

LINCOLN BOARD OF SELECTMEN'S

APPROVED

MEETING MINUTES

OCTOBER 19, 2020 – 5:00PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(THE RECORDING OF THIS MEETING CAN BE FOUND ON YOUTUBE)

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

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

Public Present: Roger Harrington, and Dave Beaudin

Public Present via Zoom Video Conferencing: Bill Brasky, DPW Director, Nate Hadaway, and Mary Conn

I. NON-PUBLIC Session Pursuant to RSA 91-A:3(III) (e) Litigation Updates

MOTION: “To go into Non-public session pursuant to RSA 91-A:3 (III) (e)”

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

The BOS went into Non-public session at 4:45 p.m.

MOTION: “To re-enter public session.”

Motion: OJ Robinson

Second: Jayne Ludwig

All in favor.

The Board came back into public session at 5:02 p.m.

II. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:04 pm. Robinson explained that the Selectmen had a non-meeting at 4:00 pm with the town's attorney, and then entered into a non-public session to continue the discussion so that it was reflected in the meeting minutes. The Selectmen discussed an update on the Chenard lawsuit; an update on the Y-Birch Property Assessment lawsuit, scheduling regarding the CRVI lawsuit, and an update on the Black Mountain Road (potential correspondence with attorneys).

III. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: “To approve the BOS meeting minutes of October 5, 2020 as amended.”

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor.

MOTION: “To approve the Non-public BOS meeting minutes of October 5, 2020 as presented.”

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor.

III. OTHER BUSINESS

Chairman Robinson explained that when the Selectmen went into a non-public session on October 5th (the last time the Board met), they read a letter that was submitted to the Board from a Lincoln homeowner regarding actions that were taken as a result of the water ban. Robinson explained that they did not discuss this letter in public because it mentioned “town employees” which is a matter that is not discussed openly during public session; however, the following statement was read into the October 5th meeting minutes as follows:

“We discussed an email received from a Lincoln homeowner and determined that we had full authority to enforce the water ban, and this Board fully supports the actions of our town employees.”

Robinson further explained that this same homeowner submitted a re-written follow-up letter to the Board similar to the original, however, it left out specific name(s) of town employees, and requested that the letter be read during public session. Robinson explained that the Board has no intention of reading this letter, and reiterated the following comment in reference to the same: *“We discussed an email received from a Lincoln homeowner and determined that we had full authority to enforce the water ban, and this Board fully supports the actions of our town employees.”*

IV. WESTON AND SAMPSON WATER TANK ASSESSMENT

Town Manager Burbank explained to the Board that shortly after receiving the Weston & Sampson (W&S) Water Storage Tank Capacity Assessment, he met with DPW Director Hadaway, Fire Chief, Ron Beard, Water Plant Operator, Dave Beaudin, and Town Engineer, Ray Korber to discuss the report in detail and collaborate on plans for “next steps,” as well as provide guidance to the Board of Selectmen. Burbank commented that based on his discussion with town staff, there was a unified agreement that no further studies are required, and the town is fully aware of exactly what the issues are (although the solutions remain unclear).

Burbank submitted a memorandum to the Board (*see attached*) detailing recommendations to address deficiencies related to the town’s water system. Burbank further explained that the Selectmen must establish (1) a defined *level of service* (refers to the quality of a given service that customers can expect from the town), (2) the standard of performance for the town’s systems and operations, and, (3) establish a benchmark by which management strategies can be developed, and decisions will be made on how to best deliver sustainable and cost-effective service to the customers.

Burbank discussed removing Crooked Mountain Road off of the pump station and putting it back on to gravity, which may not be easy due to current litigations with CRVI, however, the town has exhibited that the Developers of South Peak have exceeded the building requirements as outlined by the Planning Board. Burbank noted that one of the biggest challenges will be the location of a water storage tank, which W&S agrees should be at the South Peak location which will supplement the Village of Loon tank, and enhance the Main Pressure Zone.

