

LINCOLN BOARD OF SELECTMEN'S

MEETING MINUTES

VIA ZOOM VIDEO CONFERENCING

JUNE 8, 2020 – 5:00PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(MEETING VI ZOOM VIDEO CONFERENCING)

APPROVED

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

Excused: Selectman Jayne Ludwig

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

Public Present via Zoom Video Conferencing: David Beaudin, Myles Moran, and Carol Riley

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:04 pm.

II. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the meeting minutes of June 1, 2020 as presented."

Motion: Tamra Ham

Second: OJ Robinson

All in favor.

MOTION: "To approve the Non-public meeting minutes of June 1, 2020 as presented."

Motion: Tamra Ham

Second: OJ Robinson

All in favor.

III. PLANNING BOARD FEE STRUCTURE *Discussion Cont'd from May 18th*

The board agreed to postpone this discussion until the next Board of Selectmen's meeting (June 15th) when Selectman Ludwig will be present. Chairman Robinson commented that he highlighted suggested edits to the draft document which will be the basis of their discussion next week.

IV. OLD/NEW BUSINESS

NEW BUSINESS:

Taxpayer Payment Plan

Chairman Robinson explained that Tax Collector Kristyn Brophy submitted a request to the board from a taxpayer requesting an extended payment plan on their taxes that are due July 1st as follows: Payments will be paid on July 1st, August 1st, September 1st and October 1st. Selectman Ham commented that it was her understanding that there were guidelines in place concerning late tax payments due to the COVID-19 crisis. Town Manager Burbank recommended that the board handle this request as they would during any other "normal" tax season, and explained that the guidelines were written to give governing boards the flexibility to work with their taxpayers. Burbank also noted that Selectman Ludwig was in favor of agreeing to this payment arrangement, however, Ludwig had suggested that the interest be included (taxpayer did not include accrued interest in their calculations). Ham responded that this individual had never been late paying their taxes before, and she is in favor of honoring this request and not charging interest providing the monthly taxes are paid on time, however, if by October 1st the taxes are not paid in full according to the schedule, then all accrued interest should be paid. Chairman Robinson calculated the interest that would be paid on this particular tax bill through October 1st (\$100+) and suggested that the

board accept the payment arrangement, and when/if all four (4) payments are made timely, the taxpayer can then send in a request to abate the accrued interest amount. Robinson added that if the board should receive a substantial number of requests such as this, it may become difficult, and the board will have to look at the individual taxpayer's payment history and base their decision on a case-by-case basis. After a brief discussion the following motion was made:

MOTION: "To accept the payment plan as offered, and provided that the payments are all on-time and in-full per the payment schedule; and at the time of the last payment, the taxpayer may request an abatement of the interest at that time."

Motion: Tamra Ham

Second: OJ Robinson

All in favor.

TAN (Tax Anticipation Note)

Chairman Robinson explained that Finance Director, Johnna Hart submitted a notice to the board stating that the tax payments are coming in steady, and the town is in good financial standing for the month of June and will be able to make the Linwood School payment (\$405,997). All taxes are due by July 1st and Hart feels that the town should be in good shape at that time and not have a need to take out a tax anticipation note (TAN).

COVID-19 Test Site – Kanc Rec

Chairman Robinson announced that the Clear Choice COVID-19 test site at the Kanc Rec has scaled down their hours and will now be operating on Tuesdays and Thursday from 9am-5pm until further notice.

Castlebury Fairs Appeal Request

Chairman Robinson explained that they have received an appeal request from Terry Mullen, sponsor of Castleberry Fairs requesting an appeal of the Board of Selectmen's June 1st decision to deny permitting for the 2020 season. Chairman Robinson explained that the board had decided to *not* allow the fair in either August or October due to the current COVID situation, and Ms. Mullen has requested that the board reconsider their decision and allow the fair(s) to take place. Robinson noted that the initial request to the town was to renew their permit based on previous year's permitting with no initiative to restrict traffic flow; restrict the number of attendees, or the number of tents/tent-spacing. Robinson agreed to put this appeal request on an upcoming agenda (when Terry Mullen is prepared to address the board) to discuss further. Robinson also noted that Ms. Mullen should present her plan in advance of the meeting so that Chief Beard and Chief Morris, along with the board have enough time to review her proposed safety measures prior to rendering any decisions. Otherwise, if Ms. Mullen presents her plan the same day as the board meeting, she will *not* receive a final decision from the board until at least a week later.

