

**LINCOLN BOARD OF SELECTMEN'S
MEETING MINUTES**

APPROVED

MONDAY, JULY 27, 2020 – 5:00PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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

Staff Present: Town Manager, Butch Burbank, Fire Chief Ron Beard, Deputy Chief Jeffrey Burnham, and Police Chief Chad Morris.

Staff Excused: Jane Leslie

Public Present: Peter Marlow, Rene Darling, Roger Harrington, and Denise Heredeon

Public Present via Zoom: Paul Beaudin, Carol Riley, Mike O'Connor, and Myles Moran

I. CALL TO ORDER

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

II. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the BOS meeting minutes of July 20, 2020 as presented."

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor.

III. EMPLOYEE COVID-19 POLICIES *Discussion*

Town Manager Burbank presented the Board with a draft policy that has emerged as a result of the recent COVID-19 health crisis and recommended the following protocols to mitigate concerns, protect employees, and prevent contagion (*see attached*). This policy specifically addresses any employee who chooses to travel outside of the State of New Hampshire and/or country, and a possible mandatory 14-day quarantine upon return (employee would use either *sick time* or *vacation time* for the 14-days). Selectman Ludwig questioned what would happen if an employee travels to Massachusetts for any reason, would this apply? Burbank responded that it would, however, he has the flexibility to determine that on a case-by-case basis, and explained that this is primarily geared towards travel to known "hot spots" nationwide and abroad.

MOTION: "To approve the Employee Covid-19 Policy for the Town of Lincoln as presented."

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor.

IV. OLD/NEW BUSINESS

Town Manager's Report

Town Hall Wi-Fi Issues:

Town Manager Burbank explained to the Board that he is actively working with Spectrum on upgrading the Town Hall Wi-Fi, and getting fiber optic lines into the building. Burbank added that he is possibly looking to "bundle" services and adding the phone system to this package.

Ladies Bathtub Swimming Hole:

Town Manger Burbank informed the Board that the Police Department began patrolling the swimming holes in town this past weekend, and invited Deputy Chief Burnham to brief the Board on the following:

Burnham explained that patrols ran from 10:00 am to 7:00 pm and details included all three (3) swimming holes (Ladies Bathtub, Fay Wayside, and Old Hole). Burnham added that there was a tremendous amount of volume at Old Hole and Fay Wayside swimming areas (100+ people), as well as issues with parking on Route 112, and garbage began to accumulate as well. Overall, Burnham felt most swimmers and visitors were well-behaved. The board thanked Deputy Chief Burnham

CIP Meeting Schedule:

Town Manager Burbank noted that the CIP Committee schedule is being prepared, and the first meeting is scheduled for Tuesday, August 11th at Town Hall.

Riverfront Park Update:

Burbank updated the Board on the Riverfront Park project, and explained that the in-depth survey for the Burndy Site has been completed by Horizons Engineering. DES is requesting a topo of the area that will show the cuts and fills necessary for the excavation of the site to put a parking lot in. There was a brief discussion on the evaluation of the proposed site for the parking lot, and plans moving forward.

Levee Update:

Town Manager Burbank informed the Board that an inspection has been scheduled for August 6th with the US Army Corp of Engineers (USACE) and DES. Burbank also noted that attorneys are currently reviewing the draft O&M.

25 School Street Lot Line Adjustment:

Town Manager Burbank explained that the Board had received a letter from Denise Heredeen, resident of 25 School Street (M/L #113-103) who was seeking to have her property restored to its original two (2) lots (Track 1 and Track 2) as a result of an involuntary lot merger many years ago. The Board had suggested at the July 20th meeting that Town Attorney, Peter Malia be consulted prior to them rendering any decision. Burbank reported that based upon Attorney Malia's opinion and review of a document dated September 24, 2019 (*see attached*) which was found in Ms. Heredeen's map and lot file, she can request that the lots be restored to their premerger status, and the governing body can then render their decision. There was a brief discussion concerning the town's right-of-way easement over the school owned property which could potentially be an access point for the back lot on Pleasant Street. Selectman Ham explained that the town has this easement on the school-owned property for emergency vehicles to use as a turn-around.

Ms. Heredeen commented that she has reached out to SAU Superintendent, Judith McGann, and is awaiting a response because the school owns this property, and she was told that this is the school's decision. Ms. Heredeen further commented that she wants to make certain that she will have access to the back lot through Pleasant Street prior to the Board voting to restore this pre-merger status.

Ad Hoc Water Committee Meeting Schedule

Town Manager Burbank asked if there are any plans for the Ad Hoc Water Committee to reconvene to review the draft Raftelis Water Report. Chairman Robinson suggested they put the Water Report on a future agenda as a separate agenda item so that each of the Selectmen can review it and discuss. Robinson noted that it was his understanding that Raftelis was asked to review the water and sewer tap fee structure relative to being fair and equitable, in addition to the town implementing water meters (with fair and equitable water usage rates). Robinson explained that it was his understanding that once all of this was in place, the Water Committee would then schedule a meeting to discuss this matter further.

