

MEETING MINUTES

NOVEMBER 2, 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 via Zoom: Chairman OJ Robinson, Vice Chair, Tamra Ham, and Selectman Jayne Ludwig

Staff Present via Zoom: Town Manager Burbank, Fire Chief, Ron Beard, and DPW Director, Nate Hadaway.

Public Present via Zoom Video Conferencing: Al Poulin, Paul Beaudin, John Hettinger, Jay Scambio, Ken Mack, Ray Korber (Town Engineer), Dave Fox (Manager, Raftelis), Kevin Sullivan, and Jeffrey Holdridge

I. CALL TO ORDER

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

II. ZOOM DISCUSSION WITH RAFTELIS (Water Rate Structure Study)

Town Engineer, Ray Korber opened up the discussion and explained that the Board of Selectmen and Water Committee had some follow-up questions to the *Water and Sewer Rate Study* (May 8, 2020) that Raftelis was contracted to conduct to assess the financial situation of the Town's Water and Sewer utilities, and to develop water and sewer rates and subsequent customer impacts of changing the Town's existing methodology for billing water and sewer. The Board's questions concerned the shifting of the cost structure from the more *seasonal* population to the long-term residents. Chairman Robinson added that the Water Committee has also requested that Raftelis propose a rate structure that would help soften the shifting costs with a set allotment of water usage as part of the fixed fee (the variable would begin above and beyond the set allotment). Korber encouraged the board to approach this from two perspectives: (1) think of this in terms of "leading with policy," and "objectives", specifically around conservation and financial sustainability, and, (2) what does the cost structure look like with this shift (*what does it look like – what should it look like*)?

Dave Fox, Manager at Raftelis addressed the board and commented that they should step back for a moment and reflect on the impetus for making changes to the way the town currently charges its consumers for water and sewer service. Fox further commented that pending on how the town goes about structuring what their rates will look like, could potentially yield different results in terms of how it will impact customers; revenue streams, water demand, and conservation efforts. Fox explained that Raftelis will try to help the town prioritize its objectives and accomplish as many of them as possible, however, he feels that the town should primarily focus more on making a change and billing methodology, rather than on customer impacts?

John Hettinger commented that the town may want to examine exactly what went wrong the last time that water meters were installed (back in the 90's) and failed, and ensure that this does not happen again. Fox agreed that it will definitely cost a substantial amount of money to implement the water meters (approx. \$1.2M), as well as additional costs to read and properly maintain them, and it will only be worthwhile to have the meters in place if they are yielding productive data that the town can utilize along with a more equitable rate structure.

Selectman Ludwig asked if there are any other towns similar to Lincoln (seasonal business communities) that have implemented water meters, and if so, what kind of feedback (if any) was there? Fox responded that Lincoln is an anomaly as far as water rate structures are concerned because *best practices* for most municipalities entails a rate structure that is reflective of fixed charges based on the meter size, as well as volumetric rates, and sewer charges are most commonly reflected with fixed charges by meter size and a volumetric rate tied to water consumption (sewer bill based on water consumption). Fox further explained that Lincoln is also an anomaly as far as having a large seasonal customer base, and noted that some municipalities have *seasonal rates* which are typically much higher during peak seasons, however, this seasonal rate will also extend to, and affect all water/sewer consumers in Lincoln.

Town Manager Burbank commented that back in the 90's when water meters were purchased and installed (purchased with Federal Grant money), the committee at that time could not determine whether or not to charge for water usage, so the meters were essentially used to monitor usage and gather data, and eventually became obsolete.

Ray Korber commented that one of the questions being posed tonight is whether or not costs can be shifted away from year-round customers on to the seasonal customers, and asked Fox if he could elaborate on the structure between a fixed and variable rate (and how this impacts the concept of water conservation). Fox responded that if the town does not bill its customers based on their *actual* water consumption, then there is no incentive for them to conserve water or to use it responsibly. Fox feels that when customer billing is based on water consumption, it will provide a direct economic incentive to the consumer to use their water responsibly and efficiently.

Paul Beaudin commented that many seasonal homeowners have transitioned into short-term rental properties which have driven up water/sewer usage, and he feels that a base and volumetric charge will allow for water conservation, however, Beaudin questioned ongoing maintenance costs after the water meters are implemented, and feels that there are many variables involved that need to be looked at. Beaudin also noted that the town continues to allow the building of new construction without even knowing whether or not there is enough supply for this demand (water and sewer).

John Hettinger questioned how do you get the large number of seasonal visitors to Lincoln to conserve water when there is no reason for them to do so? Selectman Ham responded that when you begin charging property owners for water consumption, they will be more mindful of their properties water usage. Paul Beaudin asked Dave Fox if they can design a rate structure that is based upon an individual home and its size, and what it is designed to use (base rate), and anything above and beyond *normal* usage would be billed accordingly. Fox responded that these types of rate structures do exist (although uncommon), and commonly utilize meter sizes rather than by bedroom size, fixtures etc. Fox added that he does not have water data for Lincoln with enough detail to support any level of analysis at this time because the current water data is very old and unreliable, and in an effort to create a fundamental structure, it must be based on accurate data that is current and obtained from actual meter readings.

Chairman Robinson explained that the water meters that were installed back in the 90's were not successful at that time because there was a lot of discussion; debate, and differences of opinion relative to water rates (should the town charge or not), as well as concerns over the shift of the burden from the seasonal high-end homes, down to the year-round residents who lived in more modest homes. Robinson fears that this will happen again if the town does not do something to decrease, or dramatically lessen the shift of this burden, and feels that they should do an allotment that is based on the water pipe size (not the number of bedrooms or fixtures). Robinson noted that the drought conditions that the town recently experienced was also a good lesson that showed that the town had the capacity to conserve and reduce its water usage when

necessary, and feels that a monetary incentive would essentially yield the same results. Robinson further explained that the way to get the voters to accept this concept is to give them a set allotment of water usage (e.g., 40k gallons) that is billed at a set fee, and once they go over their set allotment they would be billed accordingly. Robinson feels that this would politically appeal to the voters, as well as promote water conservation.

Paul Beaudin asked Fox if the town could increase the water and sewer charges for new property owners that are building large homes in town? Fox responded that from a Rate Consultant's viewpoint, it is fine to charge an upfront cost (e.g., system development fee) which is typically set in three ways: (1) to retroactively charge a new customer for buying into the capacity of the system at the existing rate that consumers have been paying/investing into the system since its inception (buying into capacity that is already there), (2) the incremental approach, or if additional capacity is needed to provide service for new customers, they would be charged for this, and, (3) the hybrid approach which is a combination of (1) and (2), whereas the customer will buy into the system that is already in place, and also pay for new capital improvements being taken solely for the purpose of the new construction. Fox added that if the town charges a higher or different volumetric rate because someone is a "new" customer, this may incite legal challenges for the town. A discussion ensued on future anticipated water demands (new hotels and new homes being built) as well as commercial water usage.

John Hettinger commented that the town may want to consider metering usage based on per unit time (e.g., Friday-Sunday) so that the town can electronically capture the "usage" and bill at a higher rate during those times when usage is high, similar to what electric companies do with "demand charging" and this may help reduce consumption. Dave Fox responded that this would be a very costly endeavor to do.

Paul Beaudin commented that based on tonight's discussion, it will be the local population that will be voting on this matter, and they will have to be given some form of assurance that the rates are not going to increase exponentially once the system is in place, and up and running. Beaudin feels that (1) the local population must be taken care of, and, (2) the locals must feel comfortable, in that they will have a say in the overall structuring of the water meter process.

Ray Korber asked Dave Fox if he could work up three (3) scenarios: (1) flat rate, (2) variable rate, and, (3) usage allowance included with a fixed charge to see how this will impact the customer base. Fox said he could definitely do this and would work with the town to obtain specific assessing data on the various housing types in the community.

III. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

MOTION: "To approve the BOS meeting minutes of October 26, 2020 as amended."

Motion: Tamra Ham

Second: OJ Robinson

Motion carries.

Abstained: Jayne Ludwig

IV. OLD/NEW BUSINESS

Town Manager's Report

Riverfront Park Update

Town Manager Burbank informed the board that the test pits were completed today at the Riverfront Park site. Ray Korber explained that the recent sub-surface investigations (test pits) at the Burndy hazardous

waste site which were remediated years ago, were dug to assess the geotechnical conditions for low-bearing capacity at the proposed parking lot location. Korber noted that the test pits came back favorable (except for one), and the parking lot will be able to go in on this location as envisioned (a final report should be available in the coming weeks). Korber further explained that additional test pits were dug for the soil mapping as required by DES (mitigate stormwater runoff from parking lot) for the Alteration of Terrain Permit (AoT) where they will propose putting in a rain garden or stormwater infiltration chamber. Korber added that they still have to do a soil analysis to make a determination as to whether or not they are dealing with any contaminants, as the infiltration chamber cannot be put in a location with soil contaminants. Korber noted that he was cautiously optimistic that this will not be a problem, but the laboratory analysis will have to confirm the same.

Formerly Appoint Building Committee Members

Town Manager Burbank asked the board if they were prepared to formally appoint John Hettinger, Debbie Celino, Al Poulin, and Jim Welsh to the Building Committee. Burbank added that it was his understanding that he would also be participating along with one of the Selectmen.

MOTION: “To nominate Town Manager Burbank, John Hettinger, Debbie Celino, Al Poulin, Jim Welsh and Selectman Ham to the Building Committee.”

Motion: OJ Robinson

Second: Jayne Ludwig

All in favor.

Town Hall Closed to the Public

Town Manager Burbank informed the board that due to the uptick of Covid cases he has decided to close Town Hall to the public. Burbank explained that there is a part-time employee of the town that has tested positive for the Corona Virus, and there may have been some secondary exposures to other town employees as a result. Town Staff have all gone for Covid tests, and all have come back negative at this time (two (2) employees are awaiting results).

Election Day (November 3rd)

Town Manager Burbank explained that Town Hall is set up for tomorrow’s General Election, and the Conference Room and Town Hall offices will all be disinfected with a newly purchased Antimicrobial Disinfectant Fogger. There will be limited staff in the building tomorrow due to the volume of voter traffic.

Fall Tax Bills

Town Manager Burbank informed the board that the tax bills are scheduled to be mailed out on Wednesday, November 4th with the Short-Term Rental Ordinance (*see attached*).

OLD BUSINESS:

Town Treasurer Vacancy

Chairman Robinson asked if any letters of interest have been received for the Town Treasurer position? Town Manager Burbank responded that there have been no letters of interest received as of this time. Burbank added that he will reach out to Municipal Resources Inc. (MRI) in the event that no candidates come forward for this position (the Board of Selectmen can appoint a “hired” person to fill this position until a Treasurer is found). Robinson commented that although MRI is a great resource to have, there may be a local person that works in town, but does not live here that is capable and qualified to fulfill the Treasurers responsibilities.

Kanc Ski Area

Selectman Ham explained that she has reached out to Charyl Reardon (Woodstock BOS) to discuss how

STR Type 3 is owner or operator occupied or associated at least part-time.

Town Manager Burbank explained that it is his opinion that the way Mr. Holdridge is utilizing his unit does in fact meet the description of STR Type 1. Chairman Robinson agreed and explained that the town is simply trying to get a handle on the explosion of short-term rental units in town, as well as the disruption issues that have risen around them (parking issues, noise complaints, campfires). Robinson noted that the board felt that short-term rentals needed to be treated as a commercial operation opposed to an extension of a residential unit, and feels that the registration fee of \$50 is nominal. Mr. Holdridge responded that this has nothing to do with the \$50 registration fee, but rather the principle because he pays high taxes to the town as well as the rental management company. The board thanked Mr. Holdridge for joining the meeting.

V. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c,e) Personnel Issue update, CRVI lawsuit

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 6:55 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 7:30 p.m.

VI. ADJOURNMENT

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

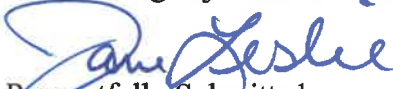
MOTION: "To adjourn."

Motion: OJ Robinson

Second: Tamra Ham

All in favor.

The meeting adjourned at 7:32 p.m.

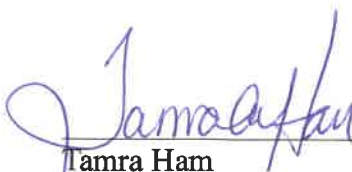


Respectfully Submitted,
Jane Leslie

Approval Date: November 16, 2020



Chairman O.J. Robinson



Tamra Ham



Jayne Ludwig

each of their boards feel about operating the Kanc Ski Area this winter in light of the Covid Crisis. Ham reported that both Lincoln and Woodstock Boards agree to only open up season pass sales (there will be no individual ticket sales) to Lincoln and Woodstock residents *only* in an effort to keep the communities' children safe. Ham added that Linwood Ski Team will be the *only* ski team allowed to practice at the Kanc as well. Selectman Ludwig noted that Town Manager Burbank said he would speak with town counsel to make sure that this could be done legally. Burbank responded that he had not spoken with town counsel because he was not certain if any definitive decisions had been made, however, he will reach out to Peter Malia this week.

Public Participation

Kanc Rec Ski Area

Paul Beaudin commented that he understands the need to keep the community's children safe, however, he does not agree with the board's decision to *only* allow full-time Lincoln and Woodstock residents to ski at the Kanc. Beaudin feels that the board is singling out a certain population of taxpayers, of which some of them pay a lot of money in property taxes, and telling them that they can not ski at the Kanc is not fair. Beaudin commented as a taxpayer that he feels that proper safety protocols should be put in place, but the town should not be engaged in segregating the population. Jay Scambio commented that he is in agreement with Paul Beaudin as well. Town Manager Burbank asked Jay Scambio (General Manager of Loon Mountain) how he suggests the town go about doing this. Scambio responded that one idea that Selectman Ham had discussed was limiting season pass sales, and with the Kanc Ski Area being a much smaller/simpler operation than Loon (One lift and one indoor space) this should be relatively easy. Scambio noted that he does not disagree with the concept of selling a limited number of passes, however, he agrees with Paul that all taxpayers contribute to the operation of the Kanc Ski Area, and they should have the opportunity to purchase a ski pass. Chairman Robinson feels that if they limit participation at the Kanc Ski Area, they have to be careful how they go about doing it. Ham reiterated her initial concerns and fears that many second homeowners travel back and forth out-of-state to known Covid "hot spots" and this increases the risk of exposure to others in the community, and the only way to keep the local community safe and schools open is to limit the season passes to Lincoln and Woodstock residents only.

Town Manager Burbank asked if a daily capacity has been established for the Kanc? Selectman Ham responded that Recreation Director Tower has determined that 50 daily participants will be the capacity that was decided upon. Chairman Robinson suggested they schedule a joint meeting via Zoom with Woodstock Selectmen for either next Monday (Lincoln BOS meeting) or Tuesday (Woodstock BOS meeting) after Town Manager Burbank gets a legal opinion on this matter from town counsel.

Short-Term Rental Ordinance

Jeff Holdridge, unit owner at the Lodge at Lincoln Station addressed the board to express his concerns over the Town's Short-Term Rental policy. Mr. Holdridge explained that he was informed of the town's ordinance by his condo association, and he does not feel that he qualifies for this policy or the \$50 annual registration fee because of the way his unit is being used. Mr. Holdridge explained that he and his family have minimal personal use of his unit, and his on-site rental management company rents the unit out for visits that are under 30-days. Chief Beard read the following short-term rental types as follows:

STR Type 1 is owner or operator occupied or associated with an owner-occupied Managed Residential Unit Building.

STR Type 2 is not owner or operator occupied and is not associated with an owner-occupied Managed Residential Unit Building.

Town of Lincoln New Hampshire

Short-Term Rental Registration

Submittal Date: _____ Registration Fee of \$50.00 per tax parcel

1. TYPE OF SHORT- TERM RENTAL BEING APPLIED FOR:

___STR TYPE 1.

STR Type 1 is owner or operator occupied or associated with an owner-occupied Managed Residential Unit Building.

___STR TYPE 2.

STR TYPE 2 is not owner or operator occupied and is not associated with an owner-occupied Managed Residential Unit Building.

___STR TYPE 3.

STR TYPE 3 is owner or operator occupied or associated at least part-time.

2. APPLICANT INFORMATION

Applicant's Name:	
Applicant's Address:	
Telephone:	E-Mail:

Owner Information Same as Applicant Y / N

Entity/Owner Name:	Entity/Owner Contact Person:
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Owner's Address:

Telephone: _____ E-Mail: _____

DESIGNATED EMERGENCY CONTACT *(With a Response Time in person or by phone of 45 Minutes)*

Designated Contacts Name:	
Designated Contacts Address:	
24 Hour Telephone:	Email:

3. NH Room and Meal's Tax Licensed Y / N

4. Does the unit(s) have working Smoke and CO Detector's Y/N

5. Any questions you can request a free Life Safety Inspection.

PREMISES INFORMATION

Physical address of the short-term rental:

Street Address: _____ Unit Number (if applicable) _____

Type of Structure:

Residential (Single Family) O

Residential (Two Family/Multi) O

Accessory Dwelling O

Apartment or Unit in Multi-Family-Unit Building O

Number of Bedrooms: _____ Number of Bathrooms: _____

Burglar/Fire Alarm Registered with the Police Department: Y / N

Number of Designated Parking Spaces on the Property: _____

List of short-term rental platforms the property will be advertised through (ex. Airbnb, HomeAway, VRBO, ect): _____

LIST OF TOWN ORDINANCES THAT ARE STRICTLY ENFORCED AND RENTERS MUST BE AWARE OF:

Permissible Fireworks Ordinance, Dog Ordinance, Drug Paraphernalia Ordinance

Public Drinking Ordinance, Wild Animal Ordinance, Disorderly Action Ordinance

Winter and Inclement Weather Ordinance. Ordinances can be viewed on the Town's

Web Site. www.lincolnnh.org

Acknowledgment

By signing this registration form, I acknowledge that I am aware of the Town of Lincoln's Ordinances listed above including the Short-Term Rental Ordinance.

Property Owners Signature

X _____ Date: _____

Staff

Registration Fees Paid \$

Acceptance: Y N By:

Registration Number(s): 2020-_____

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