Miles Moran commented that it was his understanding that the Castleberry Fair would no longer be holding the October fair at The Mill parking lot area because of issues with heavy traffic flow and parking. Selectman Ham explained that the board denied the permit because of the current COVID crisis *only*. Moran responded that he recalls a previous discussion concerning the traffic flow during Columbus Day weekend that was beginning to get very congested, and that the board had agreed to ask the sponsor to relocate the fair to a site off of Main Street. Selectman Ham responded that the fair's sponsor had addressed the boards previous concerns by making arrangements to use the school parking lot as well as hiring police officers to direct traffic so that they could continue holding their event at same location.

Summer Kanc Rec Summer Program

Chairman Robinson explained that the decision was made at a joint Lincoln-Woodstock board meeting that the town will *not* be operating its Kanc Rec summer camp program this year due to the current COVID situation, however, the town has decided that the Recreation Department would help facilitate connecting in-home childcare providers and families. The childcare providers will *not* be town employees or affiliated with the town in any way other than helping to facilitate childcare providers and possible resources.

Recreation Director, Tara Tower explained that they are creating a list of students that have already expressed an interest in providing in-home childcare, as well as providing families with a list of agencies/resources that may be of financial assistance with in-home childcare services. Town Manager Burbank added that it is important that the parents are doing the vetting of childcare providers and not the town.

Burbank explained that he met with Tara and Dan Lamoreaux (Community Recreation Coordinator) this morning to discuss plans for the Recreation Department over the course of the next six (6) months, and what they envision the winter programming may look like. Burbank added that between the Food Pantry and Tower's involvement in the Riverfront Park project, there will be plenty of work for them to do, in addition to being a resource for keeping children busy over the summer months. Tower added that she and Dan discussed coming up with weekly online challenges that families can participate in around town. The board discussed various activities, and Library Director Carol Riley commented that she has the Story Walk pages that they had used several years ago, and it would just be a matter of finding a location and posts to install the pages. Riley suggested using the bike path, as they have done in the past or other trails within town.

Chairman Robinson commented that he likes the idea of the Rec. Department getting involved and providing suggestions to help keep the children entertained and involved (particularly on rainy days) during the summer months. Robinson thanked Rec. Director Tower for her input during the joint board meeting, and explained that there were Selectmen, Rec Staff, and parents that were on both sides of this issue, and in the end, it turned out to be an overall good process.

Comment: *“Teach them to fish in local rivers, maybe talk to Fish and Game to see where they may have stocked fish so kids can have better opportunity to catch fish. -Paul Beaudin”*

The board thought this was a fantastic idea.

4th of July Parade and Fireworks Display

Selectman Ham commented that there will *not* be a 4th of July Parade or fireworks display this year due to the current COVID-19 crisis. Ham explained that the board will discuss possibly holding the fireworks display Labor Day weekend, pending Governor Sununu's re-opening plans. Robinson responded that if they want to re-schedule the fireworks display, they will need to make this decision sooner than later because there are a lot of towns planning on doing the same for Labor Day weekend. Ham thought it would be a good idea to see what the Governor has to say about the next phase of re-opening which will be announced prior to June 15th. Town Manager Burbank commented that they could also look at having the fireworks at the old airport, and cars could pull into the area and view the fireworks from their vehicles.

The Pines at Forest Ridge (Retention Ponds) – Mt. Coolidge Construction Building Permits

Town Manager Burbank commented that the Planning Department recently received a request for two (2) Building Permits to begin the construction of the last two (2) buildings up at The Pines. Burbank does not feel that the town can legally “hold-up” issuing these permits because The Pines has to come back before the Planning Board for a site plan review due to the new re-design of the retention ponds. Robinson agreed that if there is no reason to hold-up the building permits, then don’t.