Smith Litigation

Town Manager Burbank noted that the Ted Smith mediation is scheduled for August 26th and Selectman Ham has agreed to participate and sit-in on the hearing which is being conducted remotely via the Zoom meeting platform.

Short-Term Rental Registration

Chairman Robinson wanted to discuss the details surrounding the implementation and streamlining of the short-term rental application process (website, inserting with fall tax bills, processing payments, tracking, etc.). Robinson questioned procedures for how Town Hall staff will be receiving, processing, and tracking the registration applications once they begin coming into Town Hall, as well as creating a data base for inputting and tracking short-term rental information, particularly because this will be conducted on an annual basis. Town Manager Burbank responded that he is in the process of figuring this out now, as this must be coordinated with the Finance Department who will be processing the registration fees, and Chief Beard who will be checking for Code Compliance issues. Robinson commented that this first year will notably entail a great deal of work for town staff.

Postponed Fireworks Event

Selectman Ham informed the board that she will be meeting with Charyl Reardon (Woodstock Selectman) and Jay Scambio (Loon Mountain) tomorrow to discuss holding the postponed fireworks event on September 12th. Chairman Robinson responded that they will discuss this matter further at the next board meeting.

Trash Complaint

The board received a complaint from resident Jamie Osgood concerning trash being thrown alongside Route 3 (*see attached*).

Mask Signage

The board wanted to remind the public that Town Hall has free paper signage for local businesses to post reminding everyone to please “mask up”. These signs can also be downloaded off of the town’s website at WWW.LincolnNH.org.

Public Participation

Roger Harrington asked if The Pines has received their Planning Board permit. Robinson responded that they did receive their permit, and their goal is to have everything completed by late November. Town Manager Burbank commented that he believes that the mandate for The Pines to get their SWIPP went out in the mail today.

Peter Marlow, contractor for the building construction project on Labrecque Street and Renee Darling asked to address the Board and presented the Selectmen with copies of their building plans thus far along with the timeline for the construction project. Mr. Marlow explained that he was appearing before the Board this evening to clarify the misinformation regarding his property on the end of Labrecque Street. Mr. Marlow proceeded to explain his plan to move forward based on the Town of Lincoln’s Ordinances. There was an in-depth discussion on the work done thus far, and the fact that everything he has done has been done legally and according to what he was approved to construct. Mr. Marlow summarized the history of his building project, and detailed all steps he has taken to obtain his approvals. Mr. Marlow explained that what *he did not know* was that he would have to go before the ZBA for his accessory dwelling unit to be detached (this would be a special exemption). Mr. Marlow further explained that he plans on retiring to Lincoln, and he and his extended family would be occupying the three (3) larger units, and possibly his smaller detached accessory units (if he gets approval for them) would be moderate

income/affordable housing, because it is his understanding that Lincoln currently has no affordable long-term housing.

Chairman Robinson explained that the Planning Board is tasked with looking at the long-term effects of the decisions that they make regarding any property, and the *Cease and Desist* has ended and Mr. Marlow is now approved to move forward. Mr. Marlow explained he is always available for anyone who would like to meet with him and answer any further questions.

Myles Moran asked the Board about the lot sizes on Mr. Marlow's Labrecque Street property, and commented that he recently visited the work site and noted six (6) separate foundations with water/sewer hook-ups (he was uncertain how many water/sewer connections there were). Moran questioned the density of the lots, and feels that this project has morphed from its original intent to something quite different. Chairman Robinson responded that this project was vetted through the Planning Board and did receive approval for one (1) single-family house and shed on each of the 10k sq. ft. lots. Robinson further explained that the Planning Board approved the sub-division of the three (3) lots, and the Building Permit that the Town issued approved the three (3) single-family homes. Mr. Marlow now has to go before the ZBA for a special exception for the detached shed. Moran asked if the detached sheds were going to be a "living unit." Robinson responded that he is currently approved to build a non-habitable shed. Moran feels that the Board needs to schedule an on-site visit to know exactly what is being built on these lots.

Paul Beadin explained that he was part of the Planning Board that granted the sub-division approval, and he believes that the reason the Board had allowed these 10k sq. foot lots was because it was only going to be one (1) home and garage on each lot. Beadin feels that if there had been discussions of an attached/detached accessory unit, the Planning Board may have looked at this in a different light. Beadin also feels that changes were made from what was originally presented to the Planning Board, and what was presented this evening. Beadin noted if he was aware that there was going to be an attached/detached accessory apartment early on in the approval process, the 10k square foot lot consideration may have weighed differently. Robinson feels that this is really a ZBA issue, and tonight's discussion is only a point of information for the Board of Selectmen. Any further discussions on this matter should take place in front of the ZBA. Paul Beadin disagreed with Robinson that this is a ZBA issue because this project has changed and is being constructed different than the plans that were originally submitted. Beadin asked Mr. Marlow if he has water/sewer stubbed-off for each of the foundations? Mr. Marlow responded that they are stubbed off 5' from each of the foundations. *Chairman Robinson thanked Mr. Beadin and ended the discussion.*

Town Manager Burbank clarified for the record that the *Cease and Desist* was issued for plumbing and electrical violations at the site, and the NH State Fire Marshal's office was called in, and shut Mr. Marlow down until these issues were remedied. Burbank further elaborated that this had nothing to do with the Town of Lincoln or the Planning Board.

