

LINCOLN BOARD OF SELECTMEN

APPROVED

MEETING MINUTES

OCTOBER 7, 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: Fire Chief Ron Beard, Police Chief Chad Morris, Town Planner, Carole Bont, and Administrative Assistant, Jane Leslie.

Public Present: Tanya Patterson, Lea Donahue, Patti Jo Ouellette, Cody Mason, Brianna Casey, Cinda D'Amante, Ashley Youngheim, Ben Youngheim, Brent Druin, Dave Beaudin, Roger Harrington, Danielle Black, Paul Beaudin, Susan Chenard, Kim Pickering, Carol Riley, Jay Scambio, Police Sargent Rick Ball, Police Officer Scott McKinley, Norm Belanger, Brad Craig, Dan Paris, Pat Gendron, Tom Hayes, and Lisa & Kelly Philbrick.

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

The Board postponed the approval of the meeting minutes until the end of the meeting.

MOTION: "To approve the meeting minutes of September 30, 2019 as amended."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

III. LINCOLN POLICE DEPARTMENT *Employment update*

Police Chief Morris introduced two (2) new officers to the Lincoln Police Department: (1) Scott McKinley (previously employed with Lincoln PD back in the 1990's) has begun working part-time for the town. McKinley left Lincoln PD to work as a Sargent for the Lisbon Police Department and brings 30-years of law enforcement experience back to the Lincoln PD, and, (2) Rick Ball, who has just completed his employment as Sargent with the Littleton PD, and has worked for Sugar Hill, Lancaster, and Bethlehem PD's over the years. Rick also brings 20+ years of law enforcement experience to Lincoln, and the department is honored to have both Rick and Scott join the team. Chairman Robinson and the Board welcomed the officers and wished them the greatest success as they begin their careers with Lincoln PD.

Lincoln Dispatch Center

Chief Morris addressed the Board on the recent upgrades to the Dispatch Center and explained that part of the thought process while implementing these upgrades was that surrounding communities may be interested in contracting with Lincoln's Dispatch Services (police business only) and it appears that Woodstock PD may be signing on with Lincoln's dispatch, and quite possibly Campton PD. Town Manager Burbank gave kudos to Chief Morris for all of his hard work and for bringing this all together in such a short period of time.

Highland Games Weekend

Chief Morris commented that the Highland Games weekend was a huge success with plenty of staff availability as well as a Dispatch Tent that was set up in a central location on the Highland Games grounds. Selectman Ludwig commented that this year's event parking was the smoothest she has ever seen in all of her years living in the town, and the way the parking was organized actually alleviated the heavy flow

of traffic that the town normally experiences during this very busy weekend. Chief Morris explained that the parking/traffic success has much to do with Ken Mack and Loon Mountain as they handle all aspects of the parking plans. Chairman Robinson asked Chief Morris if he planned on having a wrap-up meeting with Loon Mountain and the Highland Games Organization because there was one comment in particular he received concerning the fast moving shuttle buses on Pollard Road, which may be attributed to the out-of-town bus drivers that are brought in for this particular weekend who not aware of local speed limits. Robinson feels that this issue could be noted during a wrap-up meeting so that this information can be passed along for next years games. Chief Morris was in agreement and would be sure to bring this up when preparations begin for the next Highland Games season.

IV. LOON MOUNTAIN SHUTTLE BUS *Discussion*

Maple Street resident, Tanya Patterson (33 Maple Street) introduced herself to the Board and audience and explained that she initially came to the Board of Selectmen's meeting on September 23rd to ask about the winter Loon Mountain Shuttle Bus Service and whether or not these buses had a right to drive shuttle bus services on any town roads (which she was told they did because they were public roads). Patterson outlined several concerns she had with the shuttle buses explaining that they are loud; vibrate, occasionally drive too fast, and occasionally (when idling) emit diesel fumes that flow directly into her bedroom window. Patterson went on to explain that she reached out to the individual at Loon Mountain that was in charge of the shuttle bus services who was very sympathetic, efficient, and understanding, and stated they would address these issues with the buses and believed the problem was that Loon was very short on bus drivers and compensated by making multiple trips and stops. Patterson explained that she works as a teacher Monday thru Friday and is up early during the weekday mornings, however, when the weekend comes around, she would like to be able to sleep-in which is almost impossible when the buses are driving by her home at 5:30 in the morning (Saturday and Sundays) and on average, up to 3-4 times an hour between 8am and 5pm.

Patterson offered a full presentation (*see attached*) that included the historical context of the town's zoning regulations and explained the Village Residential (VR), Village Center (VC), and Rural Residential (RR) sections, which are the three (3) zones that overlay Maple Street. Patterson questioned whether or not the Loon Mountain Shuttle Bus could take a different route other than down the entire length of Maple Street, and asked the Board to look at the facts involved with the winter shuttle bus service conducted on Maple Street (and contracted with the Penguin Ski Club) in the Village Residential Zoned section of the town. Patterson also asked the Board, as a municipal entity to review the information and questions posed in the presentation packet and to take them under consideration. Patterson provided examples from Waterville Valley in an effort to show how surrounding tourist communities handle bussing issues.

In closing, Patterson posed the following questions: (1) can the town ask Loon Mountain to stay in the Rural Residential (RR) section of town and pick up their passengers on the corner of Pollard Road and Maple Street, and does taking a slightly different route cause an extreme hardship to them? (2) if Loon refuses to change their bus route (which is their right), could the town then request that Loon do a *trip count calculation* to determine how many passengers are actually utilizing the shuttle bus services during a particular set time frame? Ms. Patterson thanked the Board for their time and took a seat in the audience.

Town Manager Burbank asked the Board if they can discuss "next steps" concerning this discussion and schedule a future date to continue this conversation. Selectman Ham suggested they reach out to Loon Mountain and ask if they decide to renew their contract with the Penguin Ski Club, would they possibly consider altering their shuttle bus pick-up stop onto Pollard Road and avoid Maple, Church and School Streets (unless absolutely necessary). Jay Scambio commented that he was not quite certain what problem they were looking to solve, as a lot of information was presented tonight. Scambio commented that the

bus service does not begin its first pickup until 6:30 a.m. and runs a route that takes approximately 18-minutes (with no traffic and riders on the bus), and then put into account the loading of passengers with ski/snowboard gear, it can take no more than 25-30 minutes (equaling 2 trips per hour). Scambio also raised safety concerns that can arise by picking up passengers in high traffic areas and questioned if this will spill over to construction and other large vehicles being prohibited from using these streets as well. Selectman Ludwig asked if the PD can put counters on each of the individual roads in the Village Center (VC) to see how much traffic actually drives through that zone. Ludwig would also like the width of the roads measured as well. Chairman Robinson agreed that this discussion should be continued to a future meeting, as Loon Mountain was just hearing about this tonight for the first time and a copy of the presentation will be forwarded to Jay Scambio.

V. SHORT TERM RENTAL POLICY Discussion

(Air B&B, HomeAway, Booking.com, VRBO etc.)

Chairman Robinson opened up the short-term rental discussion and explained that the town has recently received numerous complaints concerning overflow parking, nuisance noise complaints and neighborhood disruptions, and the Board had been asked to create a short-term policy for this growing business. Robinson clarified that there are two (2) boards in town (Board of Selectmen and Planning Board) that have jurisdiction (if they choose to) over short-term policy issues. As for the Board of Selectmen, they are able to regulate short term rentals as far as registering a property, ordinance enforcement etc. The Planning Board is the only Board that has jurisdiction over allowing/disallowing in certain zones, implementing restrictions on use, and establishing short term rentals as a specific use in the Zoning Ordinance.

Robinson opened up the discussion to public participation at this time.

Danielle Black (Coolidge Falls Property Manager) explained that they have homeowners that operate short-term rentals with their units, and after receiving several complaints they created an Owner Short-term Rental Form that the owner fills out with all of their contact information so that in the event a problem arises, the property owner would be contacted directly. Town Manger Burbank added that on September 27th, 2019 the NH Supreme Court decided a case (*Working Stiff Partners, LLC v. City of Portsmouth*) where the Supreme Court ruled that a short-term rental property owned by a Portsmouth couple could not operate in a residential zone. Portsmouth zoning regulations forbid hotels, motels and boarding houses that cater to short-term, "transient" occupancy in that particular area of the city. The couple argued that the definition is too vague and does not clearly include short-term rentals. The court rejected that argument. The court wrote "*using the property to provide short-term rentals to paying guests on a daily basis constitutes a 'transient occupancy' similar to a hotel, motel, rooming house, or boarding house, rather than a permitted 'dwelling unit' use.*" Burbank went on to further explain that this is not just about noise complaints or parking problems, but rather serious life-safety concerns when some units have up to 22 guests sleeping in a home that the town records show as a 3-bedroom unit.

Susan Chenard (Loon Reservations Services) commented that insurance companies inform their property owners that if their property is going to be used as a commercial short-term rental, then it should be appropriately insured as such. Chenard explained Loon Reservations protocol with short-term rental clients/guests and feels whether a short-term property owner has a third-party management company overseeing the rentals, or whether it is done privately, the rules that are provided on the commercial listing must be enforced as well as a representative or neighbor that lives close by who can respond on behalf of the short-term property owner if they are not available. There was a brief discussion concerning condo associations and short-term rental policies and rental agreements.

Paul Beaudin asked approximately how many complaints the town has received concerning short-term rentals, because if it is a matter of a handful of complaints and there are possibly thousands of short-term rental businesses in town, it may not really be a problem. Selectman Ham responded that the Board's goal is to get ahead of this issue before it becomes a bigger problem, and not that the Selectmen are looking to get rid of short-term rentals (it can actually be an asset) however, there needs to be some enforcement and public education (parking, trash removal, noise etc.). Beaudin's thoughts are that the town has public services (Police Dept., Code Enforcement, Health Officer, Public Works, Water, Sewer etc.) and rather than reinvent the wheel, the departments need to enforce the rules the town currently has on the books.

Patti Jo Ouellette asked why residential homeowners participating in commercial short-term rentals (not living in a resort/condo community) be required to file an application with the town that states the property meets the criteria outlined by the town's short-term rental policy, and possibly have the unit(s) inspected on an annual basis to determine they are in compliance with the town's policy. A discussion ensued on how short-term rental agencies operate and rate their guests and hosts.

Danielle Black asked what the difference was between a "business" and a commercial short-term rental home (business). Chairman Robinson explained that the town currently does not have a business description related to short-term rentals or town ordinances that state any distinction between the two. The question becomes, how can a short-term rental operate in a zone that is for residential use only?

Brad Craig (a Lodging Property Manager) spoke on behalf of his co-workers who live next door to a short-term rental home and questioned who should be responsible for the consequences if a short-term renter creates a disturbance. Long-term renters have a consequence; if they do anything disruptive, they will have no place to live, however, short-term renters are just that, visiting for a short period of time and will not suffer any real consequences (possibly a fine) if there is a problem or issue. Craig feels that for the purpose of neighbors of short-term rentals, there needs to be some kind of assurance that there will be accountability by property owners as well as some form of recourse or action for short term rental disruptions.

Tom Hayes (second home owner and short-term rental provider) commented that tonight's discussion yielded some very good suggestions and valid points. Mr. Hayes explained that his immediate neighbors have his cellphone number to reach him in the event they need too, and agrees that property owners should register their homes as short-term rentals and detail what is and is not acceptable to minimize the risk of running into the current problems that some are experiencing in town (parking, loud disruptions). There was a brief discussion on how this process would work, and who would be responsible for tracking the homes that register as short-term rentals.

Town Manager Burbank noted that many homes have renovated and upgraded their property by adding bathrooms and bedrooms without the town's knowledge which raises two issues: (1) impact fees that are not being paid on these upgrades because the town is unaware, and, (2) life safety concerns from the standpoint that some homes are advertising that they can sleep up to 22 people, and in the event of a fire emergency, the emergency responders would have no idea that there could potentially be 20+ people on the premises. Burbank feels that if there is a permitting process, this would help keep the town in the loop as far as who is running short-term rentals and mitigate potential life safety issues and concerns.

Chairman Robinson reviewed a few suggestions and questions that he came up with as follows: (1) should the town include or exclude (exempt) condo's (e.g., Lodge at Lincoln Station) hotels, motels, and Inns from the permitting/registration process of short-term rental properties? Condo Associations and properties that have on-site management would most likely address the complaints for a particular unit directly with the condo/unit owner. Selectman Ludwig's concern was that this would not allow the town

to be informed of any upgrades or renovations (added bathroom(s) or bedroom(s)) a unit owner may have undergone. Ludwig feels that condos should *not* be exempt and should require some form of monitoring in an effort to be fair. A discussion ensued on whether or not condo units should be exempt from the short-term rental permitting process, and discussed possibly putting some literature in with the upcoming tax bills explaining whatever the town's new short-term policy/ordinance (if any) is. Robinson's second suggestion was that the town *not* implement a registration fee but rather inform the taxpayer that it is to their benefit to know who is hosting short-term rentals, and explain the overall value of this contact information to the community as a whole (without putting a cash obstacle in the way). Paul Beaudin questioned if this type of discussion should/would fall under the purview of the Planning Board (Site Plan Review). The Board responded that it would not. Beaudin also noted that Lincoln is experiencing a severe housing shortage and it is very difficult for employees to find permanent housing in town and the Selectmen should consider this when making any decisions moving forward. Robinson commented that in his opinion, this discussion would fall under the purview of the Planning Board. The Selectmen would focus more on the administrative aspects and life safety issues, whereas the Planning Board would discuss where short-term rentals would be allowed.

Dave Beaudin commented that as far as *not* charging an application/registration fee for short-term rentals, the town must consider how this business impacts the town's infrastructure and has become a cost-burden to the taxpayers (costly upgrades to water/sewer infrastructure) and the taxpayers are not getting anything out of it. Beaudin cannot understand why nobody wants to discuss water/sewer meters, particularly after an Ad Hoc Water Committee was appointed and had voted last February to task the Select Board with looking into rate structures and a cost analysis. Beaudin further explained that during last week's Ad Hoc Water Committee meeting (10/3/19) they voted on the exact same thing again (to bring this to the Select Board) and seven-months later, nothing has been done. Beaudin summed it up by asking, why has nothing been done yet? Robinson responded that the *Rate Structure Study* is an agenda item tonight and will be discussed shortly.

There was a brief discussion on unit inspections and having them integrated into the application/registration process so that Chief Beard or a designee would be allowed to gain access to a unit/home as part of the permitting process. There was also a discussion concerning nuisance short-term renters that consistently violate the peace and tranquility of abutting neighbors to these units. Chairman Robinson read the following from a draft ordinance he is proposing:

The Town has the right to revoke a permit for any unit that becomes a nuisance. This action will require a minimum of three (3) incidents within one (1) year validated by the Police Department where the contact person was notified of problematic tenant actions. Any unit owner found to be operating as a Short-Term Rental after revocation will be fined \$2500 per 10-day period.