Burbank explained that Ray Korber is also working on the town’s NPDES Permit (National Pollutant Discharge Elimination System) which is established through the EPA (Environmental Protection Agency) and is a license for a Wastewater Treatment facility to discharge a specified amount of a pollutant into a receiving water under certain conditions. The NPDES Permit contains limits on what the town can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or the public’s health. Burbank feels that in the event that NPDES Permit standards change, this may mean that the town’s lagoon system may become antiquated [Note: According to Ray Korber, the flow at the lagoons is about 10-12-years out].

Chairman Robinson commented that he was in agreement with defining a “level of service” which needs to be approved by the Board of Selectmen, however, he did not see any mention of establishing limits within the pressure zones in the *level of service* statement(s). There was a brief discussion on elevations and the main pressure zone, and Robinson recommended getting clarification on setting elevation limits (by pressure zone). Robinson suggesting editing the *level of service* statement outlined in the memorandum as follows:

“The Town of Lincoln will provide sufficient storage capacity to meet industry standards and recommendations for peak demand, and the recommendations of the 2007 Insurance Services Office (ISO) Report for fire protection in the three (3) main pressure zones (defined as the Main Pressure Zone, Loon Village Pressure Zone, and Indian Head Pressure Zone), within the following criteria:

- **Main Pressure Zone** - limited elevation for water service is _____, limited elevation for fire protection service is _____.
- **Indian Head Pressure Zone** – limited elevation for water service is _____, limited elevation for fire protection service is _____.
- **Loon Village Pressure Zone** – limited elevation for water service is _____, limited elevation for fire protection service is _____.

Town Manager Burbank responded that now that a clear level of service has been defined, he will notify the engineers of the Board’s decision.

IV. ACCEPTANCE OF UNANTICIPATED FUNDS-MUNICIPAL AID \$15,883.20

Selectman Ham read the following email from Finance Director, Johnna Hart:

*“We received “Municipal Aid” again this year in the amount of \$15,883.20. I had estimated the same amount as we received last year at \$15,746.00, but it came slightly higher than anticipated. I believe that the BOS needs to accept the additional funds of \$137.20 as anticipated funds so that they can be spent.”
Johnna Hart-Finance Director”*

MOTION: “To Accept the additional funds of \$137.20 (one hundred thirty-seven dollars and twenty cents) for a total amount of Municipal Aid in the amount of fifteen thousand, eight hundred eighty-three dollars and twenty cents (\$15,883.20).”

Motion: Tamra Ham

Second: Jayne Ludwig

All in favor.

V. OLD/NEW BUSINESS

Town Manager’s Report

Town Treasurer Resignation:

Town Manager Burbank informed the Board that the new Town Treasurer, Susan Chenard will be stepping down. Chairman Robinson asked that this position be advertised on the town’s website and social media platforms. Robinson explained that the new Treasurer will be appointed through March 2021 Town Meeting, and then he/she will run for a two (2) year term (the remainder of Susan’s term).

Fall Tax Bill:

The Board discussed the upcoming fall tax bills which are scheduled to be mailed out in the next week or two, and agreed to attach the Short-Term Rental Ordinance (*see attached*) along with information explaining the towns requirement for all short-term rental properties to be registered with the town by no later than January 1, 2021.

Spectrum Phone/Internet Updates:

Town Manager Burbank informed the Board that Town Hall will be signing a contract with Spectrum to bundle the Town Hall phone/internet services. This changeover is expected to take affect no later than January 1st and will be saving the town approximately \$2k annually.

Freedom Energy Logistics (First Point Power):

Town Manager Burbank informed the Board that he will be signing a contract with First Point Power (electric power supplier) for a contracted price of \$0.074 per kwh for 36-months (NH Electric Coop rates came in at \$0.077). This contract is effective November 1, 2020 thru November, 2023.

Maple Street Road Construction Project:

Town Manager Burbank informed the board that the paving will begin tomorrow on the Maple Street sidewalks, and the roadway paving will begin later on in the week.

