

Lincoln Board of Selectmen – Meeting Minutes

May 18, 2009 – 5:00 pm

Present: Chairman Peter Moore, Selectman Patricia McTeague, Selectman Deanna Huot, Town Manager Peter Joseph and Administrative Assistant Susan Chenard

Audience: David Larsen (Forest Ridge)

The meeting was called to order at 5:10pm.

Routine Business

- **Approval of the Public Meeting Minutes of April 20, 2009** - A **motion** was made by Selectman McTeague, seconded by Chairman Moore, to approve the public meeting minutes of April 20, 2009, as amended. Selectman Huot abstained as she was not present at that meeting. The vote was affirmative.
- **Approval of the Public Meeting Minutes of May 11, 2009** - A **motion** was made by Selectman Huot, seconded by Selectman McTeague, to approve the public meeting minutes of May 11, 2009, as written. Chairman Moore abstained as he was not present at that meeting. The vote was affirmative.
- **Review of Properties to be Tax Deeded** – Town Manager Joseph reported that we were down to 15 properties listed for tax deeding by Tax Collector Susan Whitman. The Tax Collector had been promised payment by either their owner or mortgage holder before lien date on several of these properties. Some properties did not have this assurance. Some properties had circumstances that made the Town Manager suggest waiving the taking by tax deed due to potential liabilities to the Town. He noted that if circumstances changed and the liabilities were removed without the taxes being paid, the tax deeding process could be reinstated. By law, waiving of tax deeding is not to be made for the taxpayer's benefit, but rather to allow the town to avoid a liability.

Six of the fifteen parcels were at Forest Ridge. One of these was a lot just to the left of the guardhouse. The parcel had been erroneously listed under the account Forest Ridge NH, LLC, but actually had been transferred to one of the junior unit owners Associations some time ago. Mr. Larsen explained that Forest Ridge NH LLC doesn't exist anymore. That developer was Vogel, who was before JORI and Lincoln Development. The FRUOA is working with our assessors to solve the situation with this parcel, and another second lot that is scheduled for tax deeding at this time. The Town Manager explained that the Town and Municipal Resources, Inc. (MRI), the Town's assessing agents, were working to clear up this situation and list the properties correctly. The Town Manager recommended waiving the tax deed on this parcel, as the assessing records were not accurate.

The other 5 Forest Ridge lots include the “pond lot”, and 4 lots uphill from the pond, which had been subdivided and slated for multi-unit buildings. Town Manager Joseph explained there were several concerns with the Town taking deed to these parcels. First, there are environmental concerns on all five properties. NH Department of Environmental Services had issued an administrative order which would legally require these issues to be fixed by the property owner. If the Town took deed to these properties, the Town would be responsible for fixing these problems. The problems included an unregistered dam and sedimentation/erosion

Lincoln Board of Selectmen – Meeting Minutes

May 18, 2009 – 5:00 pm

concerns associated with clearing of the lots. Both these issues needed to be addressed before the next snow melt/spring runoff. DES officials provided an unofficial estimate of the costs to repair the site, which could run as high as \$100,000. DES told the Town Manager that they had reached the owner via his attorney, and had been assured that he would fix these items. Town Manager Joseph explained that his second concern centered on access by the current dirt road, an extension of the privately owned Woodland Loop, which runs across the 5 lots. This private road was in an impassable state. In order to gain access to the properties, this road would need to be made passable, and it is unlikely that the owner would do this if the lots had been taken by tax deed. In order for the lots to be usable, therefore, any future owner would need to upgrade. If the Town were to take over these parcels, we would have to bring the road up to at least a gravel road in order to provide access to the property. The cost liabilities of both of these actions would outweigh the benefit of receiving the outstanding tax balance. He therefore suggested waiving tax deeding on these 5 lots, and suggested requiring bonding for roads in the future. The Town Manager pointed out that if the circumstances surrounding these properties changed in the near future, the deeding process could be reinstituted. Chairman Moore asked if the developer planned to pay any taxes and the Town Manager replied that we had received \$15,000 for another one of the developer's lots today, but from a bank.

A **motion** was made by Selectman Huot, seconded by Selectman McTeague, to waive tax deeding of the six Forest Ridge lots (04-004.0060 through 04-004.0064 plus 04-004.0002) due to potential liabilities to the Town. The vote was unanimous.

There was some discussion regarding a quarter-share at the Mountain Club, with dues of over \$1000 per quarter. The Board members noted that the \$4000 per year dues the Town would owe would outweigh the potential benefit in recovered taxes. However, those costs have not been budgeted, and a sale could be far in the future.

A **motion** was made by Selectman Huot, seconded by Selectman McTeague, to waive tax deeding of the Peter Mitton property (37-002-1222-00B) due to potential liabilities to the Town. The vote was unanimous.

Another parcel was in the process of bankruptcy. The town is not allowed to take over this parcel during this time, but could revisit the situation once the bankruptcy is cleared up. The Town Manager recommended waiving deeding of this property as it would not be allowed by bankruptcy law.

A **motion** was made by Selectman McTeague, seconded by Selectman Huot, to waive tax deeding of the GAM Surgical Specialists Inc. property (37-002-0962-00A) due to potential liabilities to the Town. The vote was unanimous.

Lincoln Board of Selectmen – Meeting Minutes

May 18, 2009 – 5:00 pm

The other parcels, owned by Clermont, Chenard and Harrington, are typically paid last minute, and Tax Collector Susan Whitman has been assured they will be paid again. The Town Manager was not aware of any reason to waive deeding of these parcels, in the way of liability to the Town. The Selectmen chose not to waive tax deeding on these parcels.

➤ **Town manager's weekly report**

- HB 351, a proposed bill regarding substantial reduction in interest rates on lien property taxes has passed the House, and is going before the Senate this week. Town Manager Joseph would like to submit testimony against this, and asked the Board's permission. He explained various other issues with the bill as well, including a 6% interest rate reduction on all overdue taxes, clarification needed as to what periods the reduced rates would be in effect, and that other use taxes would not be changed, creating an imbalance. The Board of Selectmen unanimously opposed the bill and would support his speaking on their behalf.
- The White Mountain Snowmobile Club would like to re-roof the Old Salt Shed. This had been a major reason for the terms of the new long-term lease, and the Board was in support of this. Town Manager Peter Joseph and Public Works Director Bill Willey will work with Jim Conn, the new president of the snowmobile club, to ensure the new roof meets the Town's requirements.

Other Business

Chairman Moore noted that the Solid Waste facility had put in a request for expenditure for a new compactor. The total cost is \$36,136, of which half would be due from Lincoln. The current one is very old and it takes 3 months to build one. As we have the funds available in capital reserve, the Board approved this request. Chairman Moore also noted that the atmosphere at the facility is very good now.

Chairman Moore updated the Board on the upcoming Zoning Board meeting. Iain Grant is requesting a helipad, to be located at the Hobo Railroad, for scenic tours. This needs a special exception due to potential noise levels. He will also come before the Planning Board for site plan review. Direct abutters must be noticed, but others in the affected neighborhood can comment as abutters too. So far, the Town Manager was aware of comments from two abutters on West Street, with one speaking for the project and another against. There was discussion about the helicopter business being presented at full business level, with maximum usage, and how the noise, at take off and during the flight path, would affect Lincoln's resort living style.

Chairman Moore asked if we had heard anything from FEMA regarding the new flood plain, and the Town Manager reported that we had not, besides hearing that a contractor had been hired to do the work.

Chairman Moore noted that the sign issue seems to be getting better. The A-frame signs are now well-controlled, but the kayak is still in the tree. He asked that we send another letter to OBK, regarding the kayak being displayed as a sign.

Lincoln Board of Selectmen – Meeting Minutes
May 18, 2009 – 5:00 pm

Chairman Moore asked where we are with the school resource officer (SRO). A grant has been paying his salary while the town pays his benefits. However, next year either the school would have to put in funds for the SRO salary or he would need to transfer back to the Lincoln Police Department full-time. Howard Beaudry will be retiring this year and his hours could be transferred. The Board asked that the Town Manager contact the school to find out their intentions and to find out the exact costs. If the SRO stays at the school, the Town would need to replace Ofc. Beaudry's hours.

Selectman McTeague asked about the status of the NCCA deed. It is back to their lawyer for approval of our requested changes.

Selectman Huot informed the Board of the passing of Edmund Fournier. Calling hours will be from 6pm to 9pm this Wednesday evening, with a service at 10am on Thursday at St. Joseph's Church. In lieu of flowers, his family asked that one please donate to the Linwood Educational Trust Fund or North Country Home Health and Hospice. Mr. Fournier was the long-time funeral director in the Lincoln Woodstock communities and will be much missed. His obituary can be found at www.EdmundFournier.com.

Town Manager Joseph passed along an invitation from Police Chief Ted Smith to the Selectmen, asking them if they would like to attend his farewell dinner from the Chiefs of Police Association, where he has been serving as president this year. The event will be held at the Balsams resort and would include the dinner and lodging.

The Town Manager noted that tax bