
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, Police Chief, Chad Morris, DPW Director Nate Hadaway, and Administrative Assistant Jane Leslie.

Public Present via Zoom Video Conferencing: Paul Beaudin, Jay Scambio, Town Engineer, Ray Korber, and Mary Conn

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:03 pm.

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

The approval of the meeting minutes was postponed until next week (11/16).

III. LEVEL OF SERVICE Discussion

Sewer Capacity (Town Manager Memorandum)

Town Manager Burbank explained to the board that he collaborated with DPW Director, Nate Hadaway, and Town Engineer, Ray Korber on a memorandum for the Board of Selectmen to provide guidance and recommendations moving forward on *next steps* to assess the operational performance of the Town's Wastewater System (*see attached*). Town Engineer, Ray Korber explained that this memorandum is also a response to the Boards expressed concerns over the proposed development for three (3) new hotels in town, as well as concerns over the availability of the town's wastewater capacity. The goal of the memorandum was to focus in on the two (2) major components when it comes to the level of performance for the wastewater system: (1) Wastewater Treatment Plant, and, (2) Wastewater Collection System.

Korber explained that as far as the level of service relates to wastewater infrastructure, it was his recommendation that the town focus first on the fundamentals of what the town must accomplish to protect the public health and environment, and meet federal and state regulatory requirements. Korber recommended that the level of service be defined as follows:

1. The Wastewater Treatment Plant shall meet all effluent limits and regulatory requirements as specified in the NPDES Permit (National Pollutant Discharge Elimination System).
2. The Wastewater Collection System shall have system capacity to ensure there are no discharges to the environment (sanitary sewer system overflows).

Korber explained that the town is obligated to meet these two wastewater regulatory requirements in its level of service for its wastewater collection system, and these will be the benchmarks for the operation. Korber explained that the town needs to look at two key drivers when considering the replacement of the Wastewater Treatment Facility: (1) the hydraulic loading at the facility, and, (2) the effluent limits. Korber noted that he was able to do a quick desktop study that was based on wastewater facility flow data that he obtained from Utility Partner for 2018/2019, and his estimation was that the town was at approximately 60% capacity (hydraulic loading is increasing at approximately 2% a year). Korber explained that the

town's NPDES permit will trigger a discussion with the EPA (Environmental Protection Agency) and DES when it reaches 80% capacity which is the threshold for the EPA and DES involvement, and will require conversation about what the town's future plans are going to be to either expand or replace the facility. Korber noted that based on his desktop study, the 2% increase per year would give the town another 5-10 years before hitting the 80% threshold.

Korber explained that the EPA issues NPDES (National Pollutant Discharge Elimination System) Permits by the various regions (New Hampshire is Region 1). Historically, Region 1 has been monitored closely by the EPA in Washington DC because of their inability to get NPDES permits issued across the New England region. Korber explained that he went back to review his records to see when the town had submitted a permit renewal, and found that it was done in 2014, yet it is 2020, and the town is still operating on a 2005 NPDES permit (this 5-year permit is 15-years old). Korber noted that he expects Lincoln will be receiving a new permit in the near future based on other work he is doing with surrounding towns in the region. Korber explained that the two triggers for the treatment plant that the town will want to focus on are: (1) the 80% threshold of hydraulic capacity (currently at 60%), and, (2) when EPA issues a new draft permit, negotiate a compliance schedule at that time.

Chairman Robinson commented that what the Planning Board and Board of Selectmen need to know is what is the expected current capacity when taking into account the towns "vested projects," and asked if there is a mechanism to determine how they will affect the overall sewage capacity. Korber responded that Step 1 under *Next Steps* addresses this:

1. Complete a desktop study to determine wastewater treatment facility compliance with the NPDES permit. Estimate the service life of the facility for planning purposes.

Korber explained that this would be done within the context of the vested (but unbuilt) portions of the developments that the town has already made a policy statement on, and has provided wastewater services.

Korber referred to Step 2: *Coordinate with EPA and NHDES on the status of the NPDES permit renewal*, and suggested that they may want to reach out to DES and the EPA to ask if Lincoln can be expecting their permit renewal in the near future, in an effort to get a sense of when the NPDES permit will be arriving, and to allow the town adequate time to review it and plan ahead.

Town Manager Burbank commented that with the Board of Selectmen's approval, they can begin looking at whether or not this evaluation can be done in-house with Ray Korber's assistance, or possibly with outside help (Utility Partners). Robinson responded that he would like to see Step 1 listed on the Memorandum under *Next Steps* to specifically state that the desktop study will include the *vested projects* so that it is clear when the public reads the memorandum.

