

**LINCOLN BOARD OF SELECTMEN**

**APPROVED**

**MEETING MINUTES**

**OCTOBER 28, 2019 – 5:30PM**

**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

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

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

**Staff Present:** Fire Chief Ron Beard, Police Chief Chad Morris, and Administrative Assistant, Jane Leslie.

**Public Present:** Gilbert Brown, Engineer Consultant, Freedom Energy Logistics, Roger Harrington, Tanya Patterson and Steve Noseworthy,

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**I. CALL TO ORDER**

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

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**II. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING**

*The approval of the meeting minutes was postponed until later on in the meeting.*

**MOTION: “To approve the meeting minutes of October 7<sup>th</sup>, 2019 as presented.”**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

**MOTION: “To approve the non-public meeting minutes of October 7<sup>th</sup>, 2019 as presented.”**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

**MOTION: “To approve the meeting minutes of October 21<sup>st</sup>, 2019 as amended.”**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

**MOTION: “To approve the non-public meeting minutes of October 21<sup>st</sup>, 2019 as presented.”**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

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**III. MEETING WITH FREEDOM ENERGY LOGISTICS *Community Choice Aggregation Presentation***

Gilbert Brown, Energy Consultant for **Freedom Energy Logistics** began his presentation (*see attached*) by explaining the Community Choice Aggregation (CCA) program (a concept that entails competitive energy pricing for electricity). Brown explained that with the passage of SB-286 (Senate Bill permits municipalities in the State of NH to develop plans for electric aggregation programs) local governments are now able to procure power on behalf of their residents, businesses, and municipal accounts from an alternative supplier while still receiving transmission and distribution service from their existing utility provider. This process maximizes the buying power of a community by providing access to wholesale prices that are passed on to the consumers. The CCA entails combining the electricity usage of the residences and small/large businesses within the Town of Lincoln and offering fixed energy options for electricity. A fixed price energy supply product enables the town to lock in a set rate on the supply portion of the town's energy bill. The monthly bill will vary based on consumption, but the set rate is locked per kilowatt hour (kWh) for electricity. Brown further explained that the entire process from start to finish takes approximately 90-days, and will then be presented for a vote at March Town Meeting. The Board took turns asking a variety of questions concerning costs/fees, length of contracts, and fixed rates. Brown explained that his organization will schedule several public informational sessions for the residents and businesses to answer any questions that the public may have, as well as speak at March Town Meeting

(this program is contingent upon a successful Town Meeting vote). A successful Town Meeting vote will give the Board of Selectmen the authority to appoint members to an *Energy Committee* (Town Manger Burbank and Finance Director Johnna Hart plus 5 additional members) that will explore the various options available, as well as the authority to sign a community aggregation contract. Chairman Robinson thought it may be a good idea to see if Woodstock would be interested in collaborating with Lincoln as the program is available to multiple towns.

Chairman Robinson proposed that the town publicly notice that they are seeking members for an Energy Committee for the initial purpose of exploring alternative energy suppliers for a Community Choice Aggregation program for the Town of Lincoln (other towns would be welcome to join). Robinson made the following motion:

**MOTION: “To create an Energy Committee for the initial purpose of exploring alternative energy suppliers for a Community Choice Aggregation program for the Town of Lincoln.”**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion carries**

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#### **IV. PUBLIC HEARING TO ACCEPT THE STATE MUNICIPAL AID FUNDS (\$15,745.59) AND PILT UNDERPAYMENT FUNDS (\$5,121)**

Chairman Robinson explained that this public hearing is being held tonight to accept unanticipated funds pursuant to RSA 31:95-b, and the first payment is the result of the state budget that was recently signed and approved by state legislators. All towns are due a refund based on the tax base, and the Town of Lincoln is scheduled to receive \$15,745.59 for calendar year 2019. Due to the fact this dollar amount is in excess of \$10k, the town must officially hold this public hearing to accept these unanticipated funds.