All thought this was a great idea and discussed various ways of enforcing this ordinance. An audience member asked if this pertained to long-term renters as well, and Chairman Robinson responded that the town's Disorderly Actions Ordinance would cover this.

The Board agreed to continue this short-term rental discussion on October 21st because next week is Columbus Day weekend and there will not be a meeting.

The Board took a 15-minute intermission.

When the Board reconvened, Chairman Robinson noted that he forgot to read a letter received from Michael Trenteseaux who requested his letter be read as a response to the question of short-term rentals (*see attached*). Due to the length of the letter, Chairman Robinson made the following motion:

MOTION: “To attach the letter received from Michael Trenteseaux to the meeting minutes.”

Motion: OJ Robinson

Second: Tamra Ham

Motion carries.

VI. AD HOC WATER COMMITTEE BOS FOLLOW-UP from October 3rd Ad Hoc Water Committee meeting.

Rate Structure Study/Water Meter Grants/2020 Town Warrant

Chairman Robinson explained that the Ad Hoc Water Committee met last week and discussed a *Rate Structure Study* (previously discussed during last year’s Ad Hoc meetings) which the Board had never contracted out, however, Town Engineer Ray Korber was asked to draft an RFQ (request for quote) for the study if the board decided to proceed forward. Town Manager Burbank explained that he never officially received the “go ahead” to draft the RFQ and was waiting for the word to proceed. Robinson suggested Ray draft the RFQ and submit it to the public, and once the Board has actual numbers to work with, they will determine where the money will come from. Selectman Ham emphasized that time is of the essence and this must be completed in time for Town Meeting, and also noted that the Water Committee recommended the Selectmen put *water meters* on the warrant this year. Robinson explained that the Water Committee recommended the rate structure be done as a first step, and then the Board was asked to also look at grant availability for water meters (on both State and Federal levels). Robinson thought it would be helpful to maybe reach out to the grant writer who recently assisted the town with the Northern Borders Infrastructure Grant (for water tank) to see if she had any knowledge or recommendations for grants that the town may not be aware of.

VII. OLD/NEW BUSINESS

Town Managers Report

Community Choice Aggregation Program

Town Manager Burbank was contacted by a company called *Community Choice Aggregation Program* (CCA) which allows local governments to purchase electricity on behalf of their residents by aggregating the electricity needs of everyone in the community to increase purchasing power. New Hampshire recently became the 9th state in the country to permit the formation of an opt out CCA’s for their counties and municipalities. Due to the recent change in law, aggregation groups are now “opt-out” rather than “opt-in” which essentially gives communities greater purchasing power and increased sustainability measures. Burbank explained that representatives of CCA would like to meet with the Board and provide a brief presentation of what they have to offer to the Town of Lincoln. This program would require that the Board appoint an Energy Committee with statutory authority who would lobby for electric rates for the community (residents are *not* required to participate). The Board fully supported meeting with the reps to discuss further. Burbank said he would schedule this presentation for an upcoming Board of Selectmen’s meeting.

Pole Mounted Radar – Maple Street

Town Manager Burbank explained that Chief Morris looked into pricing for pole mounted radars, and they were both in agreement that a smaller size unit would be sufficient. Chief Morris went on to explain that the radars cost approximately \$2,000 per radar, and there may be grants available to help with the costs. Selectman Ham asked if the town had the ability to change the speed limits on some of the town roads. Chief Morris responded that it would take some research above and beyond what the RSA’s state, and he would investigate further as to whether or not the town could draft an ordinance regulating speed limits on certain town roads. Ham commented that she would like to see West Street, Labrecque, Franklin, Pleasant, Church, School, and Maple Streets reduced to 20 mph. Chief Morris noted that they typically

will not post below 25 mph, but he would reach out to other towns for feedback. Robinson suggested in the meantime, Chief Morris put \$2,000 in his budget and purchase one (1) to get started.

US Forest Service

Town Manager Burbank was contacted by the US Forest Service in reference to the Boyce Brook Booster Pump Station and they are very interested in talking about the acre-and-a-half of land the town has for perpetual usage, and whether or not the town could put a water storage tank in there. Although it would be a process, the discussion is moving forward and Burbank will keep the Board informed.

Other Business

Levee

Town Manager Burbank explained that the levee is coming along fine, and the road is being pulled out and completion is near. The walk-through is scheduled for Friday, October 25th at 10:00 a.m. with the Army Corp. of Engineers (ACOE), DES Dam Bureau, Dubois and King Engineers, and the contractors. Burbank explained that they are in the process of contacting all of the homeowners of the Links, the Fairways, and private homeowners that may be interested in either attending, or arranging to have representation for that day. Burbank noted there are a few homeowners that do not want to allow access for their foundations to be inspected, and they are currently working through this process (this is mandatory and not a choice). Burbank also noted that the inspection will hopefully trigger the dam reactivation process. Selectman Ham asked when they were going to begin the conversation about the town's right-of-way down to the swimming hole now that the levee is done (parking for residents and visitors). Robinson commented that his thoughts at the time they negotiated this right-of-way was that this would be more relevant further down the road because parking is available next to the substation (and a path) which is where the public has parked for decades. Burbank added that a good place to begin would be getting permission from NH-DOT for vehicles to pull off and park adjacent to where the trail starts. There was a brief discussion on options for parking at the swimming hole and all agreed to keep this conversation going so this is not an issue for the next swimming season.

Gypsy Café Sign

Chief Beard spoke with the owner of the Gypsy Café who was going to possibly relocate the sign above the roof of the entryway to the restaurant (high enough that it will not obstruct the view of the crosswalk light).

Billboard on Town Property-Route 112

Chairman Robinson asked what was going on with the billboard on Route 112 (town land) that is advertising condos and not paying a fee to the town. This was part of a previous discussion months ago, and the business was going to pay a lease fee for advertising on this billboard. Town Manager Burbank explained that the sign is actually in the state's right-of-way, and they want the sign removed. In order to keep the sign, the town would have to go through the DOT permitting process which could be lengthy and expensive.

Public Participation

Jay Scambio asked Town Manager Burbank if the shared flowmeter near the station at the levee had been put back, and if it was giving accurate readings. Burbank was pretty sure it was put back and running accurately but would check into it and get back to Jay.

Roger Harrington asked if there was any news on the walkway outside of the Nordic Inn. Burbank explained that DOT was taking this under advisement, but it would be slow-moving and a process.

VIII. NONPUBLIC SESSION *Pursuant to RSA 91-A: 3: II (e) Pending PSNH Utilities Litigation*

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

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries.

The Board went into non-public session at 8:20 pm.

MOTION: "To re-enter public session."

Motion: OJ Robinson

Second: Tamra Ham

Motion Carries.

The Board came back into public session at 8:30 p.m.

The Board discussed the PSNH Utilities mediation. The Board decided to remain active in the PSNH Assessment litigation.

IX. ADJOURNMENT

After reviewing the weekly payables and with no further business to attend to, the Board made the following motion.

MOTION: "To adjourn."

Motion: Tamra Ham

Second: Jayne Ludwig

Motion Carries.


The meeting adjourned at 8:35 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date 10/21/ 2019


Chairman OJ Robinson


Selectman Tamra Ham


Selectman Jayne Ludwig

October 7, 2019

Board of Selectmen's Meeting

Please **PRINT** Legibly

Tanya Patterson

(Print Name)

Tom Hayer

Roger Hannington

Lea Donahue

Patti Jo Ouellette

Cody Mason

Brianna Casey

Danette Blais

Susan Chénard

Cinda D'Amante

But O

Kim Pickering

Jay Scumbeiz

CAROL RILEY

Ashley Youngheim

Ben Youngheim

Tanya Patterson

(Sign Name)

Tom Hayer

Roger Hannington

Lea Donahue

Patti Jo Ouellette

Cody Mason

Brianna J Casey

Danette Blais

Cinda D'Amante

Kim Pickering

Jay Scumbeiz

Carol Riley

Ashley Youngheim

Ben Youngheim

Town Hall

From: Michael Trenteseaux <michaelt@gcspi.com>
Sent: Thursday, October 3, 2019 8:21 AM
To: O.J. Robinson; Town Manager; Tamra Ham; Town Hall; Selectmen; Planning
Cc: David Trenteseaux
Subject: A response to the question of Short Term Rentals

Selectperson Board, Town Officials and Planning Board members

I respectfully request this letter be read as a response and entered at the October 7th Selectmen's Meeting

This section pertains to the question of Short Term renting, which has been in existence for over 50 years and is now accessible via mass reach platforms such as Air B&B. There are numerous cases of major cities trying to regulate and implement controls over short term rentals. These in almost all cases refer to condos and apartments and seldomly single family homes as they are rarely to be found in such metropolises. These topics are a very gray and controversial topic for our generations to consider. Sadly, at the expense of everyone's, both towns and residents' time and effort, these legislations will likely be debated, enacted and repealed for decades to come. Nevertheless these controls have sought to focus on areas where there is: 1. And Urban epicenter, 2. A surplus of hotel and commercial lodging availability & 3. Endless other means of revenue and tax funding to the city or town which is not directly tied to tourism. Lincoln NH has none of these attributes.

Lincoln NH is not a city at all and that is what people love the most, they do not want to be herded into cookie cutter destinations or lodging options. The cozy quaint setting of the White Mountains have been first and foremost a tourism and vacation mecca for full and often extended families or groups of close friends. Since I can remember, my whole family, perhaps one of 2 others or aunts, uncles and cousins have vacationed at Loon and we have always rented a home together, as far back as the 1980's. People do not travel to this destination to rent a hotel room to store their clothes and for sleeping alone, they come to be with family and make memories of time spent playing games, sitting by the fire and thawing with hot chocolate after a great day on the slopes. None of that can be accomplished in hotel room and certainly not without the availability to rent, share a home and call it your own for a small time.

Additionally, I am sure in terms of revenue and tax dollar generation the existence of short term home rentals will be shown to be nothing less than instrumental and crucial. Furthermore I would be happy to spear head and facilitate a professionally and certified financial report on the fiscal pros and cons of short term rentals in a tourist destination. This would be created for the benefit and review of all board members and citizens.

There is without a doubt a direct correlation on tourist spending and tax revenue creation from that spending. Almost every entity in the town except for public service positions is directly tied to the tourism blood line. From real estate agents and closing attorneys legally supporting the acquisitions and transfers of property holdings to the staff at Half Baked and Fully Brewed & Dunkin Donuts that work tirelessly to curb our increasing caffeine cravings. From each and every eatery, nature & adventure attraction and store front to the play house, price chopper and scenic railways. Everyone is gracious for the tourism traffic and this is a trend and market that is continually growing with more and more unique experiences and full four season options being offered.

All of these tax dollars to be clear are directly infused from other communities in surrounding states directly into NH and specifically the town of Lincoln. These tax dollars are happily used for maintenance, social programs and schools. Additionally, most of this revenue is rarely required to be reinvested for the actual vacationers' public needs. Similarly tax dollars would not need to be continually reinvested into the town like would be seen from that of a regularly growing full time population. The renters of our private homes are not using the schools, not relying on social programs and not creating the demand for new development public works projects.

Secondly, any such regulation and control enacted to eliminate or cripple the private home sharing and rental process will result in plummeting home values. I would estimate over 30%-40% of homes are second vacation homes in the town and easily well over 50% of total property value, having more expensive home assessments and thus substantially higher property tax sums, all again greatly enjoyed by the town of Lincoln.

Simple economics will dictate that if this ability to freely use our own private homes as we see fit then many second home owners will migrate out of the market. They will move their capital and assets to other eager to receive communities such as North Conway, the greater Lakes Region or even numerous Vermont destinations, all of which also directly thrive due to tourism. That mass flooding of the market will increase the surplus of available homes for sale, drive down commanding sales prices and result in lower overall values and in turn property tax dollars.

I can completely sympathize with the demographic that wants to quietly retire in a hidden pristine underpopulated gem of a tucked away mountain town however Lincoln NH and the majorly attracting Loon Mountain will never be that quintessential town in the future to come. It can certainly be argued and agree upon that we as a community should implement some guidelines in terms of safety and public order. I myself am registered with the State of NH and possess a valid meals and rooms license for the rental of my home and I remit my 9% tax every month. Better governance could suggest all available properties be held under the same guidelines. In the efforts of safety, I have already taken the initiative and installed four (4) "No Parking" signs, not on the privately owned Loon Mountain roads but on the edges of my personal property and the personal property of my father, David Trenteseaux. David and his family reside at 175 Black Mountain Road. These signs will begin at the far edge of #175 Black Mountain Road and wrap around to the end of 16 Queens Way and thus should deter and hopefully eliminate valid concerns and fears my neighbors possess. Perhaps there is a need for other parking restrictions and even quiet curfew hours etc.. In general, we should look to something akin to yellow lines on a once rarely traveled country road as a full four way traffic light would be the extreme.

We now live in an increasing and growing era of instant gratification, a time of ride and home sharing, from Uber to Air B&B. The fact is, this is a time where the end consumer wants to be engrossed in their endless options and feel a certain level control and of unique and specialized value when they choose to spend time away from home with friends and family. I think we can all agree if they cannot get it at Loon then with two clicks, the world is always offering other options.

On behalf of the over 600 owners that share their homes in this town, I humbly thank you for your time and consideration to these viewpoints,

Regards,

Michael Trenteseaux

Questions for Board of Selectmen: Loon Mountain Shuttle Bus Service Presentation, October 7, 2019
Tanya Patterson, 33 Maple Street, Lincoln, NH.