OLD BUSINESS:

Sewer Capacity Study

Chairman Robinson explained that the board recently had a brief discussion about a sewer capacity study after their first-come, first-serve discussion last week, and questioned whether or not this study should be done now, or at a later date. Robinson went on to explain that the Fairfield Inn (hotel being built near Forest Ridge) is going to be conducting a sewer capacity study based on their location, and asked whether or not Town Engineer, Ray Korber could use their study as a basis when considering the projected flows for the towns other vested projects. Robinson feels that the town is better suited to know where they stand now, rather than waiting until it is too late and finding out that the sewer lagoons have reached their maximum sewer capacity.

CRVI Assessment Lawsuit

Chairman Robinson explained that a mediation has been scheduled for July 10, 2020 in Portsmouth which he will be attending with Town Counsel, Peter Malia. Robinson questioned whether or not the town wanted to pay the appraiser that they had hired to attend this mediation (or to be available by Zoom). Robinson felt the appraiser did a complete and thorough job, and would be an asset to this litigation. Robinson also noted that he would email Attorney Malia about this and copy the board as well.

Tom Tremblay proposal

Chairman Robinson asked Town Manger Burbank if there were any updates from Tom Tremblay concerning his offer to install sewer lines in his sub-division so that the sewer pump station that services one (1) home on Louann Lane could be eliminated. Burbank responded that he has not heard back from Mr. Tremblay yet. Robinson feels that they should be ready to put this before a public hearing, but he wants to make certain that the elimination of the sewer pump station can be part of this solution, and suggested that DPW Director Hadaway connect with Mr. Tremblay.

Myles Moran questioned a sewer line that it appears Tom Tremblay recently put in from Main Street to Louann Lane, and questioned what this line was for, and if it was installed with the anticipation of adding multiple homes. Moran feels if this is the case, then there should have been a public hearing first. Robinson responded that he does not believe anything has been put in yet, and no proposals have been brought before the town or the Planning Board at this point. Robinson further explained that there is a town right-of-way that runs between Mr. Tremblay’s property on Main Street and the old Total Interiors building.

Town Manager Burbank updated Moran on Tremblay’s offer to re-establish this foot path as a paved sidewalk/road for the public to use in exchange for the 16.5-foot-wide parcel of land that the town owns that extends to Main Street. Also, part of this agreement, Mr. Tremblay will install landscaping to beautify the area, as well as install sewer lines in the sub-division so that the sewer pump station can be eliminated.

There was a brief discussion about removing the sewer pump station that services one home on Louann Lane and replacing it with a gravity system that is all part of Mr. Tremblay's proposal.

Comment: *"You may want to check how many sewer connections that have been previously approved have expired per Env-Wg 703.3(e) which I believe basically states if a permit for sewer connections issued, lets say 12-years ago have not been constructed, that there is no vested rights to sewer capacity. I believe connection permits are only valid for 3-years. -Paul Beaudin"*

Town Manager Burbank responded that the sewer study will pick this up.

Closed Captioning

Chairman Robinson spoke with another closed captioning provider who was offering a speech recognition captioning service software for recorded meeting videos *only* (not live meetings). This complex software does speech recognition captions which are then inserted directly onto the recorded meeting video, and it is a more affordable option (\$.60 per minute). Selectman Ham questioned if this was encrypted when it is posted because she had a conversation with individual(s) familiar with ADA Compliance who stated that all town meetings (live and recorded) must have ADA compliant captioning (after the COVID-19 Emergency Orders are lifted), so when the town livestreams or posts a recorded meeting video along with the approved written meeting minutes, the video must have encrypted closed captions. Town Manager Burbank added that he spoke with the Human Rights Commission this afternoon, and they recommended that the town speak with their town counsel. The Human Rights Commission explained that when they are considering cases such as these, they look at both parties involved to see if adequate reasonable accommodations were provided by each side. Burbank explained that the town currently has a waiver (exempt) from ADA Compliance concerning the closed captioning, which will stay in effect until the emergency orders (*Emergency Order #12-(Section 4)-Temporary modification of public access to meetings under RSA 91-A*) are lifted.

Town Manager Weekly Report

Meeting Minutes of May 4, 2020

Town Manager Burbank commented that there was a misunderstanding concerning a statement he made during the May 4th Board of Selectmen's meeting which also appeared in the official transcript of the meeting minutes as follows:

May 4, 2020 Closed Captioning Discussion (Page 2, Lines 97-100):

"Town Manager Burbank commented that he received an email response from the Attorney General's Office concerning this matter, which stated that this has been a long-standing requirement of ADA Compliance, and the town should consult with their legal counsel regarding this matter because Burbank does not feel that this formal complaint is going to go away."

