

**LINCOLN BOARD OF SELECTMEN
MEETING MINUTES**

APPROVED

JANUARY 27, 2020 – 5:30PM

**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH
(MEETING VIDEO AVAILABLE AT WWW.LINCOLNNH.ORG)**

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

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

Public Present: Roger Harrington, Dave Beaudin, and Delia Sullivan

I. NON-PUBLIC Session Pursuant to RSA 91-A:3:III (a) Personnel Issue

MOTION: “To go into Non-Public Session pursuant to RSA 91-A: 3II (a) Personnel Issue

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

The Board went into non-public session at 4:34 pm.

MOTION: “To re-enter public session.”

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

The Board came back into public session at 5:50 pm and had a brief intermission.

II. CALL TO ORDER

Chairman Robinson called the meeting to order at 6:00 p.m. and made the following motions:

MOTION: “To seal the Non-public meeting minutes of January 27, 2020 concerning a report from MRI and a personnel matter.”

Motion: Tamra Ham **Second:** Jayne Ludwig **All in favor**

Chairman Robinson explained that the board reviewed the terms of an agreement between the Town of Lincoln and Paul Beaudin II, property owner on Louis Lane which is a private right-of-way. Robinson read the following statement from the agreement: *“This agreement will remain in effect indefinitely until revoked formerly in writing by either party.”* Robinson then made the following motion:

MOTION: “To revoke this agreement and send a notice in writing of the same to Paul Beaudin.”

Motion: OJ Robinson **Second:** Jayne Ludwig **All in favor**

III. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

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

MOTION: “To approve the meeting minutes of November 18, 2019 as amended.”

Motion: Tamra Ham **Second:** Jayne Ludwig **All in favor**

MOTION: “To approve the meeting minutes of January 13, 2020 as presented.”

Motion: Tamra Ham **Second:** Jayne Ludwig **All in favor**

MOTION: “To approve the Non-public meeting minutes of January 13, 2020 as presented.”

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor

MOTION: “To approve the Non-public meeting minutes of January 14, 2020 as presented.”

Motion: Tamra Ham

Second: OJ Robinson

All in favor

MOTION: “To approve the meeting minutes of January 21, 2020 as presented.”

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor

MOTION: “To approve the meeting minutes of January 23, 2020 as presented.”

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

MOTION: “To approve the Non-public meeting minutes of January 23, 2020 as presented.”

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor.

IV. TRANSFER STATION/RECYCLING FACILITY REGULATIONS & COMMERCIAL SOLID WASTE HAULERS APPLICATION & PERMITTING RULES & REGULATIONS

Review and Discussion

The Board reviewed the amended *Transfer Station/Recycling Facility Regulations*, and the *Commercial Solid Waste Haulers Application* (see attached) that was discussed at the joint Lincoln/Woodstock Board of Selectmen’s meeting on November 18, 2019. These documents have also been submitted to the Woodstock Board of Selectmen. The board made the following motions:

MOTION: “To sign the Town of Lincoln-Woodstock Commercial Solid Waste Haulers Application & Permitting Rules & Regulations.”

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor.

MOTION: “To sign the Town of Lincoln-Woodstock Transfer Station/Recycling Facility Regulations.”

Motion: Jayne Ludwig

Second: Tamra Ham

All in favor.

V. BENTLEY WHITE MOUNTAINS REAL ESTATE AND LINCOLN INN NORTH REAL ESTATE ABATEMENT REQUESTS

The Board reviewed and briefly discussed the abatement request for Bentley White Mountain Real Estate (*Woodward’s*) and Lincoln Inn North Real Estate (*formerly The Beacon North*). Chairman Robinson explained that they received an email today concerning a mediation between the attorney for these entities and the town’s assessor, of which no agreement was reached. Bentley White Mountains and Lincoln Inn North have presented our assessors with an appraisal, and Robinson would like the board to review it prior to making any decisions.