1. I went to the Board of Selectmen Meeting on September 23, 2019 and asked about the Winter Loon Mountain Shuttle Bus Service. I was told they have a right to drive those buses on any roads in town as they are public roads.
2. I called Mr. Brian Norton, Vice President of Operations about possibly picking up the passengers at the Penguin Ski Club on the Corner of Pollard Road and Maple Street. His first response was to worry about his customers by stating the people at the Penguin probably wouldn't be happy about walking to the corner. He also stated that they hadn't signed their contract yet.
3. I have demonstrated by presenting state and local zoning ordinances and regulations, by showing where and why the Village Residential zoned section of town is zoned as such, and State of NH RSAs regarding a Town Board's, whether it be Selectmen, Planning Board, or Zoning Board of Adjustment, ability and jurisdiction to regulate town roads of which they "own" and or maintain.
4. A Domestic Profit Company, in this case Loon Mountain Recreation Corporation, is in charge of making money by keeping their customers happy. Those customers in this case, the Penguin Ski Club, who contracts for the Loon Mountain Shuttle Bus Service and picking them up at the easiest point of access.
5. A Domestic Nonprofit Corporation, in this case the Penguin Ski Club (Maple Street Ski Club?), is in charge of making sure it's voluntary members are happy, or they would have no voluntary membership and they would dissolve. I would assume they would like to continue to be picked up by the Loon Mountain Shuttle Bus where they always have been "allowed".
6. A municipal entity, in this case the Town of Lincoln, is in charge of making sure everyone in its environs is happy. Domestic Profit Corporations, Domestic Nonprofit Organizations, and Individual Residents.
 - a. How is that done? By adopting Town Ordinances and Zoning Regulations to create a balance between residential purposes and business purposes in town.
7. An Individual Resident or Residents in the Town of Lincoln have a right to enjoy their own property and domicile when they are residing in said domicile.
 - a. If corporations are conducting business in certain zoned sections of town and they business they conduct contractually is noxious and possibly unsafe in the neighborhood in question, and this concern is brought to the Town Level, I would sincerely hope the "Town" would take it under consideration.

8. The Town of Lincoln has options to deal with what could be deemed a "Private Transit Service" contracted between two corporations operating 27-36 times a day down the length of Maple Street, in the Village Residential Section. The Village Residential Section of town being the MOST restricted us section.
- The "Town" could simply ask Loon Mountain Recreation Corporation to stay in the Rural Residential Section of town by picking up their passengers 20 feet from the corner of Pollard Road and Maple Street and continuing down Pollard Road. Does going a slightly different route cause an extreme hardship on Loon?
 - If Loon Mountain refuses to stop running commercial buses at or above 21,500 pounds over the entire length of Maple Street, could they do a "trip count calculation" to determine the times of day the Shuttle Buses get the most use?
 - Could they run a "trip count" of 3-4 times an hour for two hours in the morning and two hours in the afternoon and the other five hours go down the entire length of Maple Street on the hour?
 - Question Option: The "Penguin Ski Club" Building is grandfathered in the Village Residential Section of the Town of Lincoln. They have all rights to be a Domestic Nonprofit Corporation IN the building.
 - Outside of the Building:
 - Does their grandfather clause ALSO give them the right to contract for vehicles of a commercial size and usage in the Village Residential Section of Town?
 - A contract that causes commercial sized vehicles to operate over the entire length of Maple Street with vehicles at or above a Gross Vehicle Weight Rating of over 21,500lbs.
 - A contract that causes commercial sized vehicles to operate over the entire length of the Village Residential Section of Maple Street approximately 27-36 times a day when it is in operation.
 - Does their grandfathered clause also give them the right to create through the aforementioned contracts what could be deemed a Noxious Use on Maple Street in the Village Residential Section of town?
 - Could the Town of Lincoln add a Seasonal Weight Restriction to Maple Street for vehicles of a certain Gross Vehicle Weight Rating, except for utility deliveries such as gas, oil, wood and the like?
 - Could the Town of Lincoln add a Seasonal Weight Restriction to Maple Street for safety reasons? Historically, because of its narrow width, Maple Street it is difficult to maintain during the winter. Maple Street is always one of the last to have their sidewalks cleaned as there is virtually no where to put the snow. In fact, my porch is 7 ft 8 ½ inches from the sidewalk. In the winter, more often than not, I have to walk into the street to get to my car in my yard.

PRESENTATION FOR TOWN OF LINCOLN, NH: BOARD OF SELECTMEN, OCTOBER 7, 2019

By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

Note for Board Purposes:

I apologize. I meant to have all of this to all Board of Selectmen members by the end of business day on Friday, October 4, 2019. However, it was just not possible for me to research, collate my information into a linear, cohesive presentation in time for the Friday deadline. I needed the additional weekend. I am not in any way trying to put anyone on the Board of Selectmen 'on the spot' tonight.

In composing this presentation I, Tanya L. Patterson, have done everything in my power to allow for no supposition. Everything I state as FACT is either stated as a primary source, my own experience, or as a secondary source, information gathered from public sources such as State of NH entities, books, and historical societies. All information gathered is referenced. Anything without an internet address will be attached to the end of this presentation as a reference source for Town Administrative review. Anything I can not state as fact will be posed as a question. I would request the "Town" in it's capacity as Administration and related areas, Board of Selectmen, Planning Board, and Zoning Board of Adjustment to acknowledge said questions and their validity, or not.

I am not asking for any answers tonight, October 7, 2019. All I would like this evening is to present to the Board of Selectmen all the information I have gathered. I would like to pose questions to which I do not have answers. I would like to be offered the latitude to conduct this presentation in its entirety, without being interrupted from the public section of the room while I speak. I also ask for latitude in regards to the specific areas of the presentation which will be discussed. I had no inkling, when I started searching for information on the Town's ability to regulate Maple Street and the Village Residential Zoned Section of the Town of Lincoln, NH, the direction my information would take. It was and is, rather like pulling at a root in your backyard. Sometimes the root comes straight out. In this case, the root ran seven ways to Sunday and down a couple of rabbit holes.

All of the information presented tonight, while seemingly random at first, ties directly to the future ability, or inability, in this particular instance; Domestic Profit Corporations and Domestic Nonprofit Corporations, to conduct repetitive, private, commercial transportation, at or above a certain weight class, seasonally or permanently, on town roads the town has specific jurisdiction, and/or on Maple Street in the Village Residential Zoned Section of the Town of Lincoln, NH.

PRESENTATION FOR TOWN OF LINCOLN, NH: BOARD OF SELECTMEN, OCTOBER 7, 2019
By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

REASON FOR MEETING REQUEST:

- To discuss and look at the facts involved with the Winter Loon Mountain Shuttle Bus Service conducted on Maple Street and in the Village Residential Zoned Section of the town of Lincoln, NH. To ask questions in regards to having the Loon Mountain Shuttle Bus take a different route other than down the entire length of Maple Street.

I. CONTEXT:

- For years Maple Street has been subject to Loon Mountain Shuttle Buses operated on Maple Street, from the direction of Pollard Road to Main Street. (personal experience)
- On average, these Loon Mountain Shuttle Buses operate from approximately 8:00 am to 5:00 pm. (personal experience)
- The Loon Mountain Shuttle Buses operate 3-4 times an hour over Maple Street from Pollard Road to Main Street. (personal experience)
 - These Shuttle Bus trips accumulate, over the course of an entire day to 27-36 Shuttle Bus Trips a day.
- There have been times the Loon Mountain Shuttle Buses start operation on Maple Street as early as 5:30 am in the morning. (personal experience)
- The Loon Mountain Shuttle Buses have always been obnoxious. (personal experience)
 - They are very loud as they drive by the house. There is no mistaking what is going by the house. (personal experience)
 - They create vibration when passing by the house. (personal experience)
 - They produce exhaust and smoke as they pass by the house. (personal experience)
 - The emissions from the Loon Mountain Shuttle Buses can be smelled in the house during the hours they are in operation. (personal experience)
- Last year, the 2018-2019 Winter Season, the Loon Mountain Shuttle Buses were overly obnoxious. (personal experience)
 - In addition to the four items listed above;
 - The Loon Mountain Shuttle Buses, in addition to their regular route, started operating an additional number of times an hour over Maple Street from the direction of Main Street to Pollard Road. (personal experience)
 - Many times speeding in that direction. (personal experience)
 - Many times not stopping to pick up any people at their regular stop. (personal experience)
 - These additional Shuttle Bus Trips increased the trip count from 27-36 Shuttle Bus trips a day to upwards of 44.
- Last year I called to the Manager of the Loon Mountain Shuttle Bus Service. (personal experience)
 - I asked why the Loon Mountain Shuttle Buses were traveling in the opposite direction, on top of their regular route on Maple Street. I reported those same buses were traveling at higher rates of speed than usual.

PRESENTATION FOR TOWN OF LINCOLN, NH: BOARD OF SELECTMEN, OCTOBER 7, 2019

By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

- Her response was to state Loon Mountain was short on bus drivers.
- Bus drivers were doing additional stops and were late picking up people.
- She stated they should not be cutting back through from Main Street to Maple Street. She stated she would deal with the problem. She did, in fact, follow through, and the buses returned, except for a few exceptions, to only operating over Maple Street in the direction of Pollard Road to Main Street.

Context Note:

Highland Games Weekend: Vehicle traffic in town is huge. This added traffic on State of NH owned roads pushes drivers, either knowingly, or through a number of traffic apps readily available on the internet, to use Maple Street and other streets in the Village Residential Section of Lincoln to cut through to Pollard Road for a faster trip to their destination. Watching the increased vehicle operation on a busy weekend in the Fall, reminded me of the same increased vehicle operation on the weekends and holiday weeks in the winter. Being reminded of this increased vehicle operation in the winter, then reminded me of the approaching use of Maple Street as a Loon Mountain Shuttle Bus Route all winter long. Being reminded of this, then reminded me of my absolute aggravation of having to listen to grinding gears, roaring engines, and smelling exhaust in my house during the winter season. I work full time as a teacher. The only time I can enjoy my house is on the weekends and holidays. My ability to enjoy myself in my own domicile is severely limited due to obnoxious use.

II. THE QUESTION I ASKED AT THE SEPTEMBER 23, 2019 BOARD OF SELECTMEN MEETING:

Question: Tanya Patterson, 33 Maple Street, Resident

- "Does Loon, in advance...for their winter bus circuits, do they present them to any Board in town? Or, do they just run their bus routes?"

O.J. Robinson, Answer:

- "They just run their bus routes. They do not. They are public roads."

Ensuing Discussion: Encompassed reason for question and that I could call and ask Loon about route. (I will note here I stated "Village Center" numerous times. In retrospect, I meant "Village Residential".)

Retrieved from:

<https://lincolnnh.igm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1147&MinutesID=1088&Format=Minutes&MediaFileFormat=mpeg4> Time: 41:10.

III. PHONE DISCUSSION WITH V.P. OPERATIONS, LOON MOUNTAIN RECREATION CORPORATION:

- September 24, 2019, Mr. Brian Norton, Vice President, Operations, Loon Mountain Recreation Corporation:
 - I called and left a message with Mr. Norton on his voicemail asking him to call me back as I had questions about the Shuttle Bus that runs its route down Maple Street.
- September 25, 2019, Mr. Brian Norton, Vice President, Operations, Loon Mountain Recreation Corporation called me back and we had a conversation about the Loon Mountain Shuttle Buses:
 - I told him my reasoning for calling:
 - Loon Mountain is driving a full-size converted school bus as a Shuttle Bus for commercial purposes down the Village Residential section of town, as a specified route.
 - The Village Residential section of town is the most restricted use section, of the seven zoned sections, in the Town of Lincoln.
 - The houses on Maple Street are in close proximity of the street, being approximately 15 feet from the road.
 - On the days the Loon Shuttle Bus operates, the Shuttle Bus on the Pollard Road to Main Street route, makes a trip count of 3-4 trips an hour, on average, over Maple Street.
 - When multiplied out over the course of the day, the course of the day being approximately 8:00 am to 5:00 pm, those Shuttle Bus trips multiply out to 27-36+ Shuttle Bus trips a day, over Maple Street.
 - Last year, the Shuttle Buses, in addition to their "regular route", started cutting back from Main Street to Pollard Road, using Maple Street. At times, those buses when going from Main Street to Pollard Road, over Maple Street, did not stop at the Penguin Ski Club. This upped the average trip count substantially. So much so, in fact, I personally called to speak to the manager in charge of the bus routes to complain about the overly excessive use of Maple Street for Shuttle Bus trips.
 - The Shuttle Buses are loud when shifting to the next gear, vibrate my house, and I can smell exhaust and fumes from the Loon Mountain Shuttle Buses in my house during the day.
- During our conversation, we discussed the route, and the two land parcels that belong to the Penguin Ski Club.
 - One parcel being the actual Penguin Ski Club building in the zoned, Village Residential section of town, and their other parcel, their parking lot, being located in the Rural Residential section of town.
 - I asked, if possible, when picking up people at the Penguin Ski Club, could those people be picked up on the Pollard Road section of their property and the bus continue down Pollard Road towards Loon Mountain instead of turning onto Maple Street.
 - This would keep the Loon Mountain Bus in the Rural Residential section of town and not down the entire length of the Village Residential section of Maple Street.

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By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

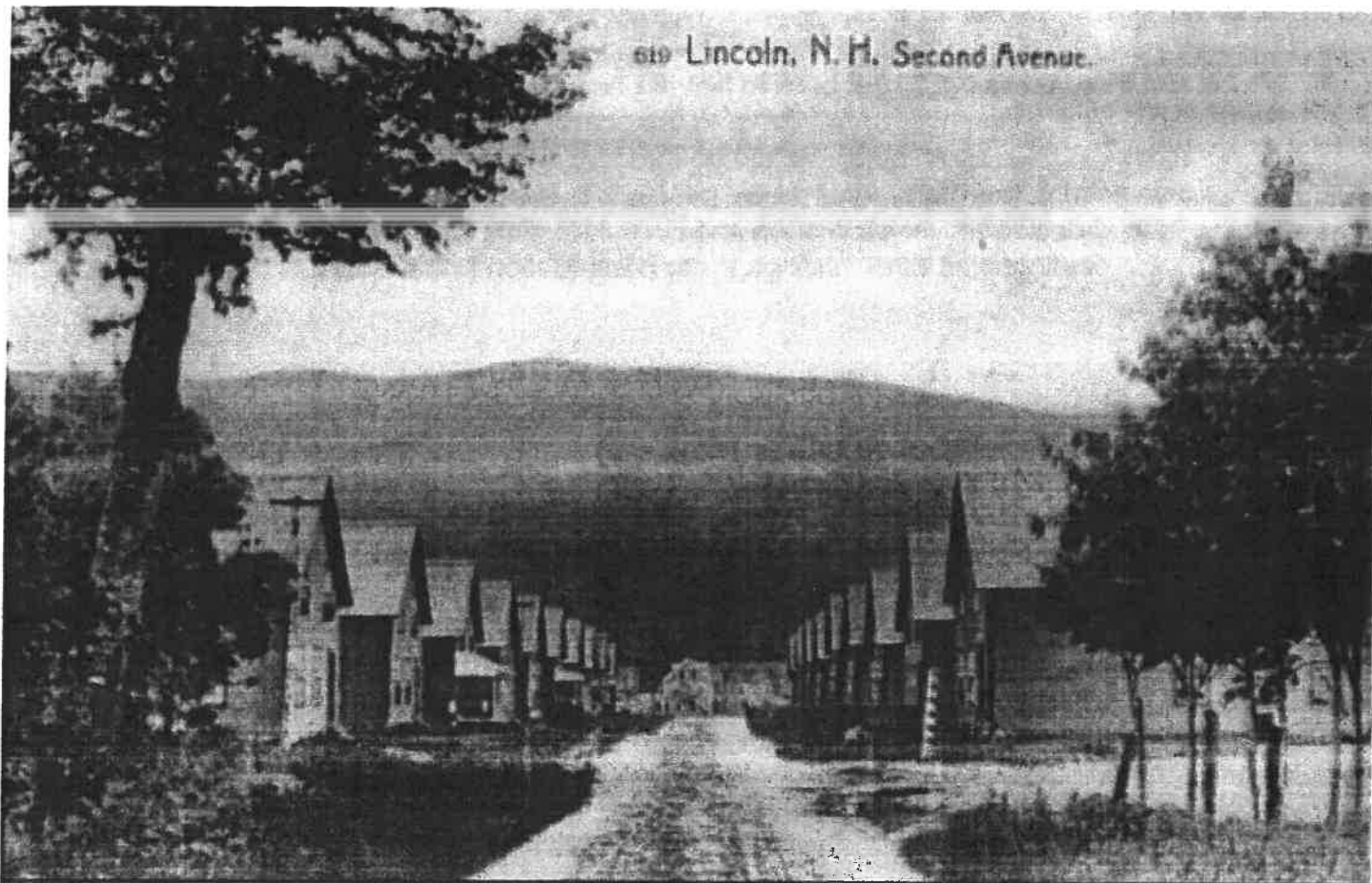
- Mr. Norton stated the people at the Penguin Ski Club probably wouldn't be happy about walking to the corner of Pollard Road to get on the bus.
- Mr. Norton then mentioned that the Penguin Ski Club had not signed their contract with Loon as of yet.
- Mr. Norton then asked me to get back to him if I had any other information regarding the Penguin Ski Club's Parcel #18 ownership to the corner of Pollard Road and Maple Street.
 - I took this request to mean he had no intention of even looking into the situation on his own accord, therefore, even if I did get back to him, it would be in vain.
 - I decided to let Mr. Norton and Loon Mountain Corporation know of my property findings and other findings in my presentation to the Board of Selectmen.