Burbank explained that he is unable to provide this email that he referenced during the *Closed Captioning* discussion in the May 4th meeting minutes, and it was *his* recollection that there was an email that he received from the Attorney General's office. Burbank feels he may have accidentally deleted this email, however, the facts stated after his recanted comment *"... that this has been a long-standing requirement of ADA Compliance, and the town should consult with their legal counsel regarding this matter because Burbank does not feel that this formal complaint is going to go away"* remain unchanged. Burbank apologized for any confusion this may have caused, and explained that during the month of May he

received a little over 9000 emails as a result of the COVID-19 situation. Burbank stands by the comments attached to this discussion as presented in the May 4th meeting minutes.

Chairman Robinson responded that the board should amend the following statement from the May 4th meeting minutes as follows: *“Town Manager Burbank commented that he understand that this has been a long-standing requirement of ADA Compliance, and the town should consult with their legal counsel regarding this matter because Burbank does not feel that this formal complaint is going to go away.”* Robinson explained that stating it this way does not change the point of what Burbank was expressing at the meeting

The following motion to amend the May 4th meeting minutes was made:

MOTION: “To amend the May 4th meeting minutes, page 2, line(s) 97 & 98 to read as follows: *Town Manager Burbank commented that he understands that this has been a longstanding requirement of ADA compliance...*”

Motion: Tamra Ham

Second: OJ Robinson

All in favor.

Re-Opening of Town Hall to the Public

Town Manger Burbank explained that he announced to the Town Hall staff on Friday (June 5th) that he would like all employees to return to their respective offices at Town Hall (with some exceptions) on Monday, June 15th. Burbank explained that a one-way directional flow path of barriers has been laid out in the lobby to guide customers as they enter the building, and the floors have been marked according to the social distancing recommendations. Burbank added that this will also extend to the Recreation Department, and recommended to the Library as well. Everyone entering the building will be required to wear a protective mask or face covering, and those who do not have a mask will be provided one. Burbank said he is prepared to open the Town Hall up to the public on June 15th, or whenever the Board of Selectmen recommend, however, he has made the decision that the public bathrooms will remain closed to the general public (unless an emergency). When the Selectmen are ready to begin holding their weekly board meetings at Town Hall, Chief Morris and Chief Beard will lay out a floor plan for proper seating and social distancing in the Conference Room. Burbank noted that if any issues arise, he is prepared to shut the building down again.

The Selectmen were in agreement to re-open the Town Hall on June 15th to the public, and to resume their in-person weekly Board of Selectmen meetings at Town Hall beginning June 22nd (provided the town can comply with the Governor’s Guidelines). Burbank would like to encourage the public to continue using the drop box in the front of Town Hall (to the left of the front doors) as well as online services. Burbank also wanted to clarify that once the in-person Selectmen’s meetings resume, they will no longer be livestreaming board meetings, and until such time the closed captioning situation is resolved, the only thing posted on the town’s website will be approved meeting minutes. Chairman Robinson suggested that livestreaming be a discussion item on next week’s agenda (June 15th).

Selectman Ham asked if there was any news on when the State Department of Motor Vehicles will be scheduling their Municipal Agent’s training? Burbank responded that he sent an email to the Director of DMV and is awaiting a response.

The Board of Selectmen called for a two-minutes recess at 6:30 p.m.

Consumer Confidence Water Report

Town Manager Burbank explained that there has been a lot of questions concerning the Consumer Confidence Water Report that was recently mailed out with the tax bills. Some of the questions related to the town being in violation of water standards. DPW Director Hadaway and Water Treatment Plant Operator David Beaudin have asked that any questions related to the water report be directed to them, and they will gladly review the report with the consumer, as the town is currently in compliance and the water violation relates back to the first quarter in 2019. Chairman Robinson feels if that many people are asking questions about this, they should make a statement next week detailing when the violation occurred, and what steps were taken to put the town back into compliance.