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

MOTION: "To go into Non-public session pursuant to RSA 91-A:3 (III) (c)"

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor.

The BOS went into Non-public session at 6:35 p.m.

MOTION: "To re-enter public session."

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor.

The Board came back into public session at 6:50 p.m.

VI. ADJOURNMENT

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

MOTION: "To adjourn."

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

The meeting adjourned at 6:55 p.m.

Respectfully Submitted,

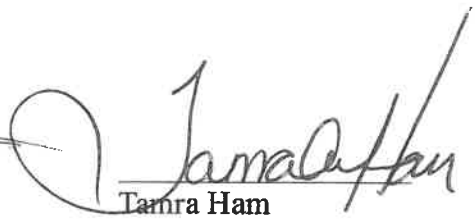
Jane Leslie



Approval Date: August 10, 2020



Chairman O.J. Robinson



Tamra Ham



Jayne Ludwig

TOWN OF LINCOLN
EMPLOYEE COVID-19 POLICIES
July 30, 2020

In light of concerns about the emerging health crisis associated with the current Coronavirus (COVID-19) outbreak, we are implementing the following protocols to mitigate concerns, protect our employees, and prevent contagion.

As of this date, it is important to recognize that Lincoln has inhabitants that have tested positive for the Coronavirus. The State of New Hampshire and the Federal government continue to monitor the situation on a daily basis and may modify the following protocols if and when it becomes necessary.

TOWN PREVENTION MEASURES:

- **BUSINESS TRAVEL:** All travel to attend a conference, meeting or training session should be canceled. Some specific job tasks may require travel and will continue to be allowed.
- **PERSONAL TRAVEL:** Employees traveling outside the U.S. on their personal time OR to any U.S. community with sustained community transmission are asked to notify their supervisors of the destination, dates, and mode of transportation for their travel, including such travel of any close family member with whom the employee has close and regular contacts. Such supervisors are asked to forward such information to the Town Manager. Before they can return to work, employees that choose to travel may be subject to a minimum of a 14-day quarantine period commencing the day after they return from such travel at the discretion of the Board of Selectmen. The quarantine period would be unpaid unless you choose to use your accrued vacation, sick, or PTO time, or your situation qualifies for paid leave under the Families First Coronavirus Response Act.
- **CONTACT WITH OTHERS:** Employees who have close personal contact with any COVID-19 symptomatic person are asked to notify the Town Manager IMMEDIATELY and may be subject to a minimum of a 14-day quarantine period commencing the day after such contact at the discretion of the Board of Selectmen.
- **CLEANING:** Per NH DHHS, no additional disinfection beyond routine cleaning is recommended at this time. However, we will provide disposable wipes or disinfecting spray while still available, so that commonly used surfaces (for example, doorknobs, keyboards, remote controls, desks) should be wiped down by employees before each use.
- **IF YOU OR ANY HOUSEHOLD MEMBER ARE SICK WITH ANY KIND OF RESPIRATORY ILLNESS: STAY HOME!** (See additional information in the Section below entitled, "STAY HOME WHEN YOU ARE SICK!").

PERSONAL PREVENTION MEASURES:

- Wash your hands with soap and water frequently and thoroughly.
- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue into the trash.
- Clean and disinfect frequently touched objects and surfaces.

- Wear a mask when in public areas or within 6 feet of another person.
- Employees who think they may have been exposed to COVID-19 should contact their healthcare provider immediately, and if the exposure occurs during the course of your job duties, also let the Town Administrator know.

Other than these administrative and personal prevention measures, we are maintaining a normal operating posture. We will keep you informed of any changes to our operations if, and when, they become necessary.

RISK CATEGORIES:

Based on the latest information available from the CDC and NH DHHS, the following is additional information related to risk for contracting COVID-19:

No Identifiable Risk: Any interactions with a person with symptomatic laboratory-confirmed COVID-19 infection that do not meet any of the high-, medium- or low-risk conditions. Examples of such interactions include walking by the person or being briefly in the same room.

Low Risk: Being in the same indoor environment (e.g., a classroom, a hospital waiting room, a vehicle) as a person with symptomatic laboratory-confirmed COVID-19 for a prolonged period of time but not meeting the definition of close contact.

Definition of Close Contact: The virus is thought to spread mainly from person-to-person as follows:

- Between people who are in close contact with one another (within about 6 feet).
- Through respiratory droplets produced when an infected person coughs or sneezes.
- These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs.

STAY HOME WHEN YOU ARE SICK!

- Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees should notify their supervisor and stay home if they are sick.
- If you stay home pursuant to this section (i.e., because you are sick with a respiratory illness), please also contact the Town Manager or his designee to assess whether FMLA or another leave policy may apply.
- You will not be required to provide a healthcare practitioner's note for absences due to acute respiratory illness to validate your illness or to return to work, as healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way. We will revert to our standard requirements once this crisis is under better control.
- If you are ill at work, the CDC recommends, and we will follow, that employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day should be separated from other employees and be sent home immediately. Sick employees should cover their noses and mouths with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).
- At this time, we will not request or require testing of asymptomatic employees who may have had casual interaction with a person who has tested positive for COVID-19 (e.g., a customer paying their taxes or visiting the library to check out a book). We will follow the recommendations from the CDC and the State of NH DHHS on this should they change.

- Be mindful that we have flexible policies that permit employees to stay home to care for a sick family member. We are mindful that more employees may need to stay at home to care for sick children or other sick family members than is usual.
- NOTE: Should Lincoln become impacted by community spread of COVID-19, we will issue additional guidelines related to protocols for essential and non-essential workers.
- Additional Measures in Response to Currently Occurring Sporadic Importations of the COVID-19:
 - o Employees who are well but who have a sick family member at home with COVID-19 should notify their supervisor and HR and refer to CDC guidance for how to conduct a risk assessment of their potential exposure.
 - o If an employee is confirmed to have COVID-19, we will inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). Employees exposed to a co-worker with confirmed COVID-19 may refer to CDC guidance for how to conduct a risk assessment of their potential exposure.

Employees have certain rights under the Families First Coronavirus Response Act that takes effect April 1, 2020. Please contact the Town Manager or his designee for additional information on what your rights are and what benefits you may be entitled to.

**BOARD OF SELECTMEN
LINCOLN, NEW HAMPSHIRE:**

POLICY REVIEWED AND APPROVED ON THIS 27th DAY OF JULY, 2020.

**By the Board of Selectmen of the
Town of Lincoln, New Hampshire**

Chairman OJ Robinson

Selectman Tamra Ham

Selectman Jayne Ludwig

From: Planning planning@lincolnnh.org
Subject: FW: Denise Heredeen
Date: September 24, 2019 at 12:27 PM
To: dheredeen@icloud.com
Cc: Town Manager townmanager@lincolnnh.org, Town Hall townhall@lincolnnh.org



Hi Denise,

Here is what I learned. Town Attorney Malia said:

Lincoln Tax map 113 shows Lot 103 as a single lot. I assume it's taxed that way too. Therefore, if originally there were two lots, the Town has merged them.

I will send you via e-mail RSA 674:39-aa, entitled "Restoration of Involuntarily Merged Lots."

If Ms. Heredeen thinks that the Town of Lincoln involuntarily merged two lots, then you could provide her with a copy of the statute and let her know that she can "request that the lots be restored to their premerger status." She should make that request in writing, and provide whatever evidence she has that there were originally two lots that have been merged into one by the Town. The governing body can then make a decision. If the governing body decides against her, then she can appeal that decision.

Here is the relevant state statute he sent me:

Revised Statutes Annotated of the State of New Hampshire
Title LXIV. Planning and Zoning (Ch. 672 to 678) (Refs & Annos)
Chapter 674. Local Land Use Planning and Regulatory Powers (Refs & Annos)
Regulation of Subdivision of Land (Refs & Annos)

N.H. Rev. Stat. § 674:39-aa

674:39-aa Restoration of Involuntarily Merged Lots. *Effective: August 23, 2016*

I. In this section:

- (a) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
- (b) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.
- (c) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.

II. Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

- (a) The request is submitted to the governing body prior to December 31, 2021.
- (b) No owner in the chain of title voluntarily merged his or her lots. If any owner in the chain of title voluntarily merged his or her lots, then all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots.

III. All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.

IV. Any municipality may adopt local ordinances, including ordinances enacted prior to the effective date of this section, to restore previously merged properties that are less restrictive than the provisions in paragraph I and II.

V. The restoration of the lots to their premerger status shall not be deemed to cure any non-conformity with existing local land use ordinances.

VI. Municipalities shall post a notice informing residents that any involuntarily merged lots may be restored to premerger status upon the owner's request. Such notice shall be posted in a public place no later than January 1, 2012 and shall remain posted through December 31, 2016. Each municipality shall also publish the same or similar notice in its 2011 through 2015 annual reports.

Credits

Source. 2011, 206:4, eff. July 24, 2011, 2016, 327:2, eff. Aug. 23, 2016.

If you want the Town to unmerge the two lots, make a request in writing to the governing body. In the Town of Lincoln, the "governing body" is the Board of Selectmen.

You will need to provide them with some evidence. You may want to submit copies of any maps you might have or any of the deeds you have that you shared with me previously and any copies of anything else that you might have referencing or showing two lots. (Did you keep the advertisements for the land from when you purchased the property?)