NEW BUSINESS**Ad Hoc Building Committee**

Selectman Ham asked if any letters of interest have been received for the Building Committee? Town Manager Burbank responded that he has spoken with John Hettinger who has verbally expressed an interest in joining the Building Committee, and Debbie Celino has also verbally expressed an interest (no formal letters of interest have been received). Ham asked Jane Leslie to reach out to Debbie Celino to find out if she is still interested in participating on this committee.

Linwood School Easement Deed (Hammerhead on Pleasant Street)

Selectman Ludwig asked if there was any news on the easement (Pleasant Street) that the SAU was unable to locate? Town Manager Burbank responded that after extensive research, Town Hall staff was able to find reference to the easement in the March, 2007 Board of Selectmen's minutes which stated that Conklin & Reynolds was drawing up the easement deed. The easement was sent to the school to be signed by Superintendent, Mike Cosgriff; however, it appears that it was never returned to the town, or filed with Grafton County Registry of Deeds. The town was able to obtain a copy of the original draft easement from Mike Conklin last week, and forwarded the same to Superintendent, Judith McGann. According to McGann, she could not locate any record of this easement going before the School District meeting back in 2007 (McGann checked 2006-2008 School Board minutes), however, Burbank noted that there are Selectmen's minutes that state that it had been approved. Burbank noted that he has expressed his concerns to Superintendent McGann to convey to the School Board that the town has spent a lot of money over the years extending water lines and paving the turn-around, and has serious concerns and reservations about *any* driveways exiting out into the hammerhead (this is not permitted because it is an emergency turn-around). Burbank explained that there is a homeowner looking for permission from the SAU to extend a driveway access out from the rear of their property through the hammerhead onto Pleasant Street. Burbank noted that Superintendent McGann is following-up with the school's attorney and he is awaiting her response.

Chairman Robinson commented that he sees two issues: (1) the Town and the School District were of the belief that there has always been a signed agreement (easement) for this turn-around, therefore, Robinson did not think the school would now renege on this agreement, and, (2) this issue came about because an abutter to the hammerhead approached the Town requesting permission to put their driveway access out from the back end of their lot into the easement. Robinson explained that the town's response to the property owner at that time was, that this could *not* be done because this was an easement that the town had on school property, and instructed the property owner to address this request with the school. Robinson noted that he was not aware that this *couldn't* be done because the hammerhead was for emergency vehicles. Robinson feels that if the town is *not* going to grant the property owner permission to put their driveway in, then they should be notified as soon as possible that based on the advice of the Public Works Department and the Fire Department, this hammerhead is for the sole purpose of emergency/town vehicle use only (no driveway permits will be issued). Burbank added that he will run this whole scenario by the

town's attorney to see if there are any RSA's or Fire Codes that prohibit driveway access into a hammerhead.

Lincoln-Woodstock Solid Waste Facility Vacancy

Town Manager Burbank informed the Board that Solid Waste Facility Supervisor, Jim Conn has given his notice, and his last day of work will be Monday, October 27th. Jim will be starting a new job at the Thornton Transfer Station. Burbank noted that the town will begin advertising to fill this vacancy shortly. Chairman Robinson explained that he spoke with Jim this past weekend and congratulated him on his new position, and thanked him for his years of service to the Town of Lincoln.

Police Department Commendation

Good morning,

I want to share with you the outstanding display of compassion and professionalism that should be recognized. Last week I was asked to assist Sargent DeLuca and officer Taylor in my capacity as the Town Health Officer to evaluate the living conditions of a condo unit in town. I arrived on scene and stayed in my vehicle until asked to do my evaluation. During that time, I was positioned to view how the situation was being handled. After approximately 10 to fifteen minutes they had walked the occupant down to Officer Taylors cruiser and Officer Taylor came over to me and brought me up to speed on the situation they were dealing with. I then left my vehicle and positioned myself about 10 feet away from the driver's side of Officer Taylors cruiser and waited for them to secure the subject. During this time, I was able to hear with my own ears and view with my own eyes an outstanding display of compassion and respect to a person in police custody. Sargent Deluca had complete control of this possible volatile situation and officer Taylor was extremely compassionate in handling the required police protocols in placing a subject in police custody. Considering the details, I was furnished on this subject that was taken into custody I am truly amazed at how well this went and in my opinion this is an example of the truly professional and compassionate staff the Lincoln Police Department has and is a true testament to the quality of the leadership the Town of Lincoln has in place in that department.