PRESENTATION FOR TOWN OF LINCOLN, NH: BOARD OF SELECTMEN, OCTOBER 7, 2019

By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

PRESENTATION

I. Information Regarding Maple Street History Through the Present



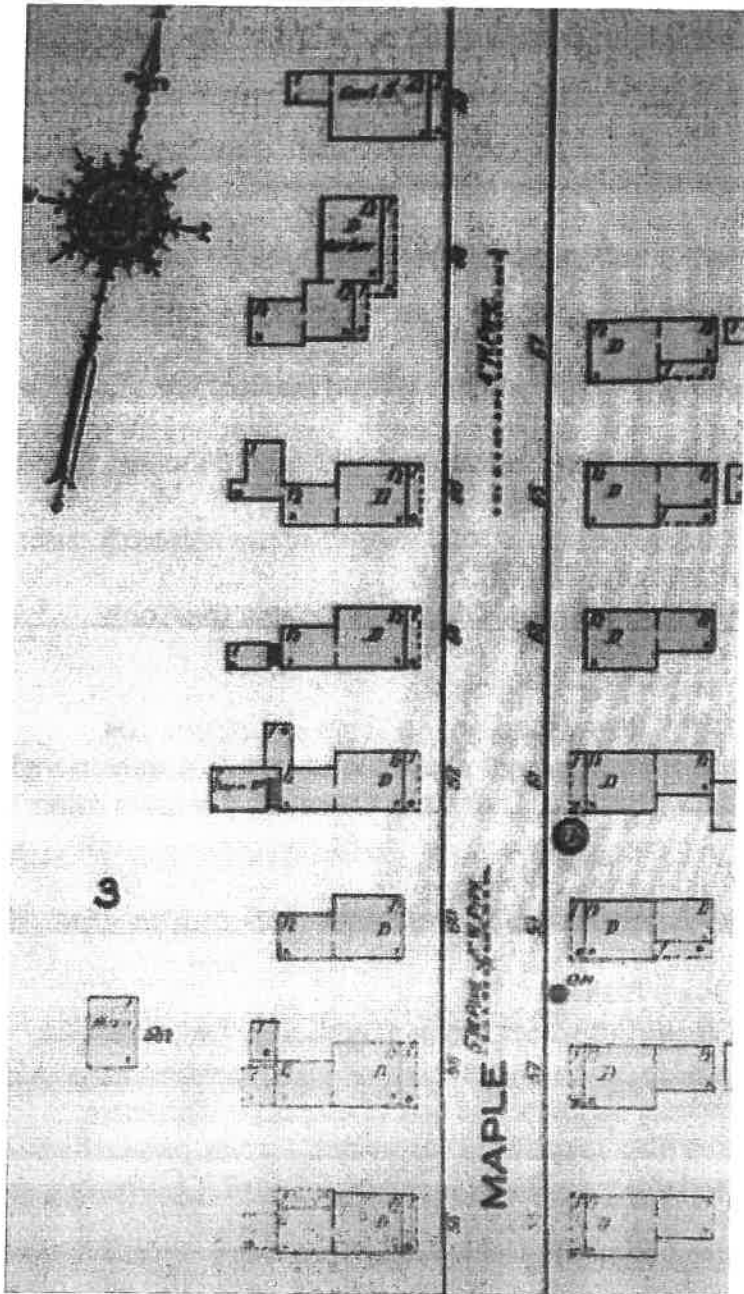
Retrieved from

<http://photos.whitemountainhistory.org/GalleryFilmstrip.aspx?gallery=331777&mid=10879882&mt=Photo&ci=008>. Copy also included in Appendix.

- While this photo states this picture is Second Avenue, Lincoln, NH, the same picture is displayed in the book *J.E. Henry's Logging Railroads*, by Bill Gove, (1998), pg. 129, with the Caption, "Lincoln's first homes on Maple Street. Every house was the same color, making it difficult to find one's own house if not sober."
 - The photo shows Maple Street as a one lane dirt road in a Mill House Neighborhood.
- The Barber Pole is significant in this picture. In the house next door, not pictured, but located to the right of the fence and the trees lived the Town Barber. The 1911 Sanborn Fire Map included in the Appendix shows the location of the Town Barber written on the House itself.
 - Retrieved from Retrieved from
http://whitemountainhistory.org/uploads/Sanborn_Lincoln_1911_NXPowerLite_.pdf

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- By determining the accuracy of Maple Street and the Town Barber on Maple Street, I can determine the first Mill House pictured on the right, in the first picture of Mill Houses, is in fact my house, today, in 2019.



Excerpt of full map of Maple Street.

- Retrieved from http://whitemountainhistory.org/uploads/Sanborn_Lincoln_1911_-_NXPowerLite_.pdf
- The length of Maple Street is located in 3 distinct zoning districts.
 - The length of Maple Street from the corner of Main Street and Maple Street to Cross Street is located in the Village Center zoned section of town.

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By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

- The length of Maple Street from Cross Street to the land line between the Penguin Ski Club Building and the Penguin Ski Club Parking lot is located in the Village Residential zoned section of town.
- The length of Maple Street from the land line between the Penguin Ski Club Building and the Penguin Ski Club Parking lot to the Corner of Pollard Road and Maple Street is located in the Rural Residential zoned section of town.
 - Retrieved from <https://www.axisgis.com/lincolnnh/>
- Width of Maple Street from interior Road Curb to interior Sidewalk Curb: 21 feet 7 ½ inches. 259 ½ inches. (personal measurement, 10/06/2019)
- Mine and Other Original Mill Houses on Maple Street in the Village Residential zoned section of town.
 - Living room windows to road interior of the sidewalk curb: 17 feet, 8 inches. (personal measurement, 10/06/2019)
 - End of front porch to where the road meets the road interior of the sidewalk curb: 11 feet 8 ½ inches. (personal measurement, 10/06/2019)
 - Porch to edge of sidewalk closest to the house: 7 feet 8 ½ inches. (personal measurement, 10/06/2019)
- Maple Street is now considered a “Class V Town Road” in the Town of Lincoln, NH.
 - “**Class V - 7.6 miles** All other traveled highways which the town has a duty to maintain regularly and shall be known as town roads. These are the roads the town refers to as “Town Roads”.
 - Retrieved from https://www.lincolnnh.org/sites/lincolnnh/files/uploads/2016_master_plan.pdf
- The Town can restrict “Class V Town Roads”.
 - “**Section 41:11: 41:11 Regulation of Use of Highways, Etc.** – Unless regulated by the commissioner of the department of transportation as provided in RSA 236:1, the selectmen may regulate the use of all public highways, sidewalks, and commons in their respective towns and for this purpose may exercise all the powers conferred on city councils by RSA 47:17, VII, VIII, and XVIII, and by any other provisions of the laws upon the subject.”
 - Retrieved from <http://www.gencourt.state.nh.us/rsa/html/iii/41/41-mrg.htm>

II. Loon Mountain Recreation Corporation and Loon Mountain Shuttle Bus Service

- Loon Mountain Recreation Corporation is a Domestic Profit Corporation created In Perpetuity on 08/24/1965. Business ID number: 16056. Registered Agent Name: Jason Scambio. Listed as currently in "Good Standing" with the New Hampshire Secretary of State's Office. There are no other "Trade Name Owned By".
 - Retrieved from
<https://quickstart.sos.nh.gov/online/BusinessInquire/BusinessInformation?businessID=11150>
- The Shuttle Bus which operates routinely on Maple Street is a full-size *converted* school bus. (personal observation)
 - Weight of Full Size School Bus:
 - **"GVWR:** Gross vehicle weight rating; the value specified by the vehicle manufacturer as the load carrying capacity of a single vehicle as measured at the tire-ground interfaces. For school buses, NHTSA has defined in Title 49 CFR, Section 567.4(g)(3), the minimum occupant weight allowance as 120 pounds per passenger times the number of the vehicle's designated seating positions and 150 pounds for the driver. Gross vehicle weight rating shall not be less than the sum of the unloaded vehicle weight, plus the rated cargo load."
 - Retrieved from *17th National Congress on School Transportation*, 2015.
<http://www.nasdpts.org/ncstonline/Documents/NCST%202015%20Specifications%20and%20Procedures%204.20.18.pdf>, pg. 262.
 - **"Type C:** A Type "C" school bus is constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels; also known as a conventional school bus. This type also includes cutaway truck chassis or truck chassis with cab with or without a left side door and a GVWR greater than 21,500 pounds".
 - **"Type D:** A Type "D" school bus is constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels; also known as rear or front engine transit style school bus."
 - Type C and Type D, Retrieved from *17th National Congress on School Transportation*, 2015.
<http://www.nasdpts.org/ncstonline/Documents/NCST%202015%20Specifications%20and%20Procedures%204.20.18.pdf>, pgs. 253-254.
 - **Dimensions of a Full Size School Bus: Saf-C 1308.03**
 - "(f) The overall bus length shall not exceed 45 feet, excluding accessories."
 - "(g) The overall bus width shall not exceed 102 inches, excluding accessories."

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- Retrieved from
http://www.gencourt.state.nh.us/rules/state_agencies/saf-c1300.html.
- CDL Requirement
 - **“Passenger Vehicles (P-endorsement):** This endorsement is required to drive any commercial vehicle designed to transport 16 or more passengers including the driver.”
 - Retrieved from
<https://www.nh.gov/safety/divisions/dmv/driver-licensing/commercial/index.htm>.
- The Town of Waterville, NH has a MEMORANDUM OF AGREEMENT (MOA) between the Waterville Valley Ski Resort, LLC, (WVSR) the Town of Waterville Valley, the Waterville Valley Resort Association and the Snowy Owl Inn.
 - The (MOA) is entitled “Concerning Cost Sharing for the Operation of a Transit Service in the Town of Waterville Valley”.
 - It states, “. . . WHEREAS, WVSR operates a transit service to serve its guests in the Town of Waterville Valley, and, . . .”
 - Retrieved from said MEMORANDUM OF AGREEMENT, copy included in the Appendix.

III. Contradictory Statements Regarding Loon Mountain Shuttle Bus Service

- 2026: LINCOLN LOOKS FORWARD, Master Plan, *Town of Lincoln*, (2016). Pg. 13.
 - LAND USE SECTION:
 - “2T. Reduce traffic congestion in the village during busy seasons and events.”
 - “Provide public bus/shuttles along Main Street and Route 3 to ski areas and other attractions in order to encourage remote parking and reduce car traffic in these areas during busy seasons and events.”
 - Retrieved from
https://www.lincolnnh.org/sites/lincolnnh/files/uploads/2016_master_plan.pdf.
- 2026: LINCOLN LOOKS FORWARD, Master Plan, *Town of Lincoln*, (2016). Pg. 62.
 - TRANSPORTATION SECTION:
 - Public Transportation
 - “From early December to March, **Loon Mountain Resort** runs a free shuttle bus from many of the private condominiums, hotels, and inns to the ~~Loon Mountain~~ ski area. This service is intended for customers of the Loon Mountain Ski area.”
 - Retrieved from
https://www.lincolnnh.org/sites/lincolnnh/files/uploads/2016_master_plan.pdf.

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- Penguin Ski Club
 - "ABOUT US:"
 - "We also contract with Loon Mountain to use the Loon Mountain shuttle service which provides weekend bus connections to the mountain."
 - Retrieved from <https://penguinskiclub.org/testsite/index.php/about-us/>.
- Per my conversation with Mr. Brian Norton, VP Operations:
 - He informed me Loon had not yet contracted with the "*Penguin Ski Club*" for the upcoming year. (personal conversation)

IV. State of New Hampshire Zoning Guidance Pertinent to this Presentation

- "What is a Master Plan? A master plan is a planning document that serves to guide the overall character, physical form and development of a community (RSA 674:2). "
 - Retrieved from <https://www.nh.gov/osi/planning/resources/conferences/spring-2018/documents/intro-land-use-handout.pdf>, pg. 16.
- "Permissive" v. "Prohibitory" Zoning Ordinances
 - "Most zoning ordinances in New Hampshire are of the so-called 'permissive' variety. That is, in the absence of a variance or special exception, such an ordinance functions generally to prohibit uses of land unless they are expressly permitted as primary uses or can be found to be accessory to a permitted use. The rule of accessory use is in response to the impossibility of providing expressly by zoning ordinance for every possible lawful use. Even under a permissive ordinance, a given use may be allowed even if it is not explicitly allowed. Those types of uses are said to be accessory to the use that is expressly permitted. Most ordinances expressly provide for some accessory uses, although the common law provides for them when the ordinance is silent on the matter."
 - Retrieved from Office of Strategic Initiatives <https://www.nh.gov/osi/planning/resources/conferences/spring-2018/documents/intro-land-use-handout.pdf>, pgs. 19-20.
 - "*Permissive Ordinance*" as defined by the New Hampshire Office of Strategic Initiatives, Spring Planning and Zoning Conference 2019, *Municipal Regulation of Short-Term Rentals*, by Cordel Johnson, Government Affairs Counsel, New Hampshire Municipal Association:
 - "a) Permissive ordinances. A permissive ordinance generally **prohibits** all uses that are not **expressly permitted** in the ordinance. If a particular use is not mentioned in the ordinance, it is not allowed in the municipality, unless it can be deemed an accessory use to permitted use. The ordinance typically lists all the permitted uses and contains a statement saying something to the effect of "Any use of a building, structure, or land not expressly permitted in this ordinance shall be prohibited."

