

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

SEPTEMBER 16, 2019 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(MEETING VIDEO AVAILABLE AT WWW.LINCOLNNH.ORG)

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

Staff Present: Town Manager Burbank, DPW Director, Nate Hadaway, and Administrative Assistant, Jane Leslie.

Public Present: Roger Harrington, Mary Conn, Willis Wotton, Wastewater Treatment Plant Operator, Jefferson Tolman, Northeast Regional Vice President, Utility Partners, and Bill Fitzpatrick, Area Manager, Utility Partners.

I. CALL TO ORDER

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

II. SEWER LAGOON DISCUSSION WITH UTILITY PARTNERS

Chairman Robinson welcomed Utility Partners representatives, Jefferson Tolman, *Regional Vice President*, Bill Fitzpatrick, *Area Manager*, and Willis Wotton, *Wastewater Treatment Plant Operator*. Robinson explained that recent events at the sewer lagoons this summer triggered town-wide complaints concerning foul odors from the lagoons during peak tourist time which is one of the reasons the Selectmen requested this meeting. Robinson further explained that this is a great opportunity to discuss what the town should be doing presently, planning for in the future, and any changes that the town should consider implementing.

Mr. Tolman explained that the recent issues at the sewer lagoons were associated with mechanical failures (2 aerators failed) that took a while to repair and subsequently caused the DO's (dissolved oxygen) to drop off. Tolman further commented that in his opinion, the aeration at the plant is less than ideal, and the surface aerators are not very efficient compared to the other technologies available today. Robinson asked if the alternative methods available for aeration (more expensive) should be considered as a long-term solution to how the town operates the sewer lagoons. Tolman responded that based on everything he understands, Lincoln is a town that continues to grow and expand with a population that has encroached on the sewer plant, and he is not certain if a sewer lagoon wastewater treatment facility is any longer a practical means for treating wastewater. In response to Robinson's question, Tolman explained that if the town wishes to stay with an aerated sewer lagoon system, an improved aeration system would be a long-term fix. If the town wanted to upgrade its treatment technology, we would essentially be putting a band aid on a problem.

Robinson explained that better communication was another aspect of the mutual relationship that the town was hoping to improve upon with Utility Partners. Robinson believes this has already begun in the form of monthly wastewater update reports. Wastewater Treatment Plant Operator, Willis Wotton commented that he is now providing monthly wastewater update reports (*see attached*) as well as keeping DPW Hadaway current with all of the daily operations at the facility. A discussion ensued concerning the monthly update reports, and Mr. Wotton explained to the board what the various statistics represent.

Town Manger Burbank asked for an opinion on cutting the foliage at the sewer lagoons, and if it would affect the operations at the lagoons and make a noticeable difference. Mr. Wotton explained that based on his years of experience down at the sewer lagoons, when the foliage was cut back, it had not made a

difference one way or the other in the operations of the sewer lagoons.

Town Manager Burbank explained that a sludge profile is being conducted as part of the Asset Management Grant program that the town was awarded, and testing is being coordinated at the present time that will determine what depth the sludge is currently at, and when to expect to begin the sludge removal process.

Selectman Ham asked Mr. Wotton if there is anything further that the town needs to do at this time to improve efficiency. Wotton explained at the present time the lagoons are processing 1.3 million gallons per day and are running well. Town Manger Burbank added that when the time comes for contract renewal talks with Utility Partners (April, 2023) the parties must be prepared to discuss electricity, as the rates have increased substantially in the northeast particularly, and when certain fans and equipment are operating, it is done at the expense of Utility Partners.

Chairman Robinson explained that the town has a Capital Improvement Plan, and if there are any anticipated upgrades that are costly, the town can put money away towards that expense(s). Robinson urged Mr. Tolman to reach out to DPW Hadaway if he does anticipate any costly upgrades that could be beneficial to the sewer lagoons as Hadaway can bring this to the current CIP discussions. Robinson also noted that the town is considering (and may be voting on) the implementation of water meters. All agreed that water conservation will greatly affect the sewer lagoons.

Chairman Robinson thanked Utility Partners for attending this evening's meeting and encouraged the open and constant communication.

III. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the meeting minutes of September 9, 2019 as amended."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

MOTION: "To approve the non-public meeting minutes of September 9, 2019 as amended."

Motion: Tamra Ham

Second: OJ Robinson

Motion carries.

