

**LINCOLN BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**DECEMBER 2, 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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**Select Board Present:** Chairman OJ Robinson and Jayne Ludwig.

**Select Board Excused Absence:** Tamra Ham.

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

**Public Present:** Roger Harrington, Dave Beaudin, and Tanya Patterson.

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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. MINUTES OF THE PREVIOUS MEETING**

**MOTION: “To approve the minutes of November 25<sup>th</sup> as amended.”**

**Motion:** Jane Ludwig

**Second:** OJ Robinson

**Motion carries.**

**MOTION: “To approve the non-public minutes of November 25<sup>th</sup> as presented.”**

**Motion:** Jane Ludwig

**Second:** OJ Robinson

**Motion carries.**

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### **III. TOWN MANAGER’S REPORT**

#### **Rescheduling of Lincoln & Woodstock’s Joint Budget Meeting**

Town Manager Burbank will speak with Woodstock Administrator Judy Welch to discuss when the Town of Woodstock (Select Board and possibly Budget Committee) would like to meet with Lincoln as Woodstock will not have a quorum for the meeting that was formerly scheduled for January 16th. December 12th or December 19th would work for the Lincoln Select Board.

#### **Solid Waste Facility**

The Solid Waste Facility scale is up and running. New signage is in the works. The school and Recreation Department will not be charged for garbage disposal; however, the tonnage will be recorded.

#### **Draft Town Ethics Policy**

Town Manager Burbank provided a draft Town Ethics Policy for the Board to review. Town Attorney Peter Malia has also reviewed this draft policy. Town Manager Burbank recommended adopting this policy due to the lack of volunteers for various town boards, and noted that the town is seeing the same people serving on multiple boards and committees. This policy will also provide guidance to board members and staff alike. Town Manager Burbank will find out if this proposed policy is required to go

before Town Meeting for a vote, or whether the board can hold Public Hearings to adopt said policy. The Board will review the draft.

### **Short Term Rental Issues**

Town Manager Burbank informed the Board that two (2) properties were recently brought to his attention in which a residence was converted into a short-term rental creating occupancy issues. These are life safety issues and will be addressed by the Fire Chief. One of the properties is also in a zone where a tourist home is not permitted. Selectman Ludwig agreed that the Town must focus on the safety of these short-term rentals, and added that as far as the LUPO (and zoning issues) is concerned, if there are over a thousand short term rentals, it may not be possible to enact enforcement on all of these units.

Town Manager Burbank's quandary is that with a quick read of our LUPO, this type of business as well as other businesses can only be operated in an authorized zone which creates a problem. He would like to know how the Board would like town staff to proceed. Chairman Robinson reiterated that the town has always treated short term rentals as a residential use and not a business use. It has only been since a recent New Hampshire court case ruled that short-term rentals are now being considered a business use. The Planning Board needs to review this new case law and determine how it affects the town's current LUPO. This will not likely be a quick process as any changes to the LUPO must be voted on at town meeting. Robinson added that any life safety issues need to be addressed immediately. Selectman Ludwig mentioned that she has had several complaints about health issues (mold/no smoke detectors etc.) in long-term rentals. Chief Beard informed the Board that he has been in contact with the State Fire Marshal's Office for assistance in these matters. Chief Beard also suggested that all short-term rentals be registered with the town so at least the town is aware. Robinson replied that the town attorney advised that only the Planning Board can dictate these changes. Robinson will make a verbal request at the next Planning Board meeting that this matter be placed on an upcoming Planning Board agenda.

### **Water Rate Schedule**

Chairman Robinson informed the Board that a proposal has been selected from two (2) engineering firms that submitted bids to develop a Water Rate Schedule for the town. This work is being done with the hopes that it will be ready to go to Town Meeting in March. The firm that was selected has done the same work for municipalities around the country as well as many towns in New Hampshire. OJ hopes to meet with the firm this coming week to sign a contract.

### **Budget**

Town Manager Burbank will present the budget to the Board mid-week, and it will be discussed at the next Select Board meeting.

### **The Landing**

Chief Beard informed the Board that the new owner of the Landing has been great to work with. He has installed the two (2) hammerheads as well as one of the cisterns. He will most likely be requiring all new construction to have residential sprinkler systems installed which is a great help to the Fire Department.

### **Interstate 93 Exits Renumbering**

Town Manager Burbank has not heard anything from the governor's office on this matter and has no information other than what was on the news.

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## **IV. PUBLIC PARTICIPATION**

### **Dave Beaudin**

Dave Beaudin questioned who is responsible for the enforcement of the Land Use Plan Ordinance (LUPO). Town Manager Burbank replied that it is town staff with the oversight of the Select Board. He added that if someone brings a complaint to town staff, that complaint is followed up on but that staff does not go out looking for violations. There are some cases that staff are aware of but have not yet had a chance to follow up on. There is one violation that the town has been tied up in litigation with for the past seven years.

### **Roger Harrington**

Roger Harrington expressed frustration that the 911 is confusing on some of the town roads. He stated that the former Police Chief was supposed to take care of this but never did. Roger noted that the UPS driver seems to be trying to find house numbers on a daily basis. Police Chief Morris will follow up on this matter. Roger questioned when the West Street project would resume. Town Manager Burbank replied that the project will go out to bid in January.

### **Tanya Patterson**

Tanya Patterson brought up her concerns regarding Loon Mt. Resort busses utilizing Maple Street. The resort has voluntarily stopped picking up people on this street as this has been an issue for some of the residents. Tanya would like to see the resort make permanent efforts not to utilize this road and she would like to see a meeting dedicated to this topic. Chairman Robinson replied that the resort has taken measures to be a good neighbor and has stopped using Maple Street. His approach is for all parties to take the good neighbor approach and work together. Tanya replied that if they start using the street again, she will be back before the Board to discuss the matter.

### **Fire Chief Ron Beard**

Chief Beard informed the Board that the Lincoln/Woodstock Fire Departments were victorious against the Lincoln/Woodstock Police Departments! This is the first time both towns played on the teams together.

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

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

**Motion: OJ Robinson**

**Second: Jayne Ludwig**

**Motion carries.**

The Board went into non-public session at 6:45pm.

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

**Motion: OJ Robinson**

**Second: Jayne Ludwig**

**Motion Carries.**

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**VI. ADJOURNMENT**

With no further business to attend to, the Board made the following motion.

**MOTION: "To adjourn."**

**Motion: OJ Robinson**

**Second: Jayne Ludwig**

**Motion Carries.**

The meeting adjourned at 7:00 p.m.

Respectfully Submitted,  
Brook Rose



Approval Date: December 9, 2019



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Chairman OJ Robinson



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Board member Jayne Ludwig

**December 2, 2019**  
**Board of Selectmen's Meeting**  
**Please PRINT Legibly**

Roger Harrington  
(Print Name)  
Tanya Patterson

Roger Harrington  
(Sign Name)  
Tanya Patterson