VI. OLD/NEW BUSINESS

Town Manager’s Report

Dubois & King update

Town Manager Burbank briefed the board that a possible settlement agreement may have been reached between the Town and Dubois & King.

Water Tank

Town Manager Burbank and Chris Mulleavey (Hoyle Tanner) have been in communication and working to get the permit into the US Forest Service for the water tank location. Chairman Robinson added that as part of the town warrant, there will be an article to spend \$500k on this water tank along with a \$500k in matching grant revenue from the Northern Borders Regional Commission (matching grant program). The additional money for the tank will come out of the Capital Reserve Fund and Water Tap Fees. Selectman Ham noted that if the town does not get the grant, then the project will not be done.

Street Light Update – NH Electric Coop

Town Manager Burbank updated the Board on the status of NH Electric Co-ops endeavor to repair the street lights that are not working. Some of the lighting is outdated and will require replacement with new lighting fixtures.

Old/New Business

Tax Impact Fees for individual warrant articles

Chairman Robinson explained that he had questions on how the town goes about calculating the tax impact fees for the warrant articles. Town Manager Burbank said he would reach out to other Town Managers as well as DRA for clarity.

Disinfection Byproduct Report

Chairman Robinson suggested the board review this report, and in particular, the recommendations for the Water Treatment Plant and the disinfection byproducts that result from the chlorination process at the plant. Town Manager Burbank explained that he, Nate, and David Beaudin have an upcoming teleconference call scheduled with Hoyle Tanner to go over the report and discuss this matter in detail.

Town Meeting

Chairman Robinson noted that there are several major issues confronting the town at the upcoming March Town Meeting, and he would like to create a *Fact Sheet* that could be made available to the public when they come to cast their vote in the February 11th Primary Election. This material is *not* electioneering material but rather literature that explains key information/facts about the issues that will be voted on. Town Manager Burbank commented that the board can discuss this with the Moderator (Robert Wetherell) in advance of the election. Robinson would like to provide information on the levee, water meters, and the Legare land.

Delia Sullivan addressed the board and explained that she has received mixed answers from Town Planner, Carole Bont concerning where her petitioned warrant article will appear on the Warrant, and questioned who would make up the fact sheet for her article. Chairman Robinson read a brief response from the town's attorney as follows "*...the petitioned article should be voted on at the floor of town meeting (not on the official ballot). Of course, like any other warrant article, 5 voters can make a written request to the moderator prior to the voice vote asking for a secret "yes-no" ballot vote. RSA 40:4-a. It does not require a Planning Board or a Board of Selectmen recommendation. The article is likely advisory only.*" Sullivan stated she has done her own research and feels this should be voted on during the day, as well as go before the Planning Board for a recommendation which would then accompany the article on the ballot. The board also explained the option to request a secret ballot.

Budget Committee (Contracted Services)

Chairman Robinson explained that at the last Budget Committee meeting, they voted to increase the Executive Budget's line item for the Trustees of the Trust Fund Committee, contracted services by \$500 for the Recording Secretary (from \$1,000 to \$1,500). Selectman Ham suggested they discuss this line item

after the Budget Hearing on their final budget. The board agreed to review any changes to the BOS recommended budget at their February 10th meeting.

Grafton County Supplemental Appropriation Request FY 2020

The Grafton County Commissioners have requested a Supplemental Appropriation from the Grafton County Delegation. In order to comply with RSA 24:14-a, a statement of the amount being requested (up to \$651,498) and the purpose for the requests has been sent to all Boards of Selectmen and City Councils. This Supplemental Appropriation will be taken from the County's Fund Balance, and will have *no* impact on the taxes for any of the communities within Grafton County.

Public Participation

Dave Beaudin asked about a survey that the town had done a while back on the parking lot area across from the Kanc Rec, and if any cutting or clearing had been done as a result of the survey. Selectman Ham responded not yet. Beaudin then asked if any abutters to this parking area were given permission to cut or clear any sections of this town-owned land. Town Manager Burbank commented that this issue concerns the path between the road and Paul Beaudin's house, which appears to have been widened. It is questionable as to whether or not there was actual cutting, however, the path does appear to have been widened. Burbank further explained that he and DPW Director Hadaway are looking into this matter further. Selectman Ham asked if they were still going to put the Kanc Rec overflow parking in this area which is why the town originally had this land surveyed. Ham further commented that there is absolutely not enough parking at the Kanc, and vehicles are parking up and down the roadway when there are ski events going on, and emphasized that this really needs to get done. Town Manager Burbank explained that a good portion (if not all) of the work can be done by the Public Works crew. Ham asked if DPW Director Hadaway could be brought into the conversation, and see if this is something he would be comfortable doing, and if this is work that could be completed over the course of the summer months. Burbank noted that the town will need to take the next step and make sure that there are no issues with drainage so that the neighboring properties are not affected.

VII. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III)€ Potential Litigation

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

Motion: Tamra Ham

Second: Jayne Ludwig

Motion carries.

The Board went into non-public session at 7:15 p.m.

MOTION: "To re-enter public session."

Motion: OJ Robinson

Second: Tamra Ham

Motion Carries.

The Board came back into public session at 7:27 p.m.

VIII. ADJOURNMENT

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

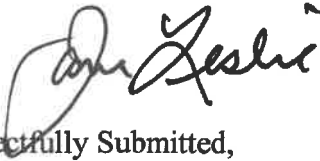
MOTION: "To adjourn."

Motion: OJ Robinson

Second: Jayne Ludwig

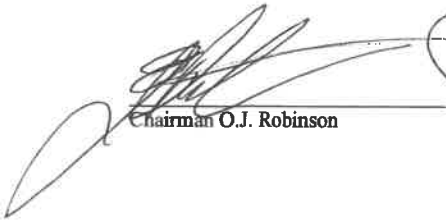
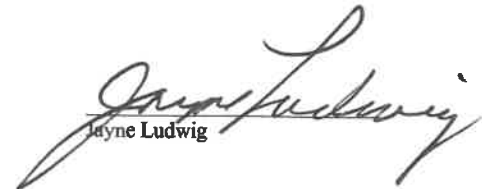
Motion carries.

The meeting adjourned at 7:30 p.m.



Respectfully Submitted,
Jane Leslie

Approval Date 1 / 27 / 2020


Chairman O.J. Robinson
Tamra Ham
Jayne Ludwig

[illegible]

**TOWN OF LINCOLN/WOODSTOCK
COMMERCIAL SOLID WASTE HAULERS APPLICATION & PERMITTING
RULES & REGULATIONS**

The Towns of Lincoln and Woodstock hereby adopts the following rules and regulations for the Commercial Solid Waste Haulers of Lincoln and Woodstock.

Section 1 Definitions:

ADMINISTRATION: Administration of the facility shall be by majority vote of the Lincoln and Woodstock Solid Waste Board (SWB) comprised of all Selectmen of the Towns of Lincoln and Woodstock. A majority of the Selectmen of the member towns shall constitute a quorum to conduct business. The member Towns may designate an individual or committee to be designated Administrator to conduct routine administration and be charged with the overall responsibility for the supervision of the Lincoln and Woodstock Solid Waste Facility.

ACCEPTABLE WASTE means household garbage, trash, rubbish, recyclables, and refuse, as identified in attachment #1, originating *within* the boundaries of Lincoln or Woodstock.

COMMERCIAL means commercial entities doing business in the Towns Of Lincoln or Woodstock including but not limited to, contractors, multi-family dwellings and or manufactured housing parks of more than (3) housing units, respectively and commercial establishments of any size such as, residential boarding and lodging homes, churches, schools, ski areas, motels, inns, restaurants, lounges, retail sales, service businesses, professional offices, manufacturing, or automotive related business.

FACILITY means the Lincoln / Woodstock Solid Waste Facility located at 63 Recycle Road in Lincoln N.H. open on the following days. From 8:00a.m. to 4:30 p.m. on Monday, Tuesday, Thursday, Friday, Saturday, Sunday. Such hours may be adjusted by decision of the (SWB) after due notice posted at the facility.

FEES mean charges associated with disposal of items in attachment #2

HAZARDOUS WASTE means waste defined or classified as hazardous waste at any time under federal or state or local law, or any regulation there under or waste defined by applicable federal, state or local law as hazardous waste.

RECYCLABLES mean those materials which are recycled at the Lincoln/Woodstock Solid Waste Facility in accordance with the attachment #1 to these regulations.

SUPERVISION means the facility shall be under the immediate control of the facility supervisor who shall have the right to refuse the use of the facility to any persons, haulers, or others misusing the facility; by violating facility rules, or not having the proper permit or license.

UNACCEPTABLE WASTE means materials the processing of *which* would pose a threat to health safety, or *the* processing of which may cause damage to the Lincoln / Woodstock Solid Waste Facility, or any waste, which if processed, would violate or cause the violation of any judicial decision or action of any federal, state, or local government, or any agency thereof or applicable law.

REGULATED ACTIVITY:

1. All haulers of commercial waste shall be permitted by the Lincoln/Woodstock Solid Waste Facility.
2. Only material collected within the limits of the Towns of Lincoln and Woodstock shall be disposed of at the facility. Recycling is Mandatory. All material brought to the facility for disposal shall be separated into the categories as shown in attachment #1 to this regulation. As authorized by RSA 149: M: 13. Such unique items as white goods will require payment of a fee for each item prior to deposition at the facility as shown in attachment #2 to this regulation. The fees will be posted and subject to change periodically to reflect changing disposal cost.
3. No hauler shall deliver or cause the delivery of any solid waste originating outside the municipal boundaries of the Towns of Lincoln and Woodstock. No hauler shall deliver or cause the delivery of any hazardous waste to the waste facility. No hauler shall deliver or cause the delivery of any unacceptable waste to the facility.
4. All commercial haulers shall come to the Solid Waste Facility with enough help so that they can off load their solid waste as quickly as possible. No hauler shall completely take up all of the disposal space at any of the disposal locations.

PERMITTING PROCEDURE:


1. All commercial haulers are required to obtain a Permit and shall make application to the Supervisor of the Lincoln and Woodstock Solid Waste Facility.
2. Permits shall be renewed annually and all information provided in the initial application shall be revised upon application for permit renewal. Permits issued shall not be

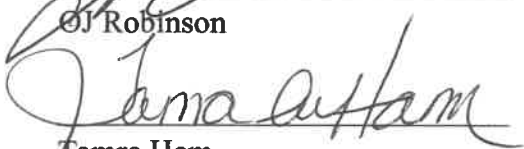
transferable. All Permits shall expire one (1) year from date of issue unless otherwise stated on the Permit,

SUSPENSION AND REVOCATION:

1. Any permit issued under these rules may be suspended or revoked by order of the Administration or the Solid Waste Facility Supervisor after the supervisor has notified the permit holder verbally and in writing of the intent to suspend or revoke, including the reasons therefore.
2. A permit may be suspended or revoked for the following causes: 1) Violation of this regulation, 2) Violation of any provision of any state or local law relating to this regulation, including NHRSA 149-M, or any environmental or State of New Hampshire Solid Waste Rule or Regulation, and, 3) Violation of any permit condition, falsehoods, misrepresentation or omissions in the permit application.
3. Permits shall be renewed once the applicant has demonstrated in writing how they intend to remedy the reason that the permit was suspended or revoked.

Lincoln Select Board:


OJ Robinson


Tamra Ham


Jayne Ludwig

Woodstock Select Board:

Gil Rand

Scott Rice

Charyl Reardon

EFFECTIVE DATE: _____

**TOWN OF LINCOLN & WOODSTOCK
PO BOX 25 MAIN STREET
LINCOLN N.H. 03251**

**COMMERCIAL SOLID WASTE HAULERS / APPLICATION / PERMIT FORM
LICENSE YEAR 2020**

PERMIT # _____

Company Name: _____

Address: _____

Mailing Address (if different from above): _____

Telephone #: _____ **E-Mail:** _____

Contact Person: _____

**EQUIPMENT
INVENTORY:**

License Plate # _____ **Vehicle 1D#** _____
Model _____ **Year** _____ **Color** _____

I, _____ HEREBY AGREE TO
ABIDE BY THE RULES AND REGULATIONS OF THE LINCOLN AND WOODSTOCK
SOLID WASTE FACILITY FOR THE COLLECTION AND DELIVERY OF ACCEPTABLE
SOLID WASTE AND RECYCLABLES TO THE LINCOLN AND WOODSTOCK SOLID
WASTE FACILITY. I UNDERSTAND THAT ANY VIOLATION MAY RESULT IN
SUSPENSION OR REVOCATION OF THIS PERMIT.

Signature of Applicant **Title** _____

Approved **Title** **Date** _____

MATERIALS	REQUIRED PREPARATION	NOT ACCEPTABLE	COST
Plastic bottles tin cans, milk jugs, glass(botties &jars)	<i>Empty and Rinsed</i>	lids, ceramics, pyrex Plates, windows, mirrors auto glass, Light bulbs, Styrofoam toys, <i>Plastic bags, aerosol cans, paint cans</i>	N/A
Aluminum Cans	<i>Empty and Rinsed</i>	Aluminum Foil, Cat Food Cans, Pie Plates	N/A
Household Trash (MSW)	Bagged (not loose) in clear bags	No recyclable are to be mixed with this waste	N/A
Household Batteries	Good condition	Split casings or leaking	N/A
Auto Batteries	Good condition	Split casings or leaking	N/A
Scrap Metal		No oils or petroleum products No chain link fence	N/A
White Goods			See Fee Schedule
Newsprint, magazines, white paper	Loose NOT wet	Wet, carbons, brochures, books, waxed, Tyvek, tissue, file folders	N/A
Waste Oil	In one-gallon jugs	Water, antifreeze, gasoline, or other contaminants	N/A
Fluorescent Bulbs QT64, 76, 0urqa	Unbroken	Tape together, broken	See Fee Schedule
Electronics	Not Broken	Broken	See Fee Schedule
Fryolator Grease	In clear container	Water or other contaminants	Variable
Textiles (clothing)	Clean & In Plastic Bags	Soiled or torn	N/A
Yard and leaves waste	Loose	Sticks or branches bigger than 4"	See Fee Schedule
Construction and Demolition	See Attendant	See Attendant	See Fee Schedule

Towns of Lincoln and Woodstock
Transfer Station/Recycling Facility Regulations

Pursuant to the authority of RSA 31:39 and RSA 147, The Towns of Lincoln and Woodstock hereby adopts the following Regulation for the operation of its transfer station/recycling facility, hereinafter referred to as the facility, located at 63 Recycle Road in the Township of Lincoln.