IV. OLD/NEW BUSINESS

Town Managers Report

Solid Waste Scale

Town Manager Burbank met with DPW Director Hadaway and Solid Waste Supervisor Jim Conn on Thursday, September 12th and discussed the following recommendation: "Based on the average fee for CD disposal from Waste Management (\$100 per ton) the cost should be 0.05 per pound. Since the scale measures in 20lb increments, the minimum fee should be set at \$10. There was also a discussion concerning mattresses and couches, and it was determined that these two (2) items be removed from the flat rate schedule (these items will be weighed and billed accordingly)." Woodstock BOS have been emailed the above information and are invited to attend Lincoln's September 23rd Board of Selectmen's meeting to discuss further (if necessary). Director Hadaway explained that the deck has been poured for the scale, and there is a 28-day cure time before any further work can be done, then at the end of the month the scale will be calibrated. The Public Works crew has been working at the transfer station on Wednesdays because the facility is closed all day.

Chairman Robinson asked about the camera security system at the Transfer Station. Burbank explained that he and Chief Morris are looking into a new security system that has better quality than the one that is currently installed there. The funding for this camera system will be part of the upcoming budget discussions.

Main Street Line Painting

The DOT (Dept. of Transportation) was supposed to begin painting the center lines on Main Street tomorrow (9/17), however, some issues have arisen in Concord that have caused a one (1) day delay. Main Street work should be completed in full before the Highland Games weekend.

Crosswalk Lighting

Town Manager Burbank gave kudos to the Public Works crew for getting the (2) crosswalk lights (RRFB's) installed and operational in front of Gordy's Restaurant and the Gypsy Café.

Northern Borders Regional Infrastructure Grant

Town Manager Burbank, DPW Director Hadaway, Finance Director, Johnna Hart, and Jane Leslie all participated in a mandatory grant funding video orientation this afternoon. Burbank explained that North Country Council will be our third-party representatives for the town, and will coordinate and oversee the process until the project is completed.

Nordic Inn Sidewalk

Town Manager Burbank has reached out to DOT District One office to discuss how to increase safety on the sidewalk in front of the Nordic Inn. DOT agrees and explained that the reason the sidewalk is slightly lower than the roadway is because the area beneath the sidewalk is part of the drainage system for that right-of-way, and raising the sidewalk may not be an option (but a guardrail may be).

Flume/Indian Head Water Storage Tank

Town Manager Burbank explained that he is collaborating with the state to try to determine when the Flume/Indian Head water storage tank was originally put in, and whether or not it was done under the pretext of a lease; a permanent easement, or some other means, because it sits almost entirely on the states right-of-way. Chairman Robinson seems to think that the tank was put in back in the sixties (60's) and would like to see the same type of research done on the Boyce Brook pump station (determine year it was built).

Other Business

Riverfront Park

Selectman Ham asked if there was any information on the Riverfront Park. Town Manager Burbank explained that Ray Korber will be doing a final walk on Wednesday (9/18) to double check the flagging and then Phase I of the project will be ready to go out to bid (clearing, parking lot).

Levee

Town Manger Burbank explained that the drilling work will be completed by Wednesday (9/18) and the project will be nearing completion. There will be low testing of the cores (stress test) and providing all tests are successful, the contractors will be able to begin pulling up out of the river. Selectman Ham asked how long it will take to receive the updated O&M (Operation and Maintenance Manual) after the work is completed. Burbank feels it should be a short period of time because the US Army Corp. of Engineers (USACOE) will be going in to tour the dam and make sure everything meets the 1960 standards. DES will also be reviewing the O&M Manual along with the town so that everyone is on the

same page and understands what is expected of the town as far as the maintenance aspect of the dam is concerned.

West Street Project

Town Manager Burbank explained that this project will most likely be going out to bid in December for an anticipated bid opening in January, 2020 (and a spring start up).

Mansion Hill Wells

Town Manager Burbank explained that testing of the seven (7) wells on Mansion Hill was scheduled to begin today.

South Peak Agreement (Peter Malia Letter)

Chairman Robinson explained that the Board received an email from town counsel concerning CVRI South Peak (owner of the South Peak Resort Planned Phase Development). CVRI received the Amendment to the 2006 South Peak Resort Development Agreement that was signed on behalf of the prospective buyer back in April, 2019, however, the sale fell through and the owner is now asking that the town provide them with the same amendment language that had previously been provided to a prospective buyer. Town Counsel has therefore drafted a second amendment (*see attached*) using the same language and has requested the Board make the following motion:

MOTION: “To sign and present the Amendment to the South Peak Resort Development Agreement to CVRI South Peak.”