Submit your letter and your evidence to Jane Leslie who is the Town Manager's Administrative Assistant so you can get the request on the Board of Selectmen's agenda. The Board of Selectmen meet every Monday night (except during the summer) at 5:30 PM. I have copied Jane Leslie and Town Manager Butch Burbank on this email.

Carole

Carole Bont

Planner

Town of Lincoln

148 Main Street

PO Box 25

Lincoln, NH 03251-0025

planning@lincolnnh.org

Phone: 603-745-8527

Fax: 603-745-6743

Public Hours Open:

Monday 1:00 PM – 4:30 PM

Wednesday 1:00 PM – 4:30 PM

Thursday 8:00 AM – 4:30 PM

Friday 1:00 PM – 4:30 PM

From: Linda McIntyre <lmcintyre@lincolnnh.org>

Sent: Friday, September 20, 2019 11:55 AM

To: Planning <planning@lincolnnh.org>; Town of Lincoln <tolassist@lincolnnh.org>

Subject: Denise Heredeen

Carole



Marlowe Building & Design
250 West Manchester St.
Lowell, MA 01852

Labrecque St Lincoln Nh.

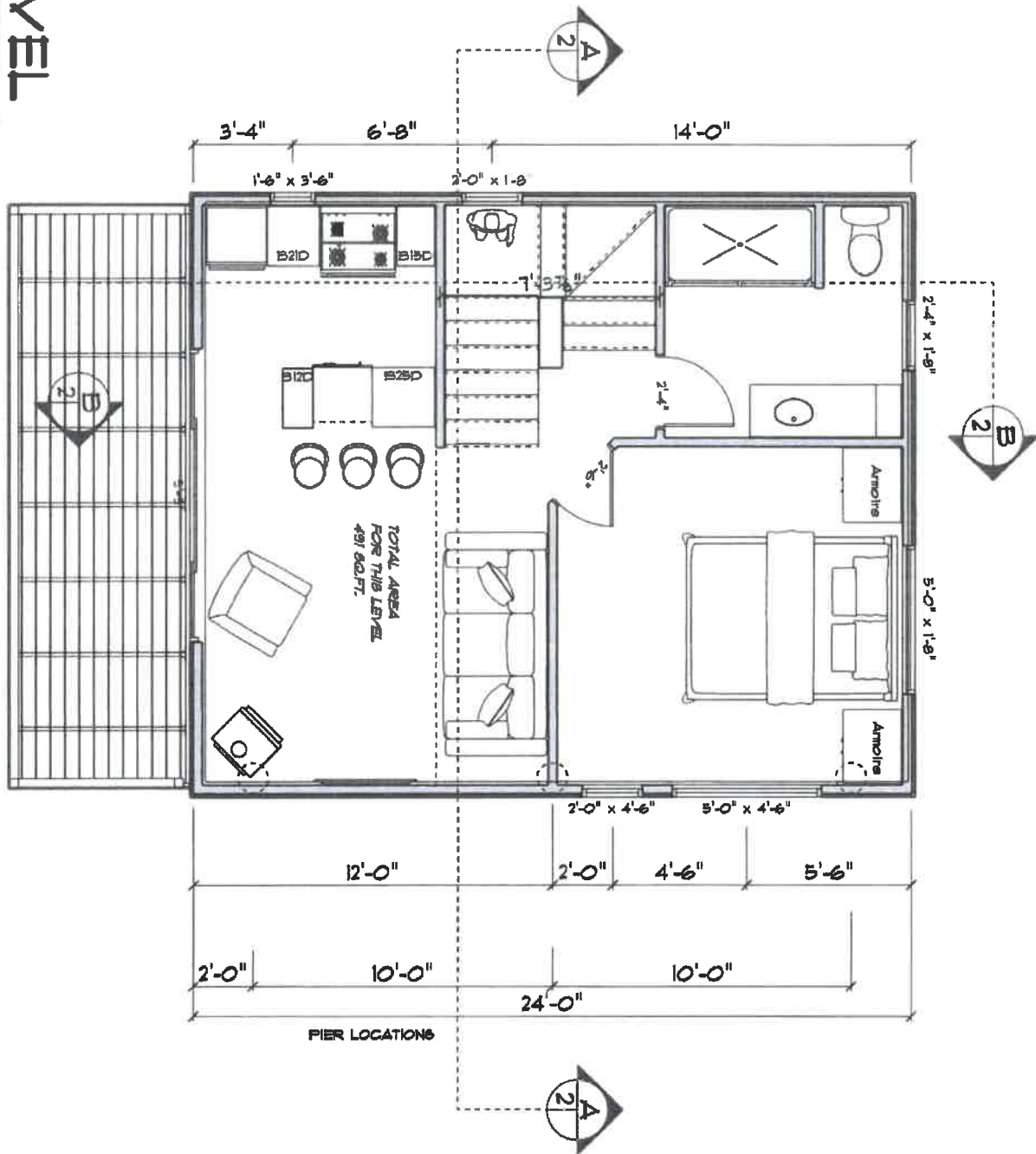
SCALE: As Noted

DATE: Thursday, July 16, 2020

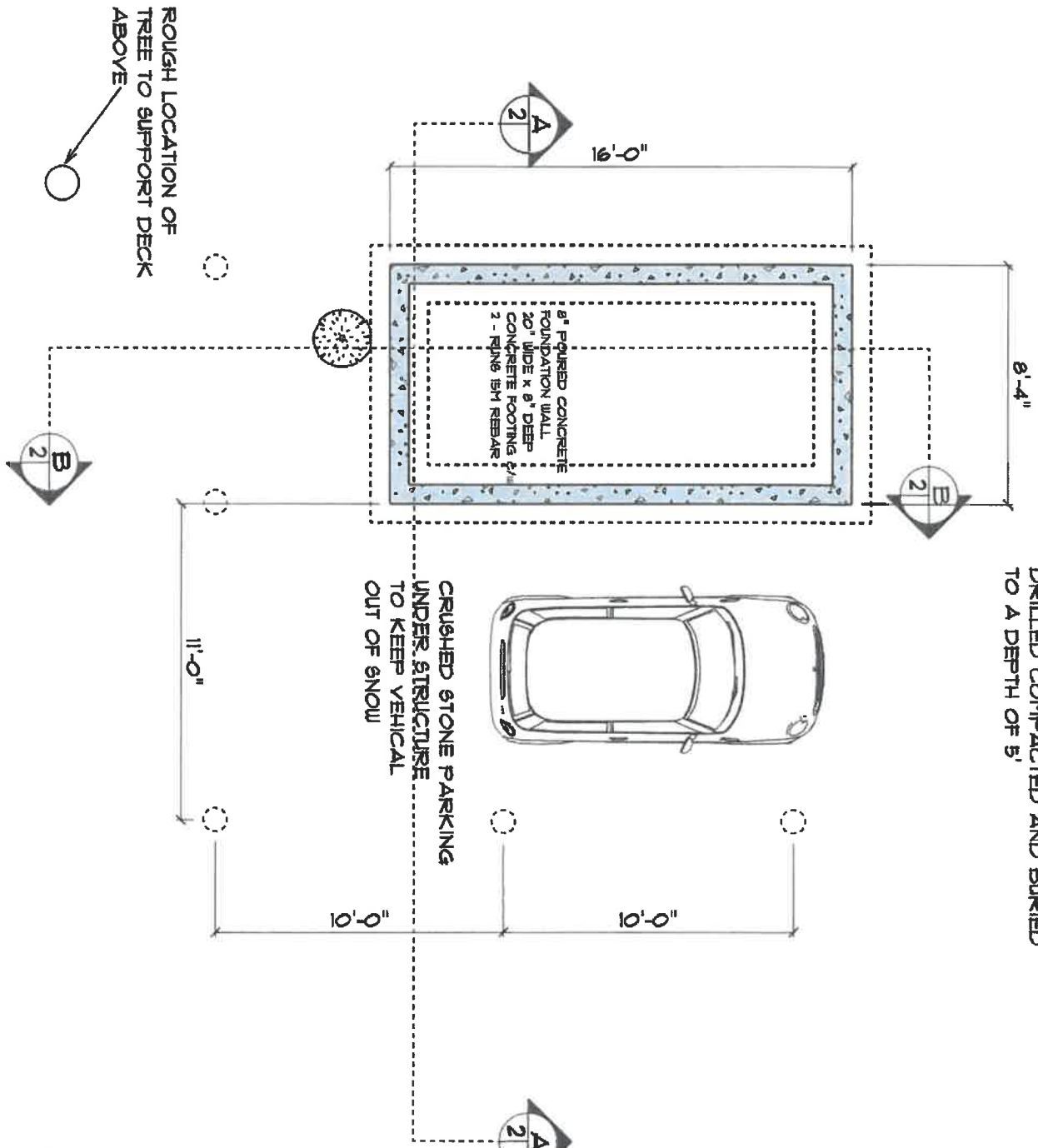
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MAIN LEVEL

SCALE: 3/16" = 1'-0"