Respectfully submitted, Ronald Beard, Fire Chief

The Board of Selectmen thanked Chief Beard for the awesome letter and were in complete agreement that under Chief Morris's leadership, they have an outstanding Police Department.

OLD BUSINESS:

Riverfront Park

Selectman Ham asked if there were any updates on the Riverfront Park project? Town Manager Burbank responded that they should be drilling test bores (boreholes) to investigate soil conditions later on this week. Chairman Robinson explained that they didn't want to build a parking lot without knowing first that the land below where the skateboard park and walking path were going to be, were safe. Once all of the drilling is complete, the project will move forward. Ham responded that she was concerned that the money for this project (\$400k) would be exhausted on all of this additional work, and not the actual construction of the park. Ham requested that Finance Director Johnna Hart provide a dollar amount on how much money has been spent to date on the Riverfront Park (e.g., planning, engineering, and design).

Water Meters

Selectman Ham asked Chairman Robinson if he has reached out to the Water Committee to discuss a warrant article to purchase and install water meters for the next Town Meeting. Robinson explained that they have reached out to Raftelis to ask them for a revised rate structure that includes a higher flat fee/base

rate (including a water component) and/or options for rate structures that include higher base rates with a set allotment of gallorage. Robinson noted that they have not heard back from Raftelis yet and asked Town Manager Burbank to reach out to them and let them know that the Water Committee is going to be meeting soon, and this is a question that came up a few meetings ago.

Water Restriction's

Chairman Robinson asked how things were going with the current drought situation? Water Plant Operator, Dave Beaudin responded that there are still moderate drought conditions in affect, and the state has not lifted the ban yet despite the approximately 4 ½" of rain last week, and rain in the future forecast. Robinson suggested putting this on next week's agenda (October 26th), and discussing this matter further with any recommendations that DPW Director Hadaway may have.

Sewer Capacity

Chairman Robinson asked if Town Engineer, Ray Korber was looking at capacity calculations for the town's Sewer Treatment Plant. Burbank responded that Korber looks at these calculations annually when he reviews Burndy's Discharge Permits that they are required to submit to the town every year. Robinson questioned whether or not there were any definitive plans in place in the event an applicant comes before the Planning Board with a large building project (e.g., 100-room hotel), and they ask if the town has the sewer capacity to sustain a large structure? Burbank responded that they do not. Robinson feels that it is fair for the town to request that the developer be responsible for doing a sewer study that determines how they will get their sewerage to the wastewater treatment facility (just as the Fairfield Inn had to do). Robinson's concern was that the developer puts all of their time and effort into obtaining a sewer study, only to find out that the town has reached its maximum capacity. There was a brief discussion on the type of calculations that Ray Korber is looking at when he reviews Burndy's Discharge Permits, and Town Manager Burbank commented that he would speak with Ray Korber about taking a closer look at the calculations for the town's sewer capacity, and get more definitive information.

Public Participation

Roger Harrington asked if there was any news on The Pines. Town Manager Burbank responded that they are still waiting for the bonds, and according to recent discussions he has had with Rick Elliott, he is unable to find a company that will bond him. Burbank explained that Rick Elliott asked if he could pay cash in lieu of a bond (approximately \$82k) for the detention pond work at The Pines at Forest Ridge. Burbank explained that he could *not* pay cash, however, after consulting with the town's attorney, he was told that the town could accept a certified Bank Check [Note: Burbank noted that there should be a written agreement to accompany the Bank Check in the event there is a default]. There was a brief discussion on The Pines permitting, and Burbank noted that November 30th is the deadline for the work to be completed.