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- Retrieved from <https://www.nh.gov/osi/planning/resources/conferences/spring-2019/documents/short-term-rentals-presentation.pdf>, pg. 5.
- Common Law Principles:
 - C. Nonconforming Uses (aka grandfathered rights) A use that legally existed at the date the zoning ordinance was adopted. The right continues until abandoned or terminated. Determining abandonment or termination can be challenging. Zoning ordinances should regulate the disposition of nonconforming uses. A variance or special exception may be required to expand or alter an existing nonconforming use. See *Town of Hampton v. Brust*, 122 NH 463 (1982); *New London Land Use Association v. New London Zoning Board*, 130 NH 510 (1988).
 - Retrieved from <https://www.nh.gov/osi/planning/resources/conferences/spring-2018/documents/intro-land-use-handout.pdf>, pg. 8.
- **Maximum Weight Limits on Class IV, V, and VI Roads: Section 231:190**
 - **“231:190 Statement of Purpose.** – The general court finds that important sectors of commerce of this state depend, in part, on the efficient vehicle transport of unprocessed natural resources, manufactured goods and other commercial products across class IV, V, and VI municipal roads. The condition of such roads may at times necessitate that certain limits, seasonal or otherwise, as authorized in RSA 41:11, be placed upon the weight of vehicles that can safely pass across such roads, so as to avoid causing damage which may result in hazards to public safety or excessive municipal expense. The general court urges municipalities to exercise this authority in ways that do not unreasonably infringe on the efficient movement of unprocessed natural resources, manufactured goods and other commercial products essential to a healthy state economy.”
 - Retrieved from <http://www.gencourt.state.nh.us/rsa/html/XX/231/231-190.htm>
- **CHAPTER 48-A: HOUSING STANDARDS**
 - **“Section 48-A:1 V.** "Vacation rental" or "short-term rental" means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner occupied residential home, that is offered for a fee and for less than 30 consecutive days.”
 - Retrieved from <http://gencourt.state.nh.us/rsa/html/iii/48-a/48-a-mrg.htm>
- **CHAPTER 78-A:TAX ON MEALS AND ROOMS**
 - **Section 78-A:3.XX.** "Short-term rental" means the rental of one or more rooms in a residential unit for occupancy for tourist or transient use for less than 185 consecutive days.
 - Retrieved from <http://www.gencourt.state.nh.us/rsa/html/V/78-A/78-A-3.htm>
- Statutory Authority and Zoning Authority to limit and prohibit short-term rentals
 - “A. Statutory authority. RSA 674:16. The zoning enabling statute, states that a zoning ordinance “shall be designed to regulate and restrict,” among other things, “the location

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and use of buildings, structures and land used for business, industrial, residential, or other purposed.” That is quite clear. The zoning ordinance may regulate the use of buildings for “business, industrial, residential or other purposes” - that is any purpose. Various statutes and court decisions impose limits on municipal authority to regulate property uses through zoning, but there is nothing that prohibits regulation of short-term rentals.”

- Retrieved from New Hampshire Office of Strategic Initiatives, Spring Planning and Zoning Conference 2019, *Municipal Regulation of Short-Term Rentals*, by Cordel Johnson, Government Affairs Counsel, New Hampshire Municipal Association:
<https://www.nh.gov/osi/planning/resources/conferences/spring-2019/documents/short-term-rentals-presentation.pdf>, pg. 2.

- Statutory Authority and Zoning Authority to limit and prohibit short-term rentals
 - C. **Selective enforcement** “...A municipality’s historical failure to enforce its zoning ordinance against short-term rental property owners does not prevent it from initiating enforcement now - so long as it does so consistently. Nor is it required to perform detective work to find every single violator; zoning violations often come to a municipality’s attention only because a neighbor has complained. If the municipality undertakes enforcement as it becomes aware of potential violations, and does so fairly, that is sufficient to avoid a claim of selective enforcement.”
 - Retrieved from New Hampshire Office of Strategic Initiatives, Spring Planning and Zoning Conference 2019, *Municipal Regulation of Short-Term Rentals*, by Cordel Johnson, Government Affairs Counsel, New Hampshire Municipal Association:
<https://www.nh.gov/osi/planning/resources/conferences/spring-2019/documents/short-term-rentals-presentation.pdf>, pg. 4.

V. Town of Lincoln Zoning and Ordinances Pertinent to this Presentation

- “ARTICLE VI: DISTRICT AND DISTRICT REGULATIONS”
 - “Section B. DISTRICT REGULATIONS. Uses in all districts shall conform to the requirements for the Districts set forth in this section”.
 - “1. LAND USE: Uses for all zones are in the Land Use Schedule and all activities or uses of land shall conform to that schedule. In the Land Use Schedule a “Y” means the use is permitted. “SE” means that the use is only permitted when a special exemption is granted by the Zoning Board of Adjustment, and “N” means that the use is not permitted within that zone. Any use not listed as permitted or which is not allowable by Special Exemption shall be prohibited. The Board of Adjustment may however determine if a specific use not listed in the Schedule falls under the category of a listed permitted use provided that the proposed use is sufficiently similar to the listed use.”

PRESENTATION FOR TOWN OF LINCOLN, NH: BOARD OF SELECTMEN, OCTOBER 7, 2019

By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

- Retrieved from Town of Lincoln, New Hampshire: LAND USE PLAN ORDINANCE, Last Revised - March 13, 2018.
https://www.lincolnnh.org/sites/lincolnnh/files/uploads/revised_lupo_0.pdf.
- 2026: LINCOLN LOOKS FORWARD, Master Plan, *Town of Lincoln*, (2016), pg. 29.
RESIDENTIAL DISTRICTS:
 - "I. Village Residential (VR): The Village Residential district is located north of Main Street, but south of Pollard Road and encompasses lots on the east side of Maple Street all the way to the west side of the Lin-Wood School property. This district allows for lots as small as 8,000 sq. feet to maintain the village character of the area. Churches and other public uses are also found within this area. Multi-family housing, manufactured homes, and cluster types of residential development are prohibited in this district."
 - "III. Rural Residential (RR): The Rural Residential district is the largest of all districts. It allows all types of residential development, except multi-family, as well as public uses and tourist attractions."
 - The above retrieved from
https://www.lincolnnh.org/sites/lincolnnh/files/uploads/2016_master_plan.pdf
- 2026: LINCOLN LOOKS FORWARD, Master Plan, *Town of Lincoln*, (2016), pgs. 28-29.
COMMERCIAL/BUSINESS DISTRICTS:
 - "II. Village Center (VC): The Village Center district is located on each side of Route 112 from Railroad Street to the Town Office Building. Most residential and commercial uses are permitted within this district. A minimum front setback of 5 feet allow for businesses and residences to be built close to the street to maintain the density and village center feeling."
 - Retrieved from
https://www.lincolnnh.org/sites/lincolnnh/files/uploads/2016_master_plan.pdf.
- **ARTICLE V: GENERAL REGULATIONS**
 - "**Section C. NOXIOUS USES.** Any use that may be injurious or obnoxious because of the production or emission of smoke, fumes, dust, odor, refuse material, noise, vibration, radiation or like condition, or that may endanger, disturb or annoy the health, safety, peace or enjoyment of the community is prohibited."
 - Retrieved from Town of Lincoln, New Hampshire: LAND USE PLAN ORDINANCE, Last Revised - March 13, 2018.
https://www.lincolnnh.org/sites/lincolnnh/files/uploads/revised_lupo_0.pdf.
- **Town of Lincoln TRAFFIC ORDINANCE**
 - "Section 3: INTERFERENCE WITH TRAFFIC: STREET CORNERS
~~No motor vehicle shall in any public street or part thereof, without necessity, so occupy the same, or unreasonable, to interfere with or interrupt passage of other vehicles thereon and shall not stop within twenty (20) feet of any street corner.~~"
 - Retrieved from
https://www.lincolnnh.org/sites/lincolnnh/files/uploads/traffic_ordinance_08_12_19.pdf

VI. "PENGUIN SKI CLUB": Earliest Records Through Present Time

- April 29, 1968: Moose Mt. Ski Club, Inc., Articles of Agreement signed. Filed on May 3, 1968.
 - Retrieved from <https://quickstart.sos.nh.gov/online/BusinessInquire/FilingHistory?businessID=465085>.
 - Copy, Articles of Agreement also attached to Appendix.
- April 21, 1969: Deed
 - "A certain parcel of land, with the buildings thereon, situate is the Town of Lincoln, Country of Grafton, and The State of New Hampshire... conveyed by said Lin-Wood Development Corporation to Cohasset Swim Club, Inc., d/b/a Penguin Ski Club, by deed dated April 21, 1969.
 - Retrieved from Tapestry. Copy to be included in Appendix.
- 1/12/1970: Moose Mt. Ski Club, Inc., Articles of Agreement amendment.
 - "On motion duly made and seconded, it was unanimously voted to change the name of the corporation from Moose Mountain Ski Club, Inc., to Penguin Ski Club, Inc."
 - Retrieved from <https://quickstart.sos.nh.gov/online/BusinessInquire/FilingHistory?businessID=465085>.
 - Copy, Articles of Agreement also attached to Appendix.
- 6/12/1972: Property Transfer, Name Transfer
 - That Cohasset Swim Club, Inc., a non-profit corporation... doing business under the name Penguin Ski Club... for one dollar and other valuable consideration the receipt of which is hereby acknowledged grant to Maple Street Ski Club, Inc., a non-profit corporation organized under the laws of the State of New Hampshire, doing business under the name and style of Penguin Ski Club and having a principal place of business in Lincoln, County of Grafton, State of New Hampshire."
 - Retrieved from Tapestry. Copy to be included in Appendix.
- 2/25/1977: Penguin Ski Club, Inc., is under Administrative Dissolution/Suspension
 - Retrieved from <https://quickstart.sos.nh.gov/online/BusinessInquire/FilingHistory?businessID=465085>.
- 9/02/1977: Articles of Agreement, Maple Street Ski Club, Inc.
 - "Article 2. The object for which this corporation is established is the organization and maintenance of a club in the State of New Hampshire for social, recreation and sports activities and to serve and promote the recreational interests of the State of New Hampshire."
 - "Article 4. The address at which the business of this corporation is to be carried on is Maple Street, Lincoln, New Hampshire."
 - Retrieved from <https://quickstart.sos.nh.gov/online/BusinessInquire/FilingHistory?businessID=28338>.

PRESENTATION FOR TOWN OF LINCOLN, NH: BOARD OF SELECTMEN, OCTOBER 7, 2019

By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

- 12/07/2015: Maple Street Ski Club, Inc., is a Domestic Nonprofit Corporation created in perpetuity on 9/02/1977. Business ID: 61730. In Good Standing. No Trade Names associated with this business. No Registered Agent.
 - Retrieved from <https://quickstart.sos.nh.gov/online/BusinessInquire/BusinessInformation?businessID=28338>.
- Listed Owner of the Building Property at 41 MAPLE STREET as PENGUIN SKI CLUB
 - Retrieved from Penguin Ski Club Tax Card
<http://images.vgsi.com/cards/LincolnNHCards/114/M114-B017-L000-00U00000-.pdf>
- Listed Owner of the Parking Lot Property at MAPLE STREET #LO as PENGUIN SKI CLUB
 - Retrieved from Penguin Ski Club Parking Lot Tax Card
<http://images.vgsi.com/cards/LincolnNHCards/114/M114-B018-L000-00U00000-.pdf>
- Building Property is in VILLAGE RESIDENTIAL zoned section of town.
 - Retrieved from <https://www.axisgis.com/lincolnnh/>.
- Parking Lot Property is in the RURAL RESIDENTIAL zoned section of town.
 - Retrieved from <https://www.axisgis.com/lincolnnh/>.
- Penguin Ski Club Website: <https://penguinskiclub.org/testsite/>.
- Penguin Ski Club Guest Rates

Penguin Ski Club Guest Rates 2019-2020

Weekend Rates

Weekend-includes bunk for Friday and Saturday nights, breakfast and dinner on Saturday and Breakfast on Sunday.

Adult-21 years and older	\$80.00
Teen-15 through 20 years	\$60.00
Children 4-14 years	\$40.00
2-3 years	\$25.00
0-1 year	no charge

One Night Rates

For Christmas Week, MLK Weekend and February Vacation only. These include dinner, Bunk and Breakfast.

Adult-21 years and older	\$40.00
Teen-15 through 20 years	\$30.00
Children 4-14 years	\$20.00
2-3 years	\$12.50
0-1	no charge

PRESENTATION FOR TOWN OF LINCOLN, NH: BOARD OF SELECTMEN, OCTOBER 7, 2019
By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

Off Season (No cooks)

Adult-21 years and older	\$20.00
Teen-15 through 20 years	\$20.00
Children 4-14 years	\$15.00
2-3 years	\$10.00
0-1	no charge

- Retrieved from <https://penguinskiclub.org/testsite/index.php/guest-rates/>.

- **IRS: 501(c)(7) - Social and Recreation Clubs**

- **Business activities.** If your club will engage in business, such as selling real estate, timber, or other products or services, it generally will be denied exemption. However, evidence submitted with your application form that your organization will provide meals, refreshments, or services related to its exempt purposes only to its own members or their dependents or guests won't cause denial of exemption.
 - https://docs.google.com/document/d/1r2iYAuZf8yKItTwErdJpNWC9YZJ2Se1Y4Hz_ljm0lQQ/edit#

- I asked Nate Hadaway, Director of Public Works for the Town of Lincoln, to measure from the Street Corner of Maple Street and Pollard Road to Penguin Ski Club's property line on Pollard Road. The Street Corner in this instance, being the apex of the arc of the "corner". The distance from the Street Corner to the line of their property on Pollard Road is approximately 18 feet. (personal experience)

VII. Options to consider when creating a SHORT-TERM RENTAL POLICY

- The Town of Lincoln does not currently have a SHORT-TERM RENTAL POLICY. They are currently starting the discussion about one during the Board of Selectmen Meeting on October, 7, 2019.
 - <https://www.lincolnnh.org/home/news/public-notice-short-term-rental-discussion-monday-october-7th-at-530-pm>
- Items to be included in a SHORT-TERM RENTAL POLICY/ORDINANCE
 - "If the ordinance is going to allow short-term rentals, the following are some of the issues that should be considered. (There are likely several others):
 - Limit on the number of units per property
 - Limit on the number of guests per unit
 - Limit on the number of days per year units may be rented
 - Owner occupancy requirement
 - Allowance only by special exemption
 - Restriction to specific zoning districts
 - Periodic safety inspections"

PRESENTATION FOR TOWN OF LINCOLN, NH: BOARD OF SELECTMEN, OCTOBER 7, 2019

By Tanya L. Patterson, Resident 33 Maple Street, Village Residential Zoned Section, Lincoln, NH

“Assuming the planning board has site plan review authority, other matters, such as noise, trash, parking, and hours of check-in and check-out, can be addressed here. Otherwise, they should be considered for inclusion in the ordinance. It is impossible to address every imaginable situation in a zoning ordinance, but an effort should be made to anticipate and answer as many questions as possible.”