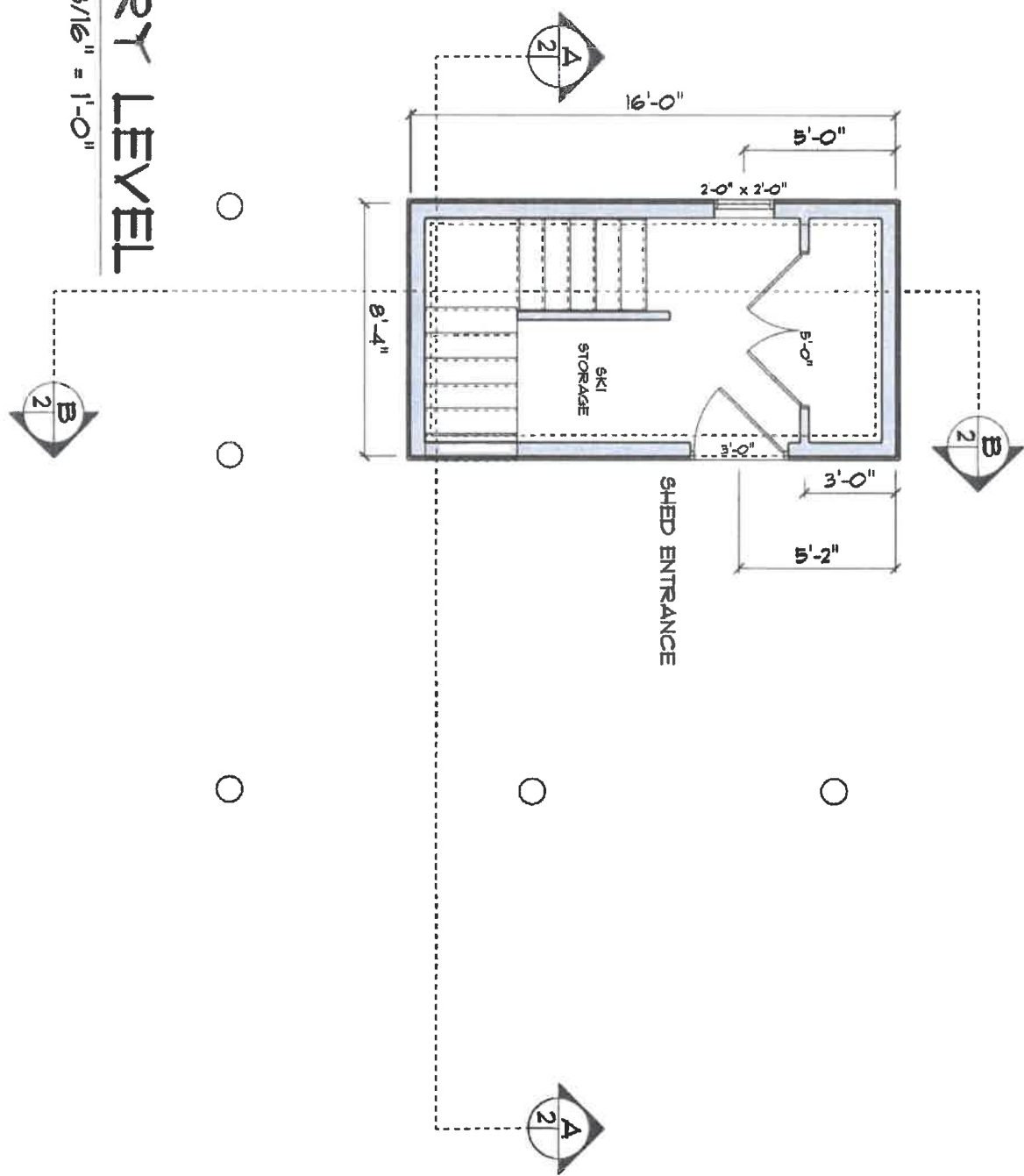


3- PRESSURE TREATED
TELEPHONE POLES
DRILLED COMPACTED AND BURIED
TO A DEPTH OF 5'



ENTRY LEVEL

SCALE: 3/16" = 1'-0"



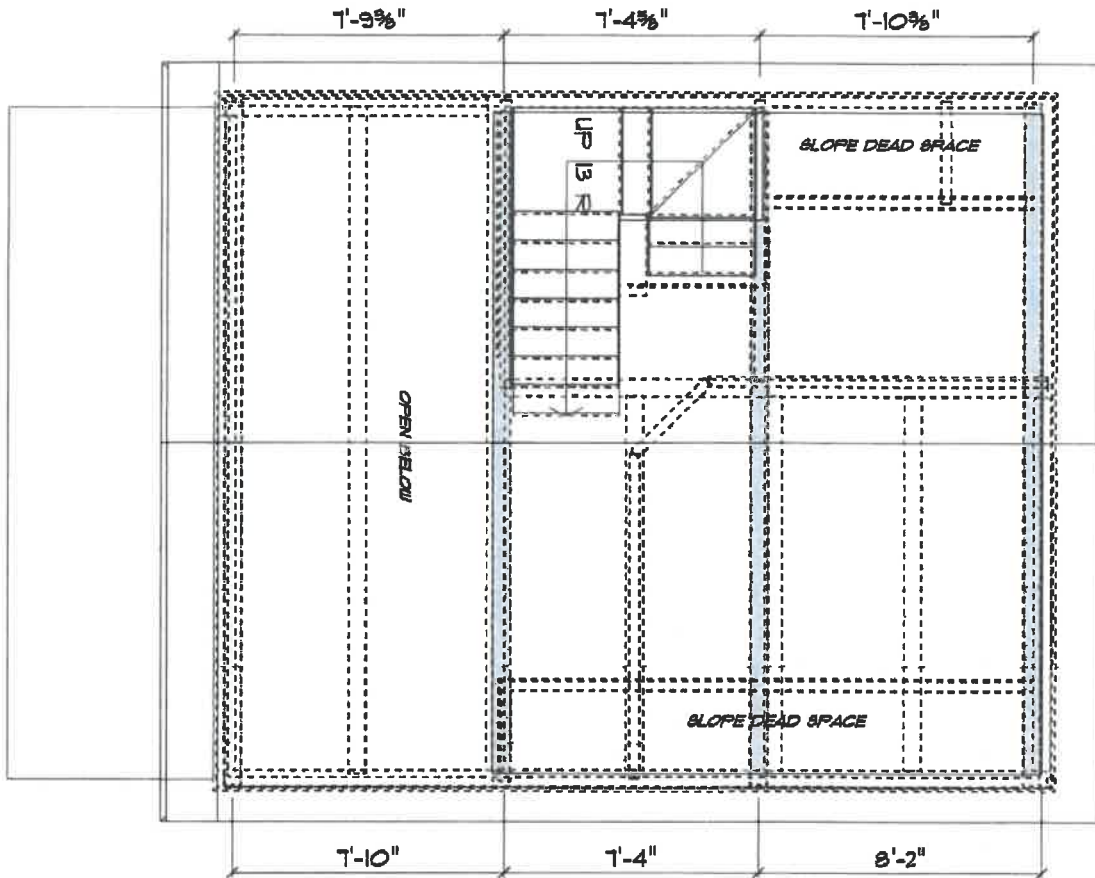
Marlowe Building & Design
258 West Manchester St.
Lowell, MA 01852