VII. ADJOURNMENT

After review of the weekly payables, and 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.

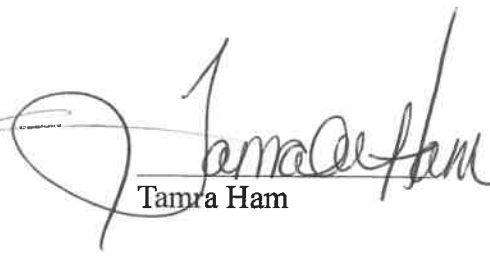
The meeting adjourned at 6:25 p.m.


Respectfully Submitted,


Jane Leslie

Approval Date: October 26, 2020


Chairman O.J. Robinson


Tamra Ham


Jayne Ludwig



Town of Lincoln

Town Manager's Office ♦ 148 Main Street
P.O. Box 25 Lincoln, New Hampshire 03251

Al "Butch" Burbank
Town Manager

October 16, 2020

To: Board of Selectmen
From: Butch Burbank, Town Manager
Re: Water Storage Tank Assessment

After receiving the Weston and Sampson assessment of Water Storage Tank capacity, I have met with Nate Hadaway, Ron Beard, David Beaudin, and Ray Korber to discuss the report and attempt to put together a plan for "next steps". Out of this discussion, we are submitting the following guidance and recommendations.

The purpose of this memorandum is to provide guidance and recommendations to the Board of Selectmen on next steps to address deficiencies related to the town's water system. We have completed our review of the *Water Storage Tank Storage Assessment & Model Update* report dated September 18, 2020 prepared by Weston and Sampson, and offer the following recommendations as it relates to the water storage tank assessment completed to date:

Statement on Water System Level of Service:

Level of service refers to the quality of a given service that our customers expect us to provide. It defines the standard of performance for our systems and operations, and establishes the benchmark by which management strategies are developed and decisions are made on how best to deliver sustainable and cost-effective service to our customers. Defining and measuring levels of service is a key activity in developing our infrastructure asset management plans; quantifying the associated level of reinvestment in the system, and establishing the priority and timing of those investments. Fundamentally, it is the driver that will help us in our capital planning efforts and decision-making process going forward.

As it relates to our water storage tank infrastructure, we recommend that the level of service be defined as follows:

- The Town of Lincoln will provide sufficient storage capacity to meet industry standards and recommendations for peak demand, and the recommendations of the 2007 Insurance Services Office Report for fire protection in the three main pressure zones (defined as the Main Pressure Zone, Loon Village Pressure Zone and Indian Head Pressure Zone), while meeting all state and federal drinking water standards; and,
- The Town of Lincoln will develop specific operational protocols for fire protection response to areas connected to the water system, but located outside the area to be served by the municipal water storage tanks.

Statement on Strategy for Capital Improvement Programming:

Key to our decision-making process, is establishing a strategy to assist us in prioritizing how we will achieve the level of service that we have defined for ourselves. We recommend that the town's strategy to meet the desired level of service be defined as follows:

- First, maximize investments already made in our infrastructure before making any major new capital investments. We will choose the low-cost solutions first to improve the level of service that we can offer our customers; and,

- Second, commit to the capital investments necessary to achieve the desired level of service defined above by December 31, 2022; and,
- Third, seek public-private partnerships to deliver the capital investments required to meet the desired level of service.

Statement on Weston and Sampson Analysis and Evaluations:

Based on our review of the Weston and Sampson report and previous reports submitted by Hoyle Tanner, we believe the way forward is to focus our attention on the following capital improvements. Please note that additional analysis is required to better define and verify the suitability of these improvements. At this time, we concur with Weston and Sampson's recommendations, and believe additional investigation is warranted for the following solutions in the following order of priority:

1. Remove Crooked Mountain Road from Main Pressure Zone.
2. Install a pressure reducing valve between Loon Village and Main Pressure Zones.
3. Construct a tank in Loon Village Pressure Zone.
4. Construct a tank in Indian Head Pressure Zone.