Chairman Robinson made the following motion to open up the hearing”

**MOTION: “To open up the public hearing to accept the State Municipal Aid funds and the PILT funds.”**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion carries.**

Chairman Robinson explained that these funds will be going back into the General Fund and will offset the tax rate. Roger Harrington asked if there are any earmarks for this money, to which Chairman Robinson replied there are not (these funds are cash money).

Robinson moved on to the second payment received which are PILT funds that the town received in the amount of \$5,121 resulting from a class action lawsuit filed earlier in the year, *Kane County, Utah v. United States* – Class Action Lawsuit. This check is in full payment of the net share of Judgement for 2015 – 2017 PILT Underpayments. There was no public input and Chairman Robinson made the following motion:

**MOTION: “To close the public hearing and accept the State Municipal Aid funds and the PILT funds.”**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

Upon completion of the public hearing, Chairman Robinson made the following motion:

**MOTION: “To accept the \$15,745.59 from the state Municipal Aid Funds and the \$5,121 PILT underpayment funds from the US Government as unanticipated revenue for 2019.”**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion carries.**

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## **V. DRAFTING OF SHORT-TERM RENTAL APPLICATION**

Chairman Robinson explained that the Board had recently had two great meetings on short-term rentals, and had drafted an ordinance based on feedback from these discussions that was forwarded to the town's attorney. Town counsel's response to the draft ordinance was that even though the ordinance did not restrict short-term rentals as far as a particular use anywhere in town, or limited to specific zones, it would still fall under the purview of the Planning Board. Robinson explained that with this information coming to light, he suggested the Board of Selectmen draft and present the ordinance to the Planning Board as a recommendation from the Board of Selectmen. Chairman Robinson made the following motion:

**MOTION: "To draft and present a short-term rental ordinance to the Planning Board as a recommendation from the Board of Selectmen."**

**Motion: OJ Robinson**

**Second: Jayne Ludwig**

**Motion carries.**

Police Chief Chad Morris addressed the Board concerning public comments that the Police Department "*will not respond to calls concerning parking issues on certain roads in town.*" Morris explained that these comments were first made at a Planning Board meeting, and then last week at the Board of Selectmen's meeting. Morris further explained that these are the first two (2) times that he has heard about this complaint and nothing like this has ever come across his desk. Morris reiterated that he will gladly speak with anyone that comes to his office to discuss this issue, and stated that the Police Department will respond to any call that they receive. The Board thanked Chief Morris and asked him what the Police Department's jurisdiction was over private roads in town. Morris responded that if vehicles are impeding safety services of any kind (Police, Fire, ambulance etc.) the Police Department has the authority to remedy the situation. If there are a lot of vehicles parked *legally* on a road, there is not really much the Police can do.

Town Manger Burbank explained that while he was away at the ICMA Conference he met with an organization (Host Compliance) that manages all aspects of short-term rentals on behalf of the municipality. Host Compliance helps municipalities understand the scale and scope of the impact of short-term rentals in their community, as well as enacts regulations that will assist in minimizing noise, trash, parking, and traffic problems. Host Compliance has been monitoring the Town of Lincoln and stated the town has an excess of 1000 short-term rentals at this time that are being advertised on over 102 different platforms (Air B&B, HomeAway etc.).

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## **VI. OLD/NEW BUSINESS**

### **Town Managers Report**

#### **Joint Lincoln-Woodstock Board of Selectmen's meeting November 18, 2019**

Town Manager Burbank noted that the Board will be holding a joint Board meeting with Woodstock on November 18<sup>th</sup> at 5:30 pm at Lincoln Town Hall. Burbank discussed billing the Kanc Rec/Community Center for their solid waste disposal and suggested this be an agenda item for the joint meeting. Burbank explained that Solid Waste staff would like to begin charging the Kanc Rec, Linwood School and the Community Center for C&D disposal (skis, School computers, leftover items from Memorial Day yard sale etc.) because it costs the town money to dispose of these items. DPW Director Hadaway and Transfer Station Supervisor, Jim Conn will both be present for this meeting.