- Retrieved from New Hampshire Office of Strategic Initiatives, Spring Planning and Zoning Conference 2019, *Municipal Regulation of Short-Term Rentals*, by Cordel Johnson, Government Affairs Counsel, New Hampshire Municipal Association:
<https://www.nh.gov/osi/planning/resources/conferences/spring-2019/documents/short-term-rentals-presentation.pdf>, pg. 7.

VIII. Appendix of References Referred to in Presentation

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ARTICLES OF AGREEMENT
MOOSE MT. SKI CLUB, INC.

In accordance with the provisions of Chapter 292 of the New Hampshire Statutes Annotated, and all acts amendatory thereto, or additional or supplementary thereto, we, the undersigned, being all of lawful age and whose residences are set opposite our respective names, hereby associate ourselves together by these written articles of agreement for the purpose of forming a corporation under the laws of New Hampshire.

ARTICLE I

The name of the corporation shall be MOOSE-MT. SKI CLUB, INC.

ARTICLE II

The objects of the corporation to be established are:

- (a) To promote and to encourage the development of ski racing.*
- (b) To assist and cooperate with the United States Eastern Amateur Ski Association in the development and furthering of ski races.*
- (c) To promote relationships between ski clubs, their members and affiliations.*
- (d) To do any and all acts necessary and proper to accomplish the purpose of its incorporation.*

ARTICLE III

The principal place of business of this corporation is to be located at Moose Mountain, Brookfield, New Hampshire.

ARTICLE IV

The first meeting of the corporation shall be held at Moose Mountain on November 1st, 1968.

Robert D. Keenan
President

Frank Heenan
Vice President

Yvonne Tassier
Secretary

W. F. Curran Jr.
Treasurer

Robert L. Hill
Director

Longmire S. S.

Mr. Leonard H.

Walter J. H.

Mellon N. H.

Dan R. A.

Received and recorded this 29th day of April, 1968.

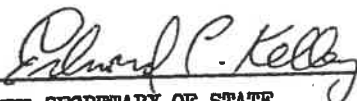
Nancy L. Littlemore
Town Clerk, Brookfield, New Hampshire

OFFICE OF THE SECRETARY OF STATE

Filed for record this 3 rd

day of May 19 68

at 9:00 A.M. o'clock


DEPUTY SECRETARY OF STATE

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and run across the Grantor's land in a EASTERLY direction to beholden A Pole
located SOUTH Westerly OF GRANTORS HOUSE

The exact location of said line or lines is to be selected by the grantor after their final surveys have been completed, within the above described location and to become permanently established upon the erection of the poles in said line or lines.

Together with the right to cut down, keep trimmed or eliminated by such means as Grantor deem desirable, all trees and underbrush as the Grantor may from time to time desire within a width of twenty-five feet on each side of the said line or lines of poles above described; together with such other trees on said premises adjacent to this right of way as, in the judgment of the Grantor, may interfere with or endanger the efficient operation and use of said lines or any of their appurtenances when erected.

Together, also, with the right to enter upon such right and easements, across other property owned by the Grantor, for the purpose of exercising any of the rights herein granted; provided, however, that said right must be exercised in a careful manner and any damages to such other property of the Grantor caused by the Grantor shall be borne by the Grantee.

RESERVING, however, to the Grantor, the right to cultivate the ground between each pole and under each such wire and/or cables as may be erected, replaced, and maintained upon such easement, provided such use shall not interfere with the rights herein granted.

The Grantor covenants and agrees not to construct or erect any buildings or structures of any kind within ten (10) feet on each side of said line or lines of poles above described without written permission from executive officers of the Grantee.

TO HAVE AND TO HOLD the abovegranted rights and easements, with all the privileges and appurtenances, thereto belonging, unto and to the use of said Grantee and their successors and assigns forever and the Grantor does hereby covenant with the Grantee and their successors and assigns, that they lawfully seized in fee simple of the granted premises, that they are free from all encumbrances, except

that the Grantor has good right to sell and convey the said premises and will warrant and defend the same to the Grantee and their successors and assigns forever against the claims and demands of all persons.

And I, the Grantor do release and quit claim all my rights of donor (Curtesy) and homestead and other interests therein.

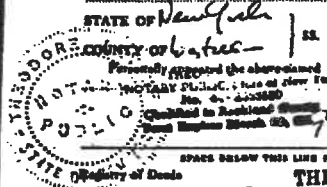
The foregoing shall be binding upon and shall inure to the benefit of the respective heirs, administrators, executors, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the Grantor has signed their hand and seal this 21
day of FEBRUARY A. D. 1964

WITNESSES:

Bruce Greenberg
Wayne Mackay

Asst. Home & Quilt
Adm. H. S. S. S.



Home & Quilt Adm. H. S. S. S. A. D. 1964
and acknowledged the foregoing instrument to be voluntary act and deed
Before Charles A. Wood Notary Public

SPACE BELOW THIS LINE FOR RECORDS OFFICE PROPERTY SEAL AND NUMBER OF ABOVE CONVEYANCE.

THE CONSIDERATION FOR THIS
 CONVEYANCE IS LESS THAN \$100.

Sup. No.

Received and recorded April 30, 1969 8:30 A.M.

Charles A. Wood Register

KNOW ALL MEN BY THESE PRESENTS

THAT LIN-WOOD DEVELOPMENT CORPORATION, a corporation duly organized under the laws of the State of New Hampshire and having a principal place of business in Lincoln, County of Grafton, State of New Hampshire, for consideration paid grant to the Ghasset & Co. Club, Inc. doing business as Penguin Ski Club a non-profit corporation chartered in Commonwealth of Massachusetts, August 18, 1967, all that property deeded to it by the Town of Lincoln under a quitclaim deed from the Selectmen thereof dated the 16th day of July, 1963, recorded in Grafton County Registry of Deeds, Libre 1024, Folio 75.

IN WITNESS WHEREOF said Lin-Wood Development Corporation has caused its name and seal to be subscribed hereto by authority of the Board of Directors

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thereof this 21 day of April, 1969.

WITNESS:

LIN-WOOD DEVELOPMENT CORPORATION

John M. Hanks

Raymond J. O'Rourke
President

STATE OF NEW HAMPSHIRE)
GRAFTON COUNTY) SS.

April 21, 1969

Before me, the undersigned officer, personally appeared Raymond J. O'Rourke, President of Lin-Wood Development Corporation, and acknowledged that in his capacity as aforesaid he executed the foregoing instrument as his voluntary act and deed.

James D. McLaughlin
Notary Public

My Commission expires:

9-30-71

Received and recorded April 30, 1969 8:30 A.M.

KNOW ALL MEN BY THESE PRESENTS

That COHASSET SWIM CLUB, Inc., a non-profit corporation chartered in the Commonwealth of Massachusetts August 18, 1967, doing business under the name and style of PENGUIN SKI CLUB and having a principal place of business in Cohasset, County of Norfolk and Commonwealth of Massachusetts,

For and in Consideration of the sum of ELEVEN THOUSAND TWO HUNDRED FIFTY/ (11,250.00)
Dollars

to It in hand, before the delivery hereof, well and truly paid by

THE LITTLETON SAVINGS BANK

a corporation doing business in Littleton, County of Grafton, State of New Hampshire, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell and convey unto the said LITTLETON SAVINGS BANK, its successors and assigns, forever,

A certain parcel of land, with the buildings thereon, situate in the Town of Lincoln, County of Grafton and The State of New Hampshire; and being all and the same premises deeded by the Town of Lincoln to Lin-Wood Development Corporation by deed dated July 16, 1965, recorded Grafton County Registry of Deeds Book 1024, and conveyed by said Lin-Wood Development Corporation to Cohasset Swim Club, Inc., d/b/a Penguin Ski Club, by deed dated April 21, 1969, recorded Grafton County Registry of Deeds herewith, to which deeds and prior deeds reference is hereby made for a further and more particular description of the same.

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To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging, to it, the said LITTLETON SAVINGS BANK, Its successors and assigns, to its and their only proper use and benefit forever.

And It the said grantor(s), and Its successors and assigns, does

~~and~~ hereby covenant, grant and agree to and with the said LITTLETON SAVINGS BANK, Its successors and assigns, that until the delivery hereof It is the lawful owner(s) of the said premises and is seized and possessed thereof in Its own right in fee simple, and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear of any encumbrance whatsoever except as heretofore stated; and that It and Its/ ~~successors and assigns~~ shall and will warrant and defend the same to the said LITTLETON SAVINGS BANK, Its successors and assigns, against the lawful claims and demands of any person or persons whomsoever.

And

~~In consideration of the sum of money to be hereunto by the said grantor(s) paid to the said LITTLETON SAVINGS BANK, Its successors and assigns, the sum of~~

And we and each of us do hereby release all rights of homestead, reserved in us, or either of us, by the Laws of the State of New Hampshire.

Provided however, that if the said grantor(s) or Its successors or assigns,

or ~~the said grantor(s) or Its successors or assigns~~ shall well and truly pay to the said LITTLETON SAVINGS BANK, Its successors or assigns, the sum of
-----ELEVEN THOUSAND TWO HUNDRED FIFTY (11,250.00)----- Dollars
on demand, with interest at the rate of eight percent (8%) per annum,

according to the tenor of one promissory note for said sum, of even date herewith, signed by said mortgagor(s) and payable to the order of the said LITTLETON SAVINGS BANK \$750.00 principal plus interest annually.

and until such payment, shall keep the buildings on said land insured against fire, with extended coverage, in such sum and in such form and in such companies as said Bank shall approve or require, all policies on the property to be payable, in case of loss, to the said LITTLETON SAVINGS BANK and deposited with It; shall pay all taxes and assessments levied or assessed upon or on account of said premises when the same are due; shall pay to the said Bank, Its successors or assigns, all sums which It or they shall pay on account of or for any such insurance and taxes and all other expenses legally incident to said granted premises with interest thereon; and shall not commit nor suffer any strip or waste of said premises or any breach of any covenant herein contained; then the foregoing deed shall be void and of no effect, otherwise shall remain in force.

And it is agreed that, on failure of performance of any of said conditions, the full sum of any unpaid balance of the mortgage debt hereby secured shall become due and payable and the said LITTLETON SAVINGS BANK, Its successors or assigns, may advertise said mortgaged premises or any part thereof for sale, and notify the mortgagor(s) as provided by law in such cases, and may sell said mortgaged premises or any part thereof with all improvements that may be thereon at public auction at some place in the town where the land is situated in one or more lots, at one or several sales, to the highest bidder, and is hereby empowered by Its Vice-President or Treasurer to convey the premises so sold to the purchaser or purchasers by indefeasible title discharged of all rights of redemption by the mortgagor(s) or Its ~~successors and assigns~~ successors or assigns, or any other person claiming under It.

The Bank shall apply the proceeds of such sale or sales in payment of all sums secured by this mortgage deed, and all costs and expenses incurred by it in the sale, and pay over the balance, if any, to the mortgagee(s) or its legal representative(s); and it does hereby, for itself and for its successors and assigns, covenant with said Bank, and its successors and assigns, that, in case a sale or sales shall be made under the foregoing power, it or they will, upon request, execute, acknowledge and deliver to the purchaser a deed or deeds of release confirming such sale and will pay all costs, including attorney's fees, in the event that foreclosure proceedings are discontinued before the sale.

It is agreed that said Bank, its successors and assigns, or any person in their behalf, may purchase at any sale or sales made as aforesaid, and that no other purchaser shall be answerable for the application of the purchase money.

IN WITNESS WHEREOF, said CONASSET SWIM CLUB, Inc., d/b/a Penguin Ski Club, has caused its name to be subscribed and its corporate seal to be hereunto affixed by Robert W. Mulligan its President and by Edward E. Macbeth its Secretary, both thereto duly authorized this 25th day of April, 1969.

the presence of:

Robert W. Mulligan Witness to both
CONASSET SWIM CLUB, Inc.,
d/b/a Penguin Ski Club
By Edward E. Macbeth Its President

By John J. Macbeth Its Secretary
(hereunto duly authorized)

STATE OF NEW HAMPSHIRE

COUNTY OF

On this the 25th day of April, 1969, before me, the undersigned officer, personally appeared Robert W. Mulligan and Edward E. Macbeth known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that he executed the same for the purpose therein contained.

In Witness Whereof I hereunto set my hand and official seal.

Notary Public — Justice of the Peace

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF SUFFOLK

On this the 25th day of April, 1969, before me, the undersigned officer, personally appeared Robert W. Mulligan and Edward E. Macbeth who acknowledged themselves to be the President and Secretary of CONASSET SWIM CLUB, Inc., d/b/a Penguin Ski Club, a corporation, and that they, as such President and Secretary, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by themselves as President and Secretary.

In witness whereof I hereunto set my hand and official seal.

Notary Public

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C11. 10M-2-57-244547

The Commonwealth of Massachusetts

Secretary of the Commonwealth

K 7628

Boston, *April 28*, 19 *69*

I hereby certify. That at the date of the attestation hereto annexed

Eleanor J Perkins

whose name is signed to the attached certificate of acknowledgment, proof or affidavit, was at the time of taking such acknowledgment, proof or affidavit, a NOTARY PUBLIC for the said Commonwealth duly commissioned and sworn; that to *her* acts and attestations as such, full faith and credit are and ought to be given in and out of court; that as such Notary Public *she* was by law authorized to take the same, to take depositions, to administer oaths and take acknowledgments of deeds or conveyances of lands, tenements or hereditaments and other instruments throughout the Commonwealth to be recorded according to law; that I have compared *her* signature to the annexed attestation with the original on file in this office, and cordly believe it to be genuine. I further certify that the impressions of the seals of Notaries Public are not required by law to be filed in this office.