Next Steps:

If the Board of Selectmen agree to the level of service requirements, strategy and solutions defined above, we recommend next steps be as follows:

1. Review and make recommendations for water system connection policy.
2. Retain Weston and Sampson to better define the type(s) and location(s) of interconnections between the Main Pressure Zone and Loon Village Pressure Zone, and to enhance the level of service in the Main Pressure Zone.
3. Coordinate with South Peak Development and complete the necessary evaluations to determine if a public-private partnership in the South Peak Tank is mutually beneficial. Retain Weston and Sampson to complete the necessary evaluations to leverage the South Peak storage tank for the Loon Village Pressure Zone.
4. Retain Weston and Sampson to complete a site assessment to determine the preferred locations of a tank in the Indian Head Pressure Zone and/or provide alternative means for fire protection. Also, if required (pending the completion of Item 3 above), complete a site assessment to determine the preferred locations of a tank in the Loon Village Pressure Zone.
5. Initiate a public education and outreach program to seek input from customers and ratepayers and provide information to them on the need to complete recommended capital improvements.
6. Recognizing that water conservation will maximize the investments made in our current infrastructure, make a final determination on pursuing a meter replacement program and new rate structure as part of a water conservation initiative.
7. Seek public-private partnerships to complete the required capital improvements program.

Regulations Relative to Permits for Short Term Rentals

The Town of Lincoln will allow Short Term rentals but wants to ensure the safety of occupants, minimize neighborhood disruption, and maintain fairness related to paying for Town services.

A "Short-Term Rental" or "Vacation Rental" unit is defined as any individually or collectively owned single family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home, that is offered for a fee for less than 30 consecutive days per RSA 48-A:1.

On or before January 1, 2021, all Short-Term Rental units must be registered with the Town. A registration form is available online at www.lincolnnh.org or at the Town office. Upon registration, a Short Term Rental permit shall be issued.

There is a \$50 annual fee to register Short-Term Rental units per tax parcel.

The owner of any unregistered Short-Term Rental unit will be fined as follows starting April 1, 2021:

First offense from unit owner that was not sent a notice of this ordinance by the Town: written warning

First offense from unit owner that was sent a notice of this ordinance by the Town: \$100

Second offense, after allowing 10 days for registration since first offense: \$500

Additional offenses, after allowing 10 days for registration since second offense: \$1,000 each.

The Town has the right to revoke a permit for any Short-Term Rental unit that becomes a nuisance. This action will require a minimum of three incidents within one year, validated by the Lincoln Police Department or NH State Police, where the contact person was notified of problematic occupant actions. Any unit owner found to be operating as a Short Term Rental after revocation will be fined \$1,000 per 10-day period.

If a permit is revoked, the owner may appeal the decision to the Board of Selectmen within 30 days of the date of revocation, and the Selectmen shall hold a hearing on the appeal within 45 days and either affirm the revocation or overturn the revocation. If the revocation is overturned, the Selectmen can impose conditions upon the reinstatement of the permit.

Any comments or complaints related to Short Term Rentals can be submitted online at www.lincolnnh.org or at the Town Office.

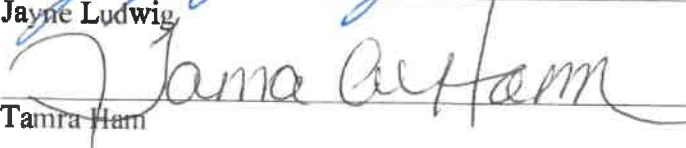
Approved by the Town of Lincoln Board of Selectmen on July 13th, 2020.



O.J. Robinson



Jayne Ludwig



Tamra Ham