#### **Veterans Day Holiday**

Town Manager Burbank explained that Lincoln Town Hall *will* be open on Monday, November 11<sup>th</sup> for the Veterans Day holiday, and there will be a Board of Selectmen's meeting that night.

### **US Forest Service**

Town Manager Burbank has communicated the town's water issues with the US Forest Service's White Mountain Regional Office, and is waiting to schedule a meeting with the Supervisor who has been on assignment out West.

### **Levee**

The levee has reached substantial completion. Town Manger Burbank and Chairman Robinson went on the walk-through with DES Dam Officials and representatives from the US Army Corp. of Engineers (USACE) on Friday, November 25<sup>th</sup> and all went well. The Town is awaiting the USACE official written response which will hopefully reactivate the levee.

### **Winter Parking Ban**

Town Manager Burbank commented that the winter parking ban will be going into effect on Friday, November 1<sup>st</sup> and run through April 13, 2020.

### **Loon Mountain Shuttle Bus Service/Penguin Ski Club**

Town Manager Burbank met with Jay Scambio, General Manager, Loon Mountain Recreation Corp., and spoke with Larry Hartle, who provides the Moose Tours to discuss the shuttle bus service to Loon Mountain for this winters' ski season. Larry did not get the contract for the shuttle bus service; however, Loon Mountain will be providing the shuttle service. Mr. Scambio stated he is more than willing to work with any residents in the community that may have concerns with the shuttle bus service. Burbank explained that he also met with a representative from the Penguin Ski Club who stated that they have signed a contract for the shuttle bus service, and they are only seeking to provide transportation for their guests to and from the mountain. Chairman Robinson suggested Town Manager Burbank (and a Select Board Representative) meet with Jay Scambio in a public work session forum to discuss this matter and then bring the end results back to the Board. The Board asked Tanya Patterson (Maple Street resident) for her thoughts concerning this issue. Patterson commented that she feels this is a town problem and the municipalities responsibility to follow-up on a large corporation that is running their business down a Village Residential (VR) section of town. Ms. Patterson is not interested in sitting down with Mr. Scambio, and feels he made himself very clear at the previous board meeting where he stands on this issue. Selectman Ham stated that Town Manager Burbank and Selectman Ludwig can meet with Mr. Scambio to discuss this matter in hopes of coming up with a resolution that works for all parties involved. Selectman Ludwig would like to start by counting cars that drive down some of the Village Residential roads as well as a safe speed limit for these town roads. Ludwig also feels that if we are going to look at one road, they must be fair and look at all of the town roads (speed and traffic). Chief Morris added that the Police Department put a box up on Maple Street shortly after the last Selectmen's meeting to gather data on the amount of traffic traveling on Maple Street, as well as the speed of the vehicles.

### **Route 1132, Town-owned sign update**

The State of NH would like the town to take down the sign on Route 112. DPW Director Hadaway is meeting with the NH Electric Coop to make sure the electricity is turned off prior to taking the sign down.

### **RFP Water Meter Survey**

Town Manger Burbank forwarded the Board of Selectmen a draft copy of the RFP from Ray Korber for the water meter survey. After a brief discussion, the Board was in agreement to proceed with the RFP.

### **Other Business**

### **Gypsy Café sign**

Chief Beard explained that he has spoken to the owner of the Gypsy Café, and he has agreed to speak with a sign company to relocate the sign because it is impeding the view of the crosswalk signage.

### **Municipal Sidewalk Agreement for Town of Lincoln**

Chairman Robinson explained that the Board is signing an agreement with NH Department of Transportation (NH-DOT) to permit the construction of a sidewalk along a portion of US-3 (Clarks Trading Post). By signing this agreement, the Town agrees that upon completion of the sidewalk construction, the Town will assume ownership of the sidewalks as well as winter maintenance (winter snow and ice removal).