In testimony of which. I have hereunto affixed the

Great Seal of the Commonwealth

the date above written.

John F. Dawson

Secretary of the Commonwealth

Received and recorded April 30, 1969 8:30 A.M.

Charles A Wood Register
Charles A Wood Register

KNOW ALL MEN BY THESE PRESENTS

That we, JAMES S. PHILLIPS and NANCY J. PHILLIPS, husband and wife, both of Littleton, County of Grafton and The State of New Hampshire,

For and in Consideration of the sum of FORTY THOUSAND (40,000.00) - - - - - Dollars

to us in hand, before the delivery hereof, well and truly paid by

THE LITTLETON SAVINGS BANK

a corporation doing business in Littleton, County of Grafton, State of New Hampshire, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto the said LITTLETON SAVINGS BANK, Its successors and assigns, forever,

The following described parcels of land, with the buildings thereon, situate in the Town of Littleton, County of Grafton and The State of New Hampshire, namely:

Discharge BK 1787 PG 96

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*Moose Mountain Ski Club, Inc.
Sanbornville, New Hampshire
December 9, 1969*

A meeting of the Board of Directors of the Moose Mountain Ski Club, Inc., together with club membership, due notice having been given, was held at the Town Hall at Sanbornville, New Hampshire, at 6:30 in the evening on the 16th day of December, 1969. President Robert L. Leighton presided.

On motion duly made and seconded, it was unanimously voted to change the name of the corporation from Moose Mountain Ski Club, Inc., to Penguin Ski Club, Inc.

On motion duly made and seconded, it was unanimously voted to change the corporations principal place of business from Brookfield, New Hampshire to Ossipee, New Hampshire.

There being no further business, the meeting adjourned at 9:05 P. M.

Lucille Linch
Secretary - Treasurer

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OFFICE OF THE SECRETARY OF STATE

Filed for record this 12th

day of January 1970

at 9:00 a. m. o'clock

Robert F. Hask

SECRETARY OF STATE

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KNOW ALL MEN BY THESE PRESENTS

That Cohasset Swim Club, Inc., a non-profit corporation chartered in the Commonwealth of Massachusetts August 18, 1967, doing business under the name and style of Penguin Ski Club and having a principal place of business in Cohasset, County of Norfolk, Commonwealth of Massachusetts for one dollar and other valuable consideration the receipt of which is hereby acknowledged grant to Maple Street Ski Club, Inc., a non-profit corporation organized under the laws of the State of New Hampshire, doing business under the name and style of Penguin Ski Club and having a principal place of business in Lincoln, County of Grafton, State of New Hampshire;

All that property situate in the town of Lincoln, New Hampshire deeded to the Lin-Wood Development Corporation under a quit-claim deed from the Selectmen of the Town of Lincoln dated the 16th day of July 1965, recorded in Grafton County Registry of Deeds, Liber 1024 Folio 75.

The above premises are hereby conveyed subject to a mortgage from the Cohasset Swim Club, Inc. doing business as the Penguin Ski Club to the Littleton Savings Bank, a corporation doing business in Littleton, County of Grafton, State of New Hampshire dated April 25, 1969, recorded in Liber 1091 Folio 435. The grantee, his heirs and assigns assumes said mortgage and agrees to pay the balance of the principal due on said mortgage together with the interest due thereon from the date of the last payment, said assumption and agreement to pay the mortgage with the interest thereon forming a part of the above named consideration.

In witness whereof said Cohasset Swim Club, Inc., doing business under the name and style of Penguin Ski Club has caused its name to be subscribed hereto by authority of the Board of Directors this 12th day of June, 1971

Consideration less than \$100.00

COHASSET SWIM CLUB, INC.
doing business under
the name and style of
PENGUIN SKI CLUB

John J. [Signature]
WITNESS TO BOTH
Warren H. Howes
President
Robert Murphy
Treasurer

Commonwealth of Massachusetts County of

On this 12th day of June, 1972, before me, the undersigned officer, personally appeared Warren H. Howes and Robert Murphy who acknowledged themselves to be the President and Treasurer of Cohasset Swim Club, Inc. doing business as the Penguin Ski Club, a non-profit Massachusetts corporation, and that they, as such President and Treasurer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by themselves as President and Treasurer.

In witness whereof I hereunto set my hand and official seal,



Maurice Otton
NOTARY PUBLIC

Received and recorded: Sept. 26, 1972 8:30 A.M.

Charles A. Wood
Charles A. Wood Register

The State of New Hampshire

ARTICLES OF AGREEMENT

The undersigned, being persons of lawful age, associate under the provisions of the Laws of New Hampshire RSA 292 by the following:

Article 1. The name of this corporation shall be Maple Street Ski Club, Inc.

Article 2. The object for which this corporation is established is the organization and maintenance of a club in the State of New Hampshire for social, recreation and sports activities and to serve and promote the recreational interests of the State of New Hampshire.

*Article 3. In case of dissolution of corporation, the assets shall be distributed to the shareholders. The interest of each will be determined by dividing the interest of each male shareholder or head of the household into the surplus after payment of all mortgages, taxes, assessments, debts and liabilities.

Article 4. The address at which the business of this corporation is to be carried on is Maple Street, Lincoln, New Hampshire.

Article 5. The amount of capital stock, if any, or the number of shares is forty (40) shares.

Article 6. Signatures and post office address of incorporators

PLEASE PRINT NAME(S) BELOW SIGNATURE LINE

Names	Post Office Address
<u>John E. Connolly</u>	<u>605 Chestnut Hill Ave, Brookline MA 02146</u>
<u>Shirley R. Trout</u>	<u>116 Old Mt. Skirao Marshfield, Mass</u>
<u>Michael H. Zuckerman</u>	<u>13 Flynt St. W. Quincy Mass.</u>
<u>Robert N. Glassman</u>	<u>100 WOODBINE CIRCLE NEEDHAM MASS. 02194</u>
<u>Patricia A. Hughes</u>	<u>79 Washington Dr. Needham Mass 02194</u>

Town (or City) Clerk's office, Town (or City) of Lincoln, NH

Received and recorded this 30th day of August 1977

Town (or City) Clerk Patricia H. Roberts

At least five signatures are required.

Recording Fee \$10.00

*To be used if tax exempt status is desired.

504

STATE OF NEW HAMPSHIRE

OFFICE OF THE SECRETARY OF STATE

Filed for record this 2nd

day of September 19 77

at 9:00 A.M. o'clock

Robert P. Ambrose

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SECRETARY OF STATE

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State of New Hampshire 2015 NON PROFIT REPORT

Filed
Date Filed: 12/07/2015
Business ID: 61730
William M. Gardner
Secretary of State

REPORT DUE BY December 31, 2015

MAPLE STREET SKI CLUB, INC.

% Donna E Garlisi, 11 Howard Rd
Maynard, MA 01754

ADDRESS OF PRINCIPAL OFFICE:

% Donna E Garlisi
Maynard, MA 01754

REGISTERED AGENT AND OFFICE: (foreign only)

ENTITY TYPE: NONPROFIT
BUSINESS ID: 61730
STATE OF DOMICILE: NEW HAMPSHIRE

If changing the mailing or principal office address, please check the appropriate box and fill in the necessary information.

- ☐ The new mailing address
☐ The new principal office address

PO Box is acceptable.

OFFICERS

NAME AND OFFICERS ADDRESS (P.O. BOX ACCEPTABLE).
(MUST LIST AT LEAST ONE OFFICER BELOW)

A

NAME Michael McCabe
STREET 12 Judy's Lane
CITY/STATE/ZIP Manchester, MA
NAME Michael Powers
STREET 3 Vassar Street
CITY/STATE/ZIP Manchester, NH 03104
NAME Donna Garlisi
STREET 1 Bellison Drive
CITY/STATE/ZIP Manchester, MA
NAME Donna E. Garlisi
STREET 11 Howard Road
CITY/STATE/ZIP Maynard, MA 01754

BOARD OF DIRECTORS

NAME AND OFFICERS ADDRESS (P.O. BOX ACCEPTABLE).
(MUST LIST AT LEAST ONE DIRECTOR BELOW)

B

NAME Mary Guckin
STREET 83 Maple Street
CITY/STATE/ZIP Franklin, MA 02038
NAME Barbara East
STREET PO Box 1
CITY/STATE/ZIP Marshfield Hills, MA 02051
NAME James M. 29
STREET 81 Whitford Street
CITY/STATE/ZIP Wakefield, RI 02879
NAME Russ Harte
STREET 12 Rider Avenue
CITY/STATE/ZIP Stoneham, MA 02180

NAMES AND ADDRESSES OF ADDITIONAL OFFICERS AND DIRECTORS ARE ATTACHED

To be signed by president or other officer.

I, the undersigned, do hereby certify that the statements on this report are true to the best of my information, knowledge and belief.

Sign here:

Please print name and title of signer:

NAME

TITLE

FEE DUE: \$25.00

E-MAIL ADDRESS (OPTIONAL):

State of New Hampshire

Fee - Nonprofit Returns (every 5 years) 1 Page(s)

WHEN THIS F
PUBLIC DOCU
REQUIRED INFO



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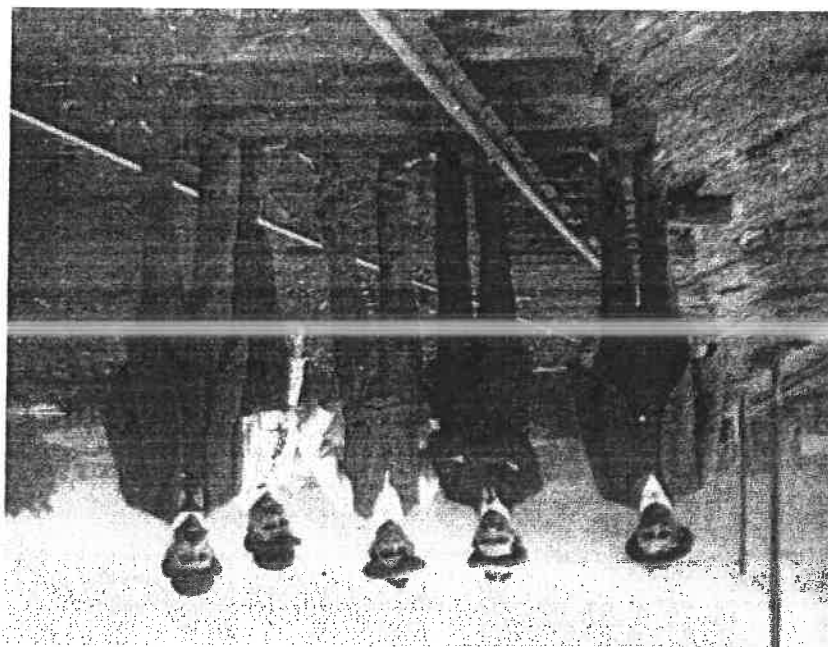
IF IT WILL BECOME A
PUBLIC DISCLOSURE
REPORT WILL BE REJECTED

MAKE CHECK PAYABLE TO SECRETARY OF STATE

RETURN COMPLETED REPORT AND PAYMENT TO:

New Hampshire Department of State, Annual Reports, 107 N. Main St., Room 204, Concord, NH 03301

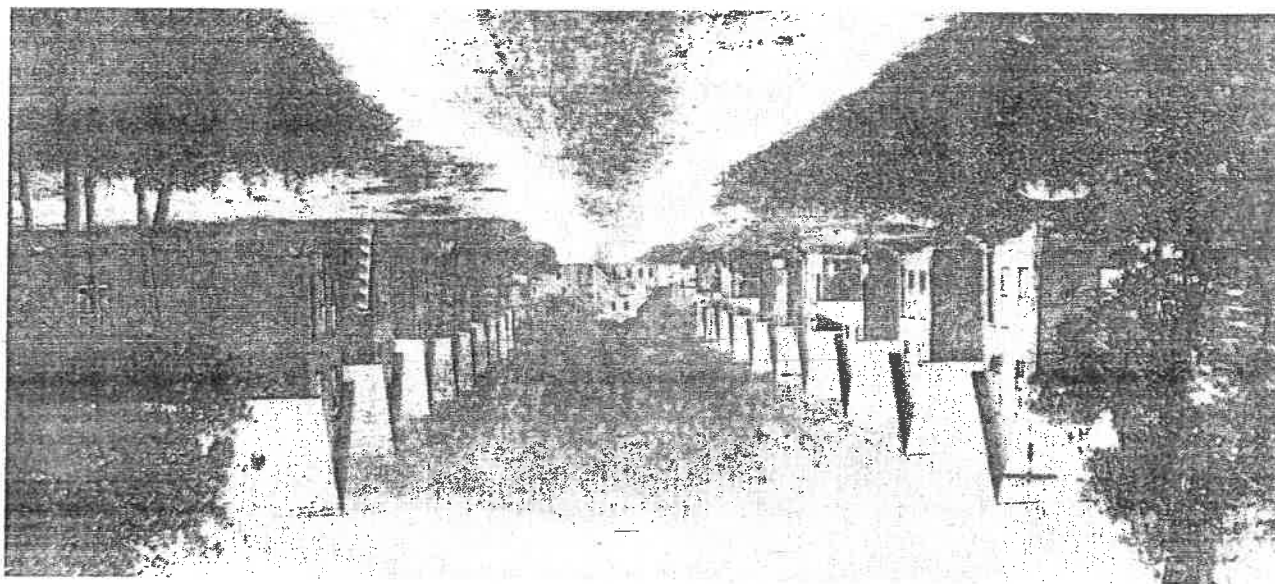
A 1902 pose of upper gentleman, from left, store manager Ernest Leavitt, Jack Cullinan, company paymaster Tom Naven, and meat and grocery clerks Fred and William Henderson.