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

CVRI South Peak TRS, Inc. vs. Town of Lincoln

Chairman Robinson explained that the Town was served a summons in a civil action by CVRI South Peak (not necessarily related to the Agreement) related to the 76 parcels of land that they own in the South Peak area. The Town has the land assessed at \$23M, and the 2018 tax year equalized assessed valuation ratio at 86.7, indicating an equalized ratio value of \$26.9M. CVRI had received an offer for the land of \$12M which was subsequently withdrawn when the town expressed hesitancy about signing the agreement. The offer was therefore on hold until the Town decided what they were going to do (which the town has decided) and they subsequently offered \$9M (CVRI believes the land is worth \$9M and not \$27M). The filing of the suit is asking the town to reassess the property at the \$7.8M (statutory rate of 6% interest from the date they paid to the date of the refund). This civil suit has been forwarded to the town attorney, Peter Malia to discuss with the town’s assessors who will respond accordingly.

Public Participation

Roger Harrington asked about the traffic counter on Pollard Road and asked if anyone has claimed ownership of it. Town Manager Burbank said he would reach out to North Country Counsel and Chief Morris to put this matter to rest.

Mr. Harrington asked if DPW Director Hadaway has confirmed which roads were going to be paved this year. Burbank explained that Hadaway has received quotes for the street paving but is waiting to hear whether or not there will be time this year to pave the roads.

Mary Conn asked if it would be wiser to put the West Street Project out to bid now rather than when the roadway is snow covered. Burbank explained that December is a good time because potential contractors will be preparing to line up their spring 2020 work projects and this will allow for a more competitive bid process. Conn also asked if anyone would personally be notifying the West Street residents that this work

will be taking place. The Board was in agreement that residents on West Street should be notified and kept in the loop for the duration of the remainder of the road construction.

V. NONPUBLIC SESSION Pursuant to RSA 91-A: 3: II(a,c)

MOTION: "To go into a Non-Public Session pursuant to RSA 91-A: 3II (a,c) Health Officer issue, personnel issue

Motion: OJ Robinson

Second: Tamra Ham

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 7:00 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

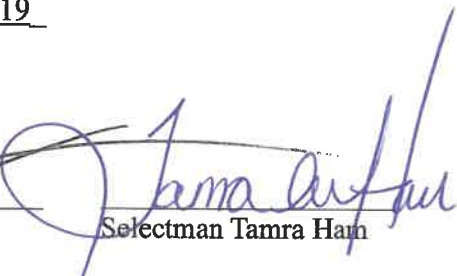
Motion Carries.

The meeting adjourned at 7:05 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date 9 / 23 / 2019


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig

September 16, 2019
Board of Selectmen's Meeting
Please **PRINT** Legibly

Roger Harrington
(Print Name)

Bill Gilpatrick

Willis Wotton

Jefferson Tolman

Roger Harrington
(Sign Name)

Bill Gilpatrick

Willis Wotton

Jefferson Tolman

Monthly Wastewater Update

09/10/2019

Last month's numbers

Average Flow Influent 0.649 MGD Total flow 20.11 MG

Average Flow Effluent 0.559 MGD Total Flow 17.34 MG

Influent BOD avg. 323.4 mg/L, 1679.1 lbs.

Influent TSS avg. 191.5 mg/L, 981.7 lbs.

Effluent BOD avg. 13.1 mg/L, 50.1 lbs.

Effluent TSS avg. 24.1 mg/L, 95.3lbs.

Percent removal BOD 96.0

Percent removal TSS 87.4

Total Copper avg. 4.7 ug/L

D.O. Reading in lagoon 1 cell #1 – 3.5 mg/L, now running aerators 1 and 3

D.O. Reading in lagoon 1 cell #2 – 5.6 mg/L, now running aerators 5 and 6

D.O. Reading in lagoon 2 cell #3 – 6.3 mg/L, still running aerator 2

D.O. Reading in lagoon 2 cell #4 – 5.8 mg/L, not running any aerators

D.O. readings were taken on 9/4/2019

Last month's activities

Cutting Grass around the lagoon

Daily Lab testing

Weekly lab testing

Exercised generator at Wastewater Plant and at North Lincoln Pump Station

Checking North Lincoln pump station daily

De-raged wet well at north Lincoln pump station (sending out false low level alarms)

Checking Rogers Pump station weekly

Checking Lou Ann pump station weekly

Aerator #8 pulled out for repair by Town

Aerator #7 pulled out for repair by Town

New Issues

None

Ongoing/future Issues

Aerator # 1 needs to be de-ragged

Grinder at north Lincoln pump station needs to be replaced

Still waiting on EPA to issue a new permit for discharge

Air permit for generator expires on 4/30/2020

Monthly Wastewater Update

08/15/2019

Last month's numbers

Average Flow Influent 0.703 MGD Total flow 21.79 MG

Average Flow Effluent 0.621 MGD Total Flow 19.24 MG

Influent BOD avg. 328.0 mg/L, 1850.1 lbs.

Influent TSS avg. 201.5 mg/L, 1054.5 lbs.

Effluent BOD avg. 13.7 mg/L, 68.9 lbs.