**MOTION: “To accept the agreement between NH-DOT and the Town of Lincoln for the new sidewalk/crosswalk at 110 Daniel Webster Highway (Clark’s).”**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

### **CIP Committee Recommendation to the Board of Selectmen**

Chairman Robinson explained that the CIP Committee recommended that a committee be formed to look at the future potential for a new *Town Services Building* that would house the Fire Department and Police Department, and possibly lease a space (a bay) to the Linwood Ambulance if they were interested. Robinson questioned whether or not the town offices would be part of the Town Services Facility, and if so, what would become of the current Town Hall Building (sell? Lease? What would the best use be for this space etc.)? Robinson suggested the committee could begin looking at this idea after March Town Meeting

### **Bentley White Mountain Assessment Appeal**

Chairman Robinson explained that the court is mandating that the town look at mediation for this case and the town’s attorney will be handling this appeal and the mediation process. Robinson suggested the assessors be notified of this mediation as well so that everyone participates.

### **South Peak Booster Pump Station**

Chairman Robinson explained that the town must be prepared to address the situation up at South Peak and know where they stand. Town Manager Burbank commented that South Peak has been pushing back on upgrading their booster pump station, and he does not believe that this is an option for them. South Peak needs to put Crooked Mountain Road onto their pump station which will take them off of the town’s gravity system, and essentially free up the fire flow. Robinson explained that the 2006 Notice of Decision is very important because it is the basis for which the town can hold South Peak accountable too. Robinson added that there were changes that were made between 2006-2008, and some of these changes were confusing.

### **Public Participation**

Roger Harrington questioned what was going on with The Pines retention ponds. Town Manager Burbank responded that The Pines *Alteration of Terrain permit* has expired and they now have to begin the permitting process all over again (reapply for the permit). The town has to wait for the State of NH and DES to determine if they are even going to issue another *Alteration of Terrain permit*. Chief Beard explained that the retention ponds are not wet and this is all in the hands of the developer (who needs to reapply for the permit) and DES (who must consider the new design of the pond). Chairman Robinson asked if they were still building up at The Pines? Chief Beard responded that there are two (2) duplexes nearing completion. Chief Beard questioned, if a development has gone through a site plan review process and their Alteration of Terrain permit lapses, would they be in violation of their site plan review as well?

Town Manager Burbank thought that was a good question and said he would ask Peter Malia and follow-up with the Board.

Tanya Patterson asked when the Board when they planned on holding the shuttle bus discussion. Town Manager Burbank explained that he would meet with Jay Scambio and other shuttle bus providers and then schedule a date and time to meet.

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**V. NONPUBLIC SESSION Pursuant to RSA 91-A: 3: II (a,d,e) Employee issue, Potential litigation issues, land acquisition**

**MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II (a,d,e) Employee Issue, Land Acquisition, and potential litigation issue**

**Motion: OJ Robinson      Second: Jayne Ludwig      Motion carries.**

The Board went into non-public session at 7:50 pm.

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

**Motion: Jayne Ludwig      Second: Tamra Ham      Motion Carries.**

The Board re-entered public session at 8:35 pm

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**VI. ADJOURNMENT**

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

**MOTION: "To adjourn."**

**Motion: OJ Robinson      Second: Tamra Ham      Motion Carries.**

The meeting adjourned at 8:40 p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date 11 / 4 / 2019

  
Chairman OJ Robinson

Selectman Tamra Ham

  
Selectman Jayne Ludwig

**October 28, 2019**  
**Board of Selectmen's Meeting**  
**Please PRINT Legibly**

Roger Harrington  
(Print Name)  
Tanya Patterson  
Steve Noseworthy

Roger Harrington  
(Sign Name)  
Tanya Patterson  
Steve N