The 1907 fire marked the second straight year in which flames had wreaked havoc with the Henrys' operation. Just 15 months earlier, on February 24, 1906, the company paper mill was heavily damaged

In addition to the barn, office and store building, and ice house, all of the dwellings on both sides of Main Street were consumed, including the homes of J. E. Henry and Charles Henry. Newspaper accounts of the day put the damage from the fire at \$100,000. In rebuilding the village, it was decided not to rebuild any tenant houses on the south side of Main Street again, that is, the side toward the

Lincoln's first homes on Maple Street. Every house was of the same pattern and color, making it difficult to find one's own house if not sober:



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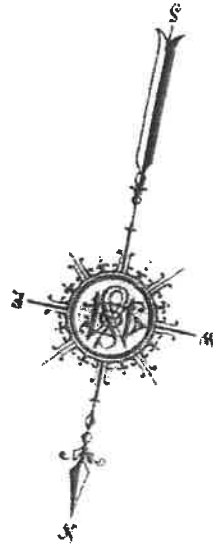
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WVSR, LLC
Transportation Operating Costs Allocation
Fiscal 2014/2015

	<u>Annual</u>	<u>Monthly Billing</u>
WVSR allocation	106,637	n/a
Town of Waterville Valley allocation	53,318	4,443
WVRA allocation	42,265	3,522
Snowy Owl Inn allocation	<u>11,053</u>	921
Total Town Shuttle operating costs	<u>213,273</u>	

MEMORANDUM OF AGREEMENT

**Between WVSR, LLC, Town of Waterville Valley,
Waterville Valley Resort Association and the Snowy Owl Inn**

Concerning Cost Sharing for the Operation of a Transit Service in the Town of Waterville Valley

This Memorandum of Agreement ("Agreement"), dated as of January 31, 2015 is by and among WVSR, LLC ("WVSR"), organized and existing under the laws of the State of New Hampshire, with a principal place of business located at 1 Ski Area Road, Waterville Valley, New Hampshire, 03215, the Town of Waterville Valley ("Town"), a public body politic and corporate, organized and existing pursuant to the laws of the State of New Hampshire, with a principal place of business located at the Rust Municipal Building, Tripoli Road, Waterville Valley, New Hampshire 03215, Waterville Valley Resort Association ("WVRA"), a non-profit corporation and a voluntary membership organization existing pursuant to the laws of the State of New Hampshire, with a principle place of business located at P.O. Box 365, Waterville Valley, New Hampshire 03215 and the Snowy Owl Inn, with a principle place of business located at P.O. Box 407, Waterville Valley, New Hampshire 03215. Hereafter, WVSR, the Town, WVRA and the Snowy Owl Inn shall be referred to as the "Parties" and each of WVSR, the Town, WVRA and the Snowy Owl Inn may be referred to individually herein as a "Party".

WHEREAS, WVSR operates a transit service to serve its guests in the Town of Waterville Valley, and,

WHEREAS, operation of a transit service within the Town of Waterville Valley provides benefits to residents, property owners, taxpayers and guests and visitors of the lodging facilities; and

WHEREAS, operation of a transit service within the Town lessens the need to utilize individual motor vehicles which provides benefits to the environment and to the esthetics of the Town and thereby increases desirability of the Town as a destination resort and lessens the need for infrastructure and public facilities such as parking structures; and

WHEREAS, in recognition of such benefits, the Parties seek to appropriately share the costs of operating a public transit service; and

NOW, THEREFORE, the Parties hereto agree as follows;

ARTICLE 1: Term of Agreement

1.1 The term of this Agreement shall commence as of November 1, 2014, and terminate on November 1, 2017, unless earlier terminated by vote of the Town of Waterville Valley Annual Meeting or by failure to adopt an updated and revised Annual Schedule and Budget pursuant to Article 3.

ARTICLE 2: Respective Responsibilities

- 2.1 Operation of Transit Service.** WVSR shall provide and operate a transit service in the Town of Waterville Valley and its environs for the benefit of the Parties, residents, visitors, and individuals employed in Waterville Valley pursuant to the terms of the Transit Service Schedule attached hereto as Exhibit A and the Annual Operating Budget attached hereto as Exhibit B.
- 2.2 Costs of Transit Services.** The costs of the Transit Service shall not exceed the Annual Operating Budget (Exhibit B) and shall be apportioned among the Parties as follows: Town 25% and WVSR 50% (the remaining 25% will be funded by the Waterville Valley Resort Association and other participating lodges).
- 2.3 Methods of Payment.** In accordance with the terms of the Annual Operating Budget (Exhibit B) and upon receipt by the Town of advance billing invoices from WVSR, the Town shall promptly remit payment to WVSR in accordance with the provisions of Article 2.2 and Article 3.2.
- 2.4 Cooperation.** The Parties agree to cooperate with each other actively and in good faith, both under this Agreement and in any other way not specifically set forth herein in connection with the operation of the Transit Service. To that end, the Parties shall meet as often as is reasonably necessary to discuss and resolve any policy and technical issues that may arise in connection with the operation of the Transit Service.

ARTICLE 3. Annual Schedule and Budgets

- 3.1 Adoption of Annual Exhibits.** Annually, no later than November 15th, commencing with November 15, 2015, WVSR shall propose to the Parties a revised and updated Transit Service Schedule (Exhibit A) and Annual Operating Budget (Exhibit B), together with a Schedule of Actual Costs for the preceding period. Annually, no later than January 1st, commencing with January 1, 2015, the Parties shall accept or reject Exhibit A and Exhibit B, as they may be amended or revised during the review period. If the Parties adopt a revised annual Exhibit A and Exhibit B pursuant to this Article, those revised and updated Exhibits shall be substituted for the initial Exhibits attached hereto. Failure of the Parties to adopt an updated or revised Exhibit A and Exhibit B in any year pursuant to this Article shall be deemed a termination of the Agreement. The Parties shall meet in accordance with Article 2.4 to assure that the annual budget may be presented in a timely manner to the Town's Annual Meeting.
- 3.2 Billing Schedule.** In order to align the billing cycles of the town and those of the contract, billing for the first three months of the contractual year including November, December, and January will be submitted as a single bill to The Town of Waterville Valley in the month of January and include the agreed upon monthly billing payment structure for the forthcoming year. Services for the months of February through October will be billed on a monthly basis.

ARTICLE 4. Budget Reductions, Grants, and Funds

- 4.1** In the event that the amounts specified in Exhibit B are not required to maintain the Transit Service Schedule in Exhibit A, or in the event that the funding for the operation, maintenance, or construction of the Transit Service is obtained from state, federal, or private grants or funds, the Parties hereto shall share in the cost savings in the proportions specified in Article 2.2. The parties shall meet in accordance with Article 2, Paragraph 2.4 to determine the manner in which any such cost savings are to be realized.

ARTICLE 5. Miscellaneous

- 5.1 Limitation of Liability.** In no event shall any Party hereunder be liable to the other Party for damage or loss hereunder resulting from causes beyond the reasonable control of such party. In no event shall any Party be required to expend any sum in excess of the respective amounts set forth in Article 2.2 hereof, and in no event shall any Party be liable for incidental, special, or consequential damages, whatever the cause. No employee of WVSR or the Town shall be charged personally or held contractually liable hereunder, or because of any breach hereof. The provision and operation of the Transit Services shall not be deemed a joint enterprise as a result of this Agreement.
- 5.2 Interpretation of Agreement.** This Agreement sets forth the entire understanding of the Parties as to the subject matter hereof, and no amendment to this Agreement shall be effective unless it is in writing and signed by the Parties. If any provisions of this Agreement are found to be illegal, unenforceable, or void, then the Parties shall be relieved of all obligations under that provision, and the remainder of the Agreement shall continue in full force and effect.
- 5.3 Good Faith.** The Parties agree that, in the implementation of the Agreement, they will cooperate with each other actively and in good faith including without limitation, providing information upon request and a high level of activity in the performance of their obligations under the Agreement. In particular, the Parties shall work with each other expeditiously to mitigate and devise solutions to problems and resolve operations issues.
- 5.4 Indemnification.** WVSR shall indemnify, defend and hold harmless the Town from and against any and all legal liability and claims arising out of or in connection with the operations of the Transit Service by reason of any negligent action or inaction or willful misconduct of WVSR; provided that WVSR shall be notified of any claim within a reasonable time after any Party becomes aware of such claims and WVSR shall be afforded an opportunity to participate in defense of such claim. The indemnification obligation shall survive the termination of this Agreement for the length of any statutes of limitations.
- 5.5 Insurance.** WVSR shall provide adequate insurance coverage and shall name the Town as additional insured parties. Insurance costs shall be an element of the Annual Operating Budget subject to the costs apportionment provisions of Article 2.2.

5.6 Notice. All notices or other communications required or permitted to be given hereunder shall be signed by a duly authorized officer of the sending Party, and shall be deemed delivered hereunder if mailed postage prepaid, by registered or certified mail, return receipt requested, or delivered by hand to the principal office of the intended Party, which is as follows, unless otherwise designated by written notice to the other Parties:

WVSR, LLC
P.O. Box 540
Waterville Valley, NH 03215

Town of Waterville Valley
P.O. Box 500
Waterville Valley, NH 03215

WV Resort Association
P.O. Box 365
Waterville Valley, NH 03215

Snowy Owl Inn
P.O. Box 407
Waterville Valley, NH 03215

5.7 Successors and Assigns. The rights, obligations, liabilities, terms, conditions, and agreements hereof shall inure to the benefit of, and be binding upon, the successors, assigns, representatives, and transferees of the Parties and all other persons claiming by, through, or under the Parties. The Town reserves the right to approve any assignment of the operations of the Transit Service.

5.8 Miscellaneous Limitations. This Agreement does not authorize any Party to incur debt on behalf of any other Party. Any personnel of the Transit Service shall be deemed to be employees of WVSR.

5.9 Applicable Law. This Agreement is intended to be a binding agreement, enforceable as such, which shall be interpreted in accordance with the laws of the State of New Hampshire.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in their respective names by their duly authorized representatives as of the date first set forth above.

AGREED:

DATE:

AGREED:

DATE:

WVSR, LLC

Town of Waterville Valley

AGREED:

DATE:

AGREED:

DATE:

WV Resort Association, LLC

Snowy Owl Inn

WVSR, LLC
 Transportation
 Fiscal 14/15 Operating Cost Budget and Allocation

	<u>Budget 2014/2015</u>
Operating Costs:	
Manager	19,880
Hourly Labor & Overhead	81,553
Payroll & Benefits	101,433
General Operating Supplies	3,734
Repairs and Maintenance	22,950
Registration	5,400
Fuel	38,800
Insurance	5,770
Annual Depreciation on the Buses	58,884
Total Expenses	<u>135,538</u>
Total Operating Costs	<u><u>236,971</u></u>

	<u>Percentage of Fuel Usage</u>	<u>Operating Costs Allocation</u>
WVSR Internal Usage Portion	10%	23,697
Waterville Valley town shuttle portion	90%	213,274
	100%	<u><u>236,971</u></u>

**Exhibit A - Waterville Valley Resort Shuttle
Green-Red Route - MidWeek Load Times**

Stop # Name of Stop Load Time

0	Mountain Base	8:00 AM	9:00 AM	10:00 AM	11:00 AM	1:00 PM	2:00 PM
1	Windsor Hill	8:05 AM	9:05 AM	10:05 AM	11:05 AM	1:05 PM	2:05 PM
2	Sunnyside	8:06 AM	9:06 AM	10:06 AM	11:06 AM	1:06 PM	2:06 PM
3	Golden Eagle	8:07 AM	9:07 AM	10:07 AM	11:07 AM	1:07 PM	2:07 PM
4	Conference Center/Northeast	8:08 AM	9:08 AM	10:08 AM	11:08 AM	1:08 PM	2:08 PM
5	Silver Fox	8:09 AM	9:09 AM	10:09 AM	11:09 AM	1:09 PM	2:09 PM
6	Black Bear/Presidential	8:10 AM	9:10 AM	10:10 AM	11:10 AM	1:10 PM	2:10 PM
7	Snowy Owl	8:12 AM	9:12 AM	10:12 AM	11:12 AM	1:12 PM	2:12 PM
8	Town Square	8:14 AM	9:14 AM	10:14 AM	11:14 AM	1:14 PM	2:14 PM
9	Snow's Mt. Road	8:16 AM	9:16 AM	10:16 AM	11:16 AM	1:16 PM	2:16 PM
10	WVBBTS/Snow's Mt.	8:18 AM	9:18 AM	10:18 AM	11:18 AM	1:18 PM	2:18 PM
11	River Road	8:20 AM	9:20 AM	10:20 AM	11:20 AM	1:20 PM	2:20 PM
12	Evermore/Depot Camp	8:21 AM	9:21 AM	10:21 AM	11:21 AM	1:21 PM	2:21 PM
0	Mountain Base	8:30 AM	9:30 AM	10:30 AM	11:30 AM	1:30 PM	2:30 PM
13	Mountain Village	8:36 AM	9:36 AM	10:36 AM	11:36 AM	1:36 PM	2:36 PM
14	Noon Peak Lower	8:36 AM	9:36 AM	10:36 AM	11:36 AM	1:36 PM	2:36 PM
15	Forest Rim Upper	8:37 AM	9:37 AM	10:37 AM	11:37 AM	1:37 PM	2:37 PM
16	Noon Peak/Boulderwood	8:37 AM	9:37 AM	10:37 AM	11:37 AM	1:37 PM	2:37 PM
17	Upper North Face	8:39 AM	9:39 AM	10:39 AM	11:39 AM	1:39 PM	2:39 PM
18	Lower North Face	8:39 AM	9:39 AM	10:39 AM	11:39 AM	1:39 PM	2:39 PM
19	WV Recreation Center	8:40 AM	9:40 AM	10:40 AM	11:40 AM	1:40 PM	2:40 PM
20	White Mountain Athletic Club	8:41 AM	9:41 AM	10:41 AM	11:41 AM	1:41 PM	2:41 PM
21	Waterville Place	8:42 AM	9:42 AM	10:42 AM	11:42 AM	1:42 PM	2:42 PM
22	Moose Run	8:42 AM	9:42 AM	10:42 AM	11:42 AM	1:42 PM	2:42 PM
23	Moose Crossing	8:43 AM	9:43 AM	10:43 AM	11:43 AM	1:43 PM	2:43 PM
24	High Country	8:45 AM	9:45 AM	10:45 AM	11:45 AM	1:45 PM	2:45 PM
25	Tecumseh I	8:45 AM	9:45 AM	10:45 AM	11:45 AM	1:45 PM	2:45 PM
26	Tecumseh I	8:45 AM	9:45 AM	10:45 AM	11:45 AM	1:45 PM	2:45 PM
27	Osceola	8:46 AM	9:46 AM	10:46 AM	11:46 AM	1:46 PM	2:46 PM
28	Mad River	8:46 AM	9:46 AM	10:46 AM	11:46 PM	1:46 PM	2:46 PM
29	Tyler Spring	8:46 AM	9:46 AM	10:46 AM	11:46 PM	1:46 PM	2:46 PM
30	Mt. Brook/Mt. Meadow	8:47 AM	9:47 AM	10:47 AM	11:47 PM	1:47 PM	2:47 PM
31	Valley Inn/Mt. Sun	8:47 AM	9:47 AM	10:47 AM	11:47 PM	1:47 PM	2:47 PM
32	Village Condos/Forest Knoll	8:49 AM	9:49 AM	10:49 AM	11:49 PM	1:49 PM	2:49 PM
0	Mountain Base	8:54 AM	9:54 AM	10:54 AM	11:54 PM	1:54 PM	2:54 PM