Labrecque St Lincoln Nh.
SCALE: 3/16" = 1'-0"
DATE: Thursday, July 16, 2020

PAGE:
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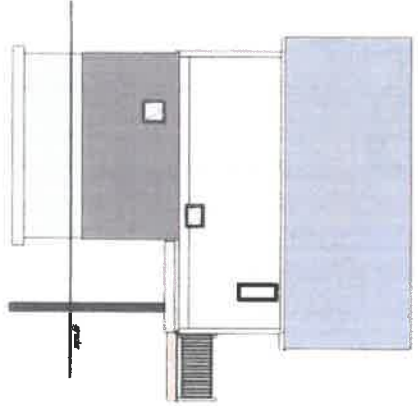
Loft

SCALE: 3/16" = 1'-0"



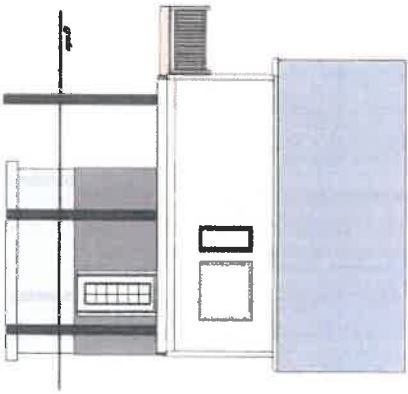
FRONT ELEVATION

SCALE: NOT TO SCALE



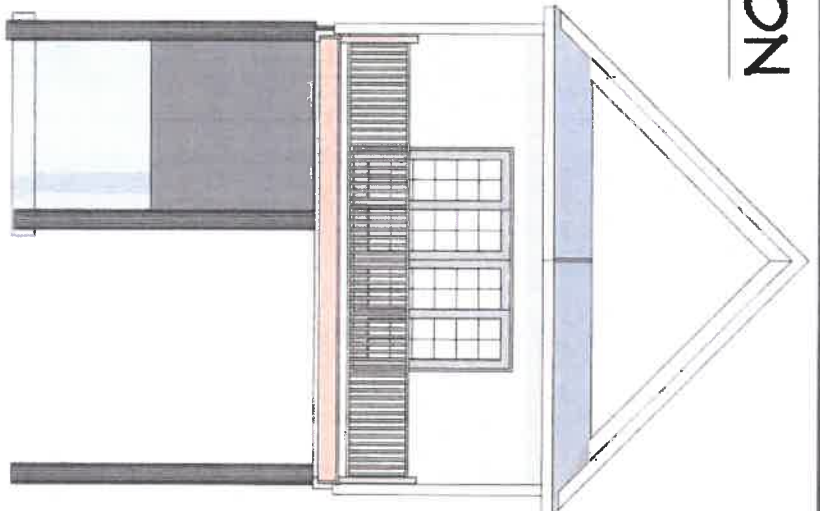
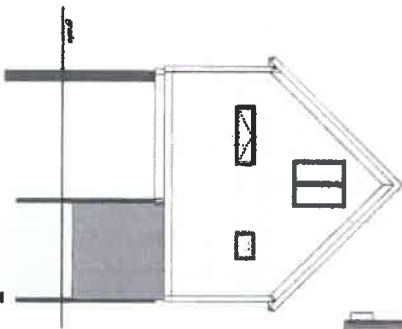
LEFT ELEVATION

SCALE: 1/16" = 1'-0"



RIGHT ELEVATION

SCALE: 1/16" = 1'-0"



REAR ELEVATION

SCALE: 1/16" = 1'-0"