Town Manager Burbank said they would update the memo so that it becomes part of tonight's meeting, and they would proceed accordingly.

V. OLD/NEW BUSINESS

Town Manager's Report

Fall Tax Bills

Town Manager Burbank updated the board that the Fall Tax Bills were mailed out on November 4th. Burbank noted that the short-term rental ordinance was included with the tax bills, and appear to have raised numerous questions from some of the property owners. Burbank explained that he received an email from Mike Simon requesting clarification on the short-term rental process, as it was his belief that the

ordinance excluded hotels. Burbank also noted that condo units with on-site management companies are of the belief that this also does not apply to them. Burbank asked for clarification on exactly who is included/excluded in the short-term rental ordinance. Chairman Robinson responded that during the short-term rental discussions, he had advocated that hotels should *not* be part of this process, as the main goal of the ordinance was to (1) control the nuisance issues (trash, parking, noise etc.), and if someone is operating a hotel and there is a problem, there is a manager or owner that is on-site to rectify whatever issues arise, and, (2) if there is a situation that involves either the police or fire, the hotel knows exactly who to contact. Robinson explained that it is the individually owned units that have become the problem and reason that the board created this ordinance.

Town Manager Burbank asked about units such as the Mountain Club or Nordic Inn Condominium Resort that have mixed occupancy types (full-time residents, apartment rentals, and seasonal condominium rentals) and unit owners that have the option to participate in hotel/front desk rentals, or to rent their units out themselves. Chief Beard commented that the town should look at whether or not there is one (1) tax bill going to a condo complex, or separate bills going to individual unit owners at places like the Nordic Inn, the Lodge at Lincoln Station, and the Mountain Club (or have they retained a management company that rents their units out for profit). Beard referred to the hotels up on Route 3 as an example, whereas there's one hotel owner who gets one (1) tax bill and owns/rents out their individual hotel rooms; then there's condo hotels such as the Mountain Club that have individual owners that are in a partnership with a rental management company that rents out their units (for a fee). Beard added that this is similar to the Nordic Inn, whereas the unit owners sign on with a contracted rental company which would fall under the short-term rental type 1 (*STR Type 1 is owner or operator occupied or associated with an owner-occupied Managed Residential Unit Building*). Beard explained that an individual unit owner that does not use a rental management company would fall under Short-Term Rental type 1 or 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 is owner or operator occupied or associated at least part-time.

Beard recalled that during the short-term rental discussions, this was how the board had separated out the uniquely different property types in town. Selectman Ham commented that it was her understanding that the Mountain Club, similar to Pollard Brook/Riverwalk are timeshare/quarter share units with their rentals being handled through the front office, and not by the individual owners on various short-term rental platforms (e.g., Air B&B, Homes Away, VRBO etc.). Ham was not 100 % certain if this is how these types of properties operate, but suggested they find out because in her opinion these particular property types (Pollard Brook, the Mountain Club, Riverwalk etc.) should be treated like a "hotel."

Selectman Ludwig asked if there is any way to find out who is operating a short-term rental unit at places like the Mountain Club? Chief Beard responded that these individual properties can be contacted to find out which units are participating in the *rental unit program*, and the units that are *not* participating but renting their units out on a short-term rental platform, would then have to register with the town.

Chairman Robinson suggested that if there is a single owner, or *common ownership* (i.e., Indian Head, Parkers Motel, Holiday Inn etc.) they would *not* be considered a short-term rental and excluded from the Ordinance. If a property operates as a hotel (i.e., Mountain Club at Loon), and has *exclusive on-sight management* (if all units on the property can *only* be rented out through the management company) they would then be treated as a hotel.

- Common ownership (own the entire hotel)
- Exclusive onsite management

Robinson noted that he would draft a memorandum explaining the short-term rental types, and what distinguishes a hotel from a short-term rental to be attached to the Short-Term Rental Application/Ordinance.

Paul Beaudin suggested that the town draft a *waiver* document for hotels and rental properties that are exempt from the short-term rental ordinance so that the town has a written record that states the reason the property is exempt from the ordinance.

General Elections Totals

Town Manager Burbank explained that he had asked the Town Clerk to compile General Election voter statistics for tonight's meeting, however, she was not at work today and would follow up with this information when he receives it from the Town Clerk.

Town Treasurer Vacancy

Town Manager Burbank informed the board that Susan Chenard has indicated that she would like be done with the Treasurers position by November 30th. Burbank added that the town has not received any applications or letter of interest to date, however, town staff has been reaching out to the community to see if there is any interest.