Assessing Department

Town Manager Burbank asked for the board's approval to hire a full-time Assistant Finance/Assessing Clerk to work with Finance Director, Johnna Hart. Burbank explained that the assessing responsibilities alone are a full-time position, and Johnna does not have the time required to devote to this. Burbank would like to begin the process of hiring someone as soon as possible, and begin training this individual to cover for the Finance Director in the event she is out of work for any reason (there is currently no one to back up the Finance Department at this time). Chairman Robinson explained that the town has hired an assessing company that does the actual town-wide assessing, and Johnna assists with the pick-ups, updates, and merging. Burbank added that property transfers have increased substantially over the past year, and when the pick-ups are not passed on to the assessors, they are not aware of this information. Robinson suggested getting a detailed job description for this position and presenting it to the board. Selectman Ham clarified that the Planning Dept. at one time had two assistants (Brook Rose and Linda McIntyre) and now that Linda McIntyre is not returning to Town Hall, Ham questioned whether or not Burbank was looking to hire one (1) full-time employee and another part-time employee, or just one full-time position? Burbank responded that Brook Rose will be working 19-20 per week exclusively with the Planning Department, and he will not be hiring a second part-time employee. Robinson questioned what specific aspects of the Finance Department would the full-time finance/assessing clerk be handling. Burbank explained that he has discussed this with Johnna, and the new person would primarily be working on all assessing related business, however, they would also be thoroughly trained on all facets of the Finance Department so that they could assist (if needed) on a long/short term basis.

Robinson elaborated that it is very important that the job description is specific and details whether or not the new person would be handling the Planning Fees that the board is talking about initiating, and if they would be handling the billing and tracking of these fees in coordination with the Planning Department. Burbank responded that the tracking of Planning Board fees should be part of the Finance Department, however, Finance Director Johnna Hart feels this should be done under the purview of the Planning Department for dual control measures.

Public Participation

Myles Moran commented that he recently drove by at least three (3) properties in town that appear to be under major construction, and noticed that there were no visible permits displayed at any of these sites. Chief Beard responded that one of the homes that Myles is referring to does in fact have a permit. As for the other two homes in question, Beard noted that he would look into whether or not they obtained the proper construction permits. Moran also added that he feels that the Planning Board or Board of Selectmen should consider adding a dollar value to renovations. Selectman Ham disagreed with Moran and noted that the homeowners have already paid their water/sewer/bedroom tap fees and should not be charged for improving their homes (this is picked up during reval time every 5-years). Robinson commented that the assessed value is supposed to be based on the fair market value of the property, and if you increase the fair

market value of a property, their assessed value will subsequently go up. Robinson thought it would be a great idea to discuss Moran's comments next week during the Planning Board Fee Structure discussion.

V. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (e) potential litigation

There was no Non-Public discussion.

IX. ADJOURNMENT

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

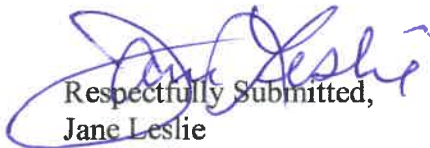
MOTION: "To adjourn."

Motion: Tamra Ham

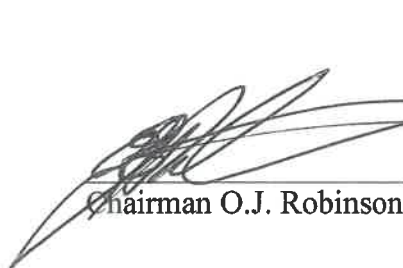
Second: OJ Robinson

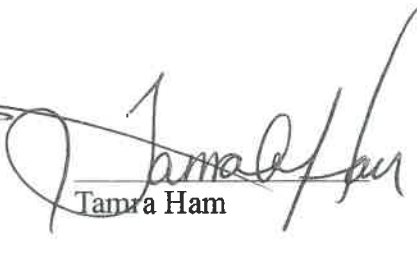
All in favor.

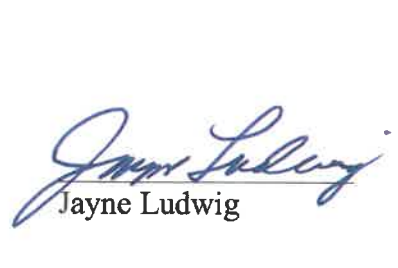
The meeting adjourned at 7:00 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: June 15, 2020


Chairman O.J. Robinson


Tamra Ham


Jayne Ludwig