

**LINCOLN BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**VIA ZOOM VIDEO CONFERENCING**  
**APRIL 13, 2020 – 5:00PM**  
**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**  
**(MEETING VIDEO AVAILABLE AT [WWW.LINCOLNNH.ORG](http://WWW.LINCOLNNH.ORG))**

**APPROVED**

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**Board of Selectmen Present:** Chairman OJ Robinson, Vice Chair, Tamra Ham and Selectman Jayne Ludwig  
**Staff Present:** Town Manager Burbank, Police Fire Chief Ron Beard, Police Chief Chad Morris, and Administrative Assistant Jane Leslie  
**Public Present:** *There was no public present*

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## **I. CALL TO ORDER**

Chairman Robinson called the meeting to order at 5:00 pm.

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

**MOTION: “To approve the meeting minutes of March 16, 2020 as amended.”**

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

**MOTION: “To approve the non-public meeting minutes of March 16, 2020 as presented.”**

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

**MOTION: “To approve the meeting minutes of March 27, 2020 as presented.”**

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

**MOTION: “To approve the non-public meeting minutes of March 27, 2020 as amended.”**

**Motion:** Tamra Ham                      **Second:** OJ Robinson                      **All in favor.**

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## **III. OLD/NEW BUSINESS**

### **Update from Previous Board of Selectmen’s Meeting (April 5<sup>th</sup>):**

#### **Riverfront Park**

Chairman Robinson updated the public on the status of the Riverfront Park Project. The engineers are working on the final design of the park and will begin cutting trees/brush this summer. Town Manager Burbank added that the landscaping plan and the lighting are pretty much finalized, and DPW Hadaway and Town Engineer Ray Korber are working on getting the backhoe in to dig 9-foot holes for the required soil sampling. Providing all goes well with the soil sampling, all appropriate permits will be obtained.

#### **Raftelis Water Rate Study**

Chairman Robinson asked if there were any updates on the water rate study. Town Manager Burbank replied that he was not certain and would check to see if there were any recent updates.

#### **West Street Construction Project**

Town Manager Burbank explained that the contracted start date is May 18<sup>th</sup>. AJ Coleman will begin mobilizing their equipment in early May in preparation of their project’s start date.

### **Bunker Lane Road Repair**

Town Manager Burbank sent a letter to all residents of Bunker Lane informing them that the town is prepared to shim and overlay Bunker Lane as a follow-up to its usage of that private road to repair the levee. The town has also offered to pay the specified amount of money (\$58k) directly to an asphalt/paving company that does a larger job, in the event the homeowners and condo associations decide to do more extensive road repairs at their expense (above and beyond the town's \$58k). Burbank added that his letter notes that if the town does not hear back from them by May 15<sup>th</sup>, we will begin moving forward with the paving restoration of Bunker Lane.

### **Water Storage Tank Project (Request for Qualifications)**

Chairman Robinson explained that the town has narrowed it down between two (2) engineering firms (Weston & Sampson & Hoyle Tanner) and asked if there were any updates on this. Town Manager Burbank replied that he will check with Town Engineer Ray Korber to see where this process is at.

### **Notice to Property Owners & Visitors to Town of Lincoln**

Chairman Robinson referenced a question from Paul Beaudin concerning whether or not the town had plans on posting a public notice (similar to what the Town of Waterville Valley had done) requesting that property owners observe their local shelter-in-place order and not travel to the Town of Lincoln. Town Manager Burbank commented that the initial notice that Waterville Valley posted on their website created quite a fire storm, and Burbank was hesitant about posting the same, noting it is ultimately up to the Board of Selectmen to do so. Selectman Ham suggested posting a notice that asks second homeowners/visitors to self-quarantine for 14-days if they should decide to visit the Town of Lincoln. Selectman Ludwig and Chairman Robinson agreed, and commented that they would like to think that all visitors and second homeowners would abide by the Governors Emergency Orders and self-quarantine for 14-days.

Selectman Ludwig commented that she has been contacted by people in the community concerning short-term rentals that appear to continue to operate. Ludwig added that there is clearly an increase in out-of-state license plates on the weekends, and questioned whether or not the Governor's order is enforceable by the Police Department. Town Manager Burbank feels that if this is suspected, the concerned citizen(s) can call the Police Department with address information and their suspicions, and the Police can then further investigate.

### **Tax Lien Process**

The board discussed a request that the Tax Collector received from a property owner that had gone to lien, and the property owners are requesting leniency due to their loss of employment which was COVID-19 related. They are asking for a payment plan and extension of the lien date (May 25<sup>th</sup>). The board is understanding in light of the current circumstances and noted that one of the Governor's Emergency Orders allows towns to either reduce or forego interest on late tax payments. Robinson recommended accepting the payment plan that the Tax Collector arranged with the property, and Selectman Ham made the following motion:

**MOTION: "To extend this tax lien and agreement between the land owner and the Town Clerk/Tax Collector to August 1, 2020."**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**All in favor.**

Town Manager Burbank commented that a vast majority of towns are sticking to business as usual, and handling these special lien requests and payment plans on a case by case basis.

### **Email from Auditors**

Chairman Robinson received an email from the town's auditors concerning the Black Mountain Road escrow settlement money, and questioned how it was recorded in the books. Prior to settling the lawsuit, the money was listed as "unspent money" and the auditors wanted to get in onto the balance sheet and offered two ways to do so: (1) redo the 2019 year-end balance sheet, or, (2) fund the money out of overlay and transfer to a liability on the balance sheet. Either way, it will end up on the balance sheet as money that is being "held" for both the town's portion, and the bankruptcy trustees' portion for when Black Mountain Road needs to be re-done (the town is just "holding" the funds) in addition to the \$90,225 that the town has for the bond settlement for Black Mountain Road. The auditor recommended that the easiest way would be to take it out of the overlay for 2020 and put it on the balance sheet in 2020 (and not 2019). The board was in agreement to follow the auditor's recommendation.

### **Town of Lincoln v. Joe Chenard Lawsuit**

Chairman Robinson explained that the town received word today that a decision was rendered in the Chenard litigation (junk yard), and Grafton County has ruled in the town's favor and it must be cleaned up by August 10, 2020 at 12:00 am (\$50 fine per day after this date). The town was *not* granted reimbursement for legal fees. Selectman Ham questioned whether or not the town will have to start all over again in the event Mr. Chenard fails to abide by the court decision. Town Manager Burbank responded that the answer would be yes.

### **Town Operating Budget**

Chairman Robinson suggested that Department Heads and Trustees (Cemetery, Library) seriously look at their operating budgets and evaluate the necessity of some of their expenses, as he suspects that Town Welfare and Legal expenses will be increasing dramatically in the weeks to come. Robinson added that the town was served with another lawsuit, and went on to explain that there is a current litigation with CRVI South Peak Resort Development over assessments, and this is a second lawsuit from CRVI concerning numerous items (Booster Pump Station and an amended agreement that was previously signed). Robinson would like the department heads to look at reducing/eliminating, and putting off certain expenses (e.g., new roof on concession stand at the ballfield). Robinson noted that there are some expenses that have related revenues, but he would like the department heads to look at the realistic expectations of some of these revenues and base their decisions on that. Robinson will be speaking with the CIP Committee to see what is budgeted for capital improvements for both expenses this year and contributions, and possible push some of these out to the future without disrupting the town's future plans.

Town Manager Burbank added that approximately 80% of the town's operating budget is relative to personnel/salaries, and asked if we are thinking of reducing some of our services (e.g., Recreation, reduced hours at the Solid Waste Facility). Selectman Ham commented that Governor Sununu is going to be letting the schools know by Friday, April 17<sup>th</sup> whether or not he is going to extend the May 4<sup>th</sup> deadline or not, and suggested the Board wait until a final decision is rendered by Governor Sununu prior to discussing cutting any programs, and the board can talk about this again next Monday. Burbank agreed and noted that town staff, whether working remotely from home or in the office are all very busy, and there is one (1) employee that requested they be furloughed due to the COVID-19 and fears of getting sick. The Police Department, Fire Department and Public Works Departments are all considered "essential" employees.

Robinson suggested that this become part of their weekly discussion, and they will evaluate services and personnel as this crisis continues (what services are being provided; what cuts need to be made, personnel, expenses etc.). Chairman Robinson also commented that up to this point the two (2) full-time Recreation Department employees are both working with one-person home doing organizational work/online trainings, and Dam Lamoreaux and Ryan Smith have been working at the Community Center for the past couple of weeks cleaning, repairing, and painting the building. Robinson further explained that as far as

Police, Fire, and Public Works are concerned, they are not looking towards stopping safety and services to the town, however, other departments may be able to make cuts that are not currently as viable to the towns people. Burbank added that the Library Trustees are continuing to pay their employees that are staying home during this crisis, and the Cemetery does not currently have an employee.

### **Planning Department Application Fees**

Chairman Robinson commented that the Planning Board Application Fees have been part of an ongoing discussion in recent months, and the flat \$50 fee is inadequate. The fee is the same regardless of whether you are building a 100 sq. ft. addition in a commercial building, or if you are developing a 100-room hotel. Robinson explained that the amount of paperwork, copies, and staffing hours that go into a particular project in the Planning Department can vary, yet the cost remains the same. Robinson further explained that the Planning Board has not come up with any suggestions, however, it is the Board of Selectmen who can set the rates, and he suggested that Town Planner, Carole Bont research the fee-based schedules (see what other towns are charging) and recommend a rate structure that is more commensurate to the amount of work related to getting the project through the application process. The board will then review Bont's recommendations. Town Manager Burbank added that Town Planner, Carole Bont and her assistant, Brook Rose are both working from home, and the Planning Board now has the capacity to utilize the Zoom video Conferencing so the projects that are in the queue should not be held up.

Robinson added that along with the Land Use Planning proposed application fees, the application process should also be reviewed. For example, if a developer comes in for a large hotel, there is no process or protocol that details what the developer's responsibilities are, and what needs to be brought before the Planning Board, and Town Planner Bont ends up researching and printing all relevant information that Bont feels the Planning Board needs to make their decision. Robinson would like to put that responsibility on to the applicant, and if the applicant is unprepared, the meeting will be postponed for a later date to give the applicant time to obtain the needed documentation

### **Short-term Rental Application**

Selectman Ludwig asked if the Short-Term Rental Application that the board had previously edited and given to Chief Beard was ever returned to the Selectmen. Chief Beard responded that he had completed most of it and then the COVID-19 crisis erupted and he was not able to finish it, but he would submit it to the Selectmen shortly.

### **Public Participation (Emails can be submitted to [Townhall@LincolnNH.org](mailto:Townhall@LincolnNH.org))**

#### **Email received from Paul Beaudin**

*"Can you tell me how many LINCOLN staff are still on payroll, and how many are either furloughed or payed off, and in which departments they are in." Paul Beaudin*

Town Manager Burbank responded that there is one (1) employee that requested they stay home (furloughed) because of working close to other employees at Town Hall, which was granted. There is one (1) other employee that was initially out of work due to underlying medical issues, and has since chosen to return to work. The remaining town staff are either working from home, or working their respective positions at their work site. Selectman Ham added that there is also seasonal staff that has been laid off. Burbank noted that he has communicated with Recreation Director, Tara Tower to not hire any summer staff at this time until we have a better idea of what our needs will be.

*"Can you tell me when public notice like Waterville Valley did with respect to COVID-19 will be put on the Town's website." Paul Beaudin*

This was addressed in an earlier discussion tonight.

### **National Telecommunicator's Week**

Chief Morris explained that it is National Telecommunicator's Week (Dispatch Center) and he is very proud of his staff's professionalism and dedication.

Chairman Robinson congratulated both Chief Beard and Chief Morris as well as Woodstock's two Chiefs for their cooperative efforts on the Easter Parade over the weekend. Robinson explained there was enormous feedback on Facebook from the communities, as well as WMUR News.

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#### **IV. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c,e) Personnel Issue & Legal Litigation**

**MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II (c,e) Personnel Issue, law suit**

**Motion: OJ Robinson**

**Second: Tamra Ham**

**All in favor.**

The Board went into non-public session at 6:00 pm.

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

**Motion: OJ Robinson**

**Second: Tamra Ham**

**Motion Carries.**

The Board came back into public session at 6:25 p.m.

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#### **V. ADJOURNMENT**

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


**MOTION: "To adjourn."**

**Motion: OJ Robinson**

**Second: Jayne Ludwig**

**All in favor.**

The meeting adjourned at 6:26 p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date: April 20, 2020

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Chairman O.J. Robinson

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Tamra Ham

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Jayne Ludwig