Riverfront Park

Chairman Robinson explained that with the new position of the parking lot being closer towards Main Street, there has been discussion about considering/investigating a single driveway into the park between the Linwood Plaza and Citizens Bank, which would be shared by the two facilities and leading to the Riverfront Park's parking lot. Robinson spoke with Linwood Plaza owner, Paul Bartlett who would like to see a detailed description of what this would look like on paper (tax maps/google maps) to better visualize what is being proposed.

NEW BUSINESS

Email received from SAU Superintendent, Judith McGann

Town Manager Burbank received an email from Superintendent McGann informing him that the School Board has voted to pursue a Town Meeting vote for the town's easement (Pleasant Street turn-around).

OLD BUSINESS:

Letter received from Mike Beaudin

Chairman Robinson explained that resident Mike Beaudin has requested that the board make several recent letters that he has submitted to the board public documents so that anyone interested may be able to read them. Robinson suggested all three letters dated 10/5/20, 10/6/20, and 11/3/20 be combined into a single PDF document and available upon request.

Kanc Rec Winter Ski Season

Selectman Ham shared that after legal consultation, it was suggested that the town *not* limit ticket sales to Lincoln and Woodstock residents only. Ham explained that Rec Director Tower will be opening up ticket sales on *Rec Desk* (see attached) to local residents and last season's pass holders, and then review where

the season pass numbers are at, and determine if there is room to sell more passes to the public while keeping in mind the health and safety of the community.

Public Participation

Paul Beaudin asked about the 2% annual capacity increase at the wastewater facility that Town Engineer Ray Korber referenced earlier in the meeting, and questioned how three hotels would create additional impact above and beyond the estimated 2% residential increase. Town Manager Burbank responded that the 2% a year figure was taken from the actual flow data. Beaudin also questioned the flow versus the actual system usage and was not sure if this was going to be considered to be included in the study. There was a brief discussion on the sewer collection system relative to tonight's earlier discussion.

VI. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c,e) (2) Personnel Issues, CRVI Lawsuit, Potential Assessment Mediation, personnel litigation mediation

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

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

The BOS went into Non-public session at 6:15 p.m.

MOTION: "To re-enter public session."

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

The Board came back into public session at 7:14 p.m.

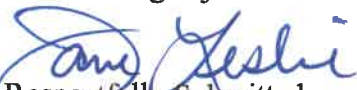
VII. ADJOURNMENT

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

MOTION: "To adjourn."

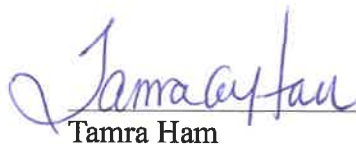
Motion: OJ Robinson Second: Tamra Ham All in favor.

The meeting adjourned at 7:15: p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: November 16, 2020


Chairman O.J. Robinson


Tamra Ham


Jayne Ludwig

Town of Lincoln New Hampshire

Short-Term Rental Registration

Submittal Date: _____ Registration Fee of \$50.00

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 Name:	Entity 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.

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- _____

To: Board of Selectmen

From: Butch Burbank, Town Manager

Re: Wastewater System Assessment

The purpose of this memorandum is to provide guidance and recommendations to the Board of Selectmen on next steps to assess the operational performance of the town's wastewater system.

Statement on Level of Service and Strategy:

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 wastewater infrastructure, at this time we are recommending we focus first on the fundamentals of what we must accomplish to protect the public health and environment and meet federal and state regulatory requirements. To that end, we recommend that the level of service be defined as follows. Please note that the level of service will need to be expanded and more clearly defined as we move forward in our assessments.

- The Wastewater Treatment Plant shall meet all effluent limits and regulatory requirements as specified in the NPDES Permit.
- The Wastewater Collection System shall have system capacity to ensure there are no discharges to the environment (sanitary sewer system overflows).

Next Steps:

If the Board of Selectmen agree to the level of service requirements above, we recommend next steps be as follows. Please note that this is not intended to be a comprehensive list. The intent is to make an initial assessment on the existing wastewater system based on available information to better define our current operational status. Additional evaluations and analysis may be warranted based on these initial assessments.

1. Complete a desktop study to determine wastewater treatment facility compliance with the NPDES permit. Estimate the service life of the facility for planning purposes.
2. Coordinate with EPA and NHDES on the status of the NPDES permit renewal.
3. Based on the best available information, develop a list of known deficiencies and operational issues/constraints in the wastewater collection system including pump stations, pipelines and manholes.
4. Based on the initial assessments, make recommendations for further evaluations and analysis of the wastewater system.