- 1) **ADMINISTRATION:** Administration of the facility shall by majority vote of all Selectman of the member towns. A majority of the Selectmen of the member towns shall constitute a quorum to conduct business. Administration of the facility shall be under the Town of Lincoln's Town Manager, and policy issues to be determined by the joint Board of Selectmen.
- 2) **SUPERVISION:** The facility shall be under the immediate control of the facility supervisor who shall have the right to refuse the use of the facility to any person, corporation, or other user who is misusing the facility; is violating this Regulation; or who does not have a proper permit. Any such user who refuses to obey the legitimate orders of the attendant shall be guilty of a violation of this Regulation.
- 3) **USAGE:** The facility will be open for use by Lincoln and Woodstock residents and non-resident property owners under the following conditions.
 - a) Admission to the facility will be by permit issued at the facility. All permits must be displayed in the right front drivers' side windows of the vehicle and be plainly visible. No person may lawfully hold a permit sticker except residents of the towns of Lincoln and Woodstock, or a non-resident who owns real property with the towns.
 - b) The facility shall be opened on the following days from 8:00 am to 4:30pm on Monday, Tuesday, Thursday, Friday, Saturday and Sunday. Such hours may be adjusted to accommodate holidays after due notice posted at the facility. Regular hours of operation are subject to change at the discretion of the joint Board of Selectmen.
 - c) Only material collected within the limits of the Towns of Lincoln and Woodstock shall be disposed of at the facility. **RECYLING IS MANDATORY.** No person shall dispose of any recyclable or any other solid waste at the facility unless such materials are properly prepared, separated by category and placed in the areas or receptacles designated to receive that category of recycled or other material.
 - d) Communication haulers shall mean anyone who hauls material to the facility for others for a fee; all persons or corporations engaged in the commercial hauling of rubbish materials; etc. must first make application for and obtain a Commercial Solid Waste permit.

- 4) **SEPARATION:** All material brought to the facility for disposal shall be separated into the categories as shown in attachment 1 to this ordinance. As authorized by RSA149: M:13 such unique items such as white goods will require payment of a fee for each item prior to depositing at the facility as shown in attachment 2 to this Regulation. The fees will be posted and subject to change periodically to reflect changing cost of disposal. This listing is subject to change as market conditions require and will be updated from time to time without a public hearing.
- 5) **REVOCATION AND ENFORCEMENT:** Any permit holder may have their permit revoked by order of the Administration or the Solid Waste Facility Supervisor after the supervisor has notified the permit holder verbally and in writing of the intent to revoke, including the reason therefore. A permit may be suspended or revoked for the following causes: 1) Violation of this regulation. 2) Violation of any provision of any state or local law, relating to the is regulation, including NHRSA 149-M or any environmental or State of New Hampshire Solid Waste Rule or Regulation. 3) Violation of any permit condition, falsehoods, misrepresentation or omissions in the permit application.
- 6) **REINSTATEMENT:** Permits and or the ability to use the Lincoln and Woodstock Solid Waste Facility shall be renewed once the permit holder has demonstrated in writing how they intend to remedy the reason that the permit was suspended or revoked.
- 7) **APPEAL OF REVOCATION:** Revocation of permits for use of the Solid Waste Facility, if contested, may be appealed to the joint Board of Selectmen.
- 8) **PRECEDENCE:** This regulation shall be the governing regulation and shall repeal any other ordinances or portion thereof that are in conflict with this regulation.
- 9) **SEPARABILITY:** The invalidity of any provision of the regulation shall not affect the validity of any other provision nor the validity of the Regulation as a whole.
- 10) **EFFECITVE DATE:** This ordinance shall take effect on December 1, 2019

Woodstock Chairperson _____

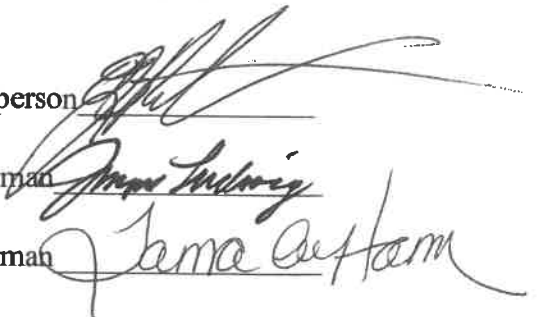
Woodstock Selectman _____

Woodstock Selectman _____

Lincoln Chairperson _____

Lincoln Selectman _____

Lincoln Selectman _____

The block contains three handwritten signatures in black ink. The first signature is at the top, corresponding to the Lincoln Chairperson line. The second signature is in the middle, corresponding to the Lincoln Selectman line. The third signature is at the bottom, corresponding to the Lincoln Selectman line. The signatures are written in a cursive, flowing style.