Effluent TSS avg. 19.0 mg/L, 79.1 lbs.

Percent removal BOD 95.8

Percent removal TSS 90.6

Total Copper avg. 7.1 ug/L

D.O. Reading in lagoon 1 cell #1 - 4.7 mg/L, now running aerators 1 and 2

D.O. Reading in lagoon 1 cell #2 – 6.8 mg/L, now running aerators 5 and 6

D.O. Reading in lagoon 2 cell #3 – 6.9 mg/L, still running aerator 2

D.O. Reading in lagoon 2 cell #4 – 6.8 mg/L, not running any aerators

D.O. readings were taken on 8/14/2019

Last month's activities

Cutting Grass around the lagoon

Daily Lab testing

Weekly lab testing

Exercised generator at Wastewater Plant and at North Lincoln Pump Station

Checking North Lincoln pump station daily

De-raged wet well at north Lincoln pump station (sending out false low level alarms)

Checking Rogers Pump station weekly

Checking Lou Ann pump station weekly

Replaced floats at Lou Ann pump Station

Pulled pump from Lou Ann pump station for repair with the towns help

Aerator #2 replaced with 25 HP VFD (town)

Aerator #4 replaced (town)

Aerator #7 removed for repair (town)

New Issues

Number 8 aerator tripping off at MCC

Received copy of new ground water permit. It has VOC's testing and PFAS in it for testing in May of 2020 and 2022

Ongoing/future Issues

Aerator # 1 needs to be de-ragged

Grinder at north Lincoln pump station needs to be replaced

Still waiting on EPA to issue a new permit for discharge

Air permit for generator expires on 4/30/2020

SECOND AMENDMENT TO SOUTH PEAK RESORT DEVELOPMENT AGREEMENT

This Second Amendment ("A&R Second Amendment"), to be effective as of the date set forth below, amends the South Peak Resort Development Agreement with an effective date of May 22, 2006 and recorded in the Grafton County Registry of Deeds at Book 3320, Page 27 (the "Agreement"). Capitalized terms not otherwise defined herein shall have the meanings afforded them under the Agreement.

WHEREAS, the Town of Lincoln, a municipal corporation acting through its Select Board, with business offices located at 148 Main Street, Lincoln, New Hampshire ("Town") entered into the Agreement;

WHEREAS, the Agreement confirms the Town's conditional approval of the South Peak Resort mixed-use cluster developments as a Planned Phase Development, per Art. VI, F of the Lincoln Land Use Plan Ordinance ("Project") as detailed in the Master Plan dated January 2006 and approved by the Lincoln Planning Board on May 17, 2006 ("Master Plan").

WHEREAS, the Agreement is deemed a restriction and covenant on the land comprising the Project and is binding upon the parties and their respective successors and assigns;

WHEREAS, the current owner of the real estate comprising the Project is the undersigned CVRI South Peak TRWS, Inc. ("CVRI"), with a business address of 1601 S. Mupac Expressway, #150 Austin, TX 78746;

WHEREAS, the Agreement anticipated an 8-12 year build-out of the Project;

WHEREAS, owing to the national financial crisis and market conditions, the Project has not been completed as of the date of this Amendment as anticipated;

WHEREAS, substantial improvements have been completed for the initial phases of the Project;

WHEREAS, the Town continues to encourage productive development and use of the land embodying the Project and is amendable to extending the timeframe for build-out.

WHEREAS, the Town executed a "First Amendment to South Peak Resort Development Agreement" on March 19, 2019, and an "Amended and Restated First Amendment to South Peak Resort Development Agreement" on April 5, 2019,

NOW THEREFORE, for good and valuable consideration, including but not limited to the owner of the Project's performance of conditions of the Master Plan, the Town and CVRI hereby agree as follows:

1. The Project's anticipated build-out is revised to twenty (20) years from the effective date of this Amendment.

2. Each of the CDP Undertakings and Commitments set forth in Section 3 of the Agreement have been satisfied in full.
3. The Project has attained vested rights to be completed in accordance with the terms and conditions of the Agreement and Master Plan, subject to any necessary site-specific approvals from the Planning Board and Zoning Board of Adjustment.
4. The Town has received timely notice of all prior assignments of the Agreement by CDP, its successor and assigns.
5. All other terms and conditions of the Agreement remain unchanged. Each of the Town and CVRI hereby ratify and confirm the validity and continuing effect of the Agreement, as amended by this A&R Second Amendment.

This A&R Second Amendment is effective as of the ____ day of _____, 2019.

Town of Lincoln Board of Selectmen

By: _____
Print Name: _____
Title: _____

CVRI South Peak TRWS, Inc.

By: _____
Print Name: _____
Title: _____