

Jim Welsh

Steve N

Delia



**PLEASE MAKE CHECK PAYABLE TO "TOWN OF LINCOLN"**

Town of Lincoln, N.H.

**Water & Sewer Tap Assessment Form with Impact Fees**

Page 1 of 1

MAP: \_\_\_\_\_

LOT: \_\_\_\_\_

Date: \_\_\_\_\_

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Inspected by: \_\_\_\_\_

Make check out for this amount: →		
If you would like to pay the Land Use Permit fee on this form, put 50 in this box. →		
Total Water Tap Points		X \$120 =
Total Sewer Tap Points		X \$150 =
Total Bedroom Points		X \$100 =

	Number of Items	Water Points	Sewer Points
<b>RESTAURANTS</b> (Total seating capacity x 1 point)			
<b>TAKE-OUT TYPE RESTAURANTS</b> (15 points)			
<b>BARS</b> (Total seating capacity x 0.5 points)			
<b>MOTELS, INNS, LODGES, SKI CLUBS</b> (3 points x rooms)			
<b>MOTELS, INNS, LODGES, SKI CLUBS</b> (3 points x baths)			
<b>CAMPSITES</b> (For recreation vehicle, travel trailers 2 points x each hookup)			
<b>CAMPGROUNDS</b> (30 points)			
<b>COMMERCIAL ICE MAKERS</b> (2 points)			
<b>WATER FOUNTAINS, WATER COOLERS/BUBBLERS</b> (0.5 points)			
<b>ADDITIONAL SINKS</b> (1 points each sink)			
<b>HALF BATHS</b> (1 washbasin & 1 toilet x 3 points)			
<b>EXTRA TOILETS OR URINALS</b> (2 points)			
<b>SINGLE SHOWER OR SINGLE TUB</b> (3 points each)			
<b>FULL BATH</b> (shower or tub, washbasin & toilet) x 6.0 (If a wash basin is located in a room directly adjacent to a shower, a tub or a toilet, they shall be considered a full bath & assessed 6.0 points)			

**BEDROOMS** - (5 points per bedroom - new  
construction only)

Number of Items	Points

**KITCHENS**  
(5 points)

	Water Points	Sewer Points

**COMMERCIAL LAUNDRIES**  
(4 point x washers)

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**RESIDENTIAL LAUNDRIES (and ROUGH-  
INS)** (1 point each washer)

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**OUTSIDE WATER TAPS/SPIGOTS**  
(2 points each) (all residents or commercial  
establishments shall be assessed for at least  
one outside water spigot or water tap.)

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**INDOOR SWIMMING POOLS**  
(10 points sewer, 20 points water per pool)

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**OUTSIDE SWIMMING POOLS**  
(4 points sewer, 8 points water per pool)

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**OUTSIDE IRRIGATION - RESIDENTIAL**  
(4 points)

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**OUTSIDE IRRIGATION - COMMERCIAL \***  
(8-20 points)

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**COMMERCIAL CAR WASH**  
(40 points)

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**COMMERCIAL JACUZZI / HOT TUB**  
(12 points each)

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**RESIDENTIAL JACUZZI / HOT TUB**  
(4 points each)

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\* Commercial Irrigation fees are charged on the size of the irrigation  
system and number of spigots. The fee is determined by the Town  
Manager and Board of Selectmen at the time of application.

**Total Bedroom Points:**

--

**Total Water Points:**

--

**Total Sewer Points:**

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## Northern Border Regional Commission

August 6, 2019

Alfred Burbank, Town Manager  
Town of Lincoln  
148 Main Street PO Box 25  
Lincoln, NH 03251

Dear Mr. Burbank,

On behalf of Northern Border Regional Commission Board (NBRC), I congratulate you and your organization being awarded a grant from NBRC in this very competitive grant round.

**The Town of Lincoln, NH was awarded \$500,000 from Northern Border Regional Commission.**

NBRC received 152 applications this year for the State Economic & Infrastructure Development grant, requesting more than \$43,000,000 in funding. NBRC chose 45 applications, funding only 28% of all applications. A total of just under \$14M was awarded for federal fiscal year 2019 in this program. The selection process was competitive, and many worthy projects were unable to be funded, so we congratulate you on your efforts.

It is very important that you are award of the following item going forward:

- ✓ You will receive an email from NBRC staff in the next few days with the Grant Agreement and all the requirements necessary to successfully implement your project with NBRC. It is very important that you read these materials as soon as you receive them follow the instruction outlined as well **return your signed Grant Agreement as quickly as possible.**
- ✓ You may not move forward on your project without receiving a **Notice to Proceed** which will follow your signed Grant Agreement and any other requirements specific to your project.
- ✓ It is critical that when corresponding to NBRC that you indicate the NBRC grant number for your project with all communications so that staff can quickly identify your project and assist you.

I wish you much success and look forward to working with you,

Harold B. Parker  
Federal Co-Chairman  
Northern Border Regional Commission  
53 Pleasant Street  
Suite 1201  
Concord, NH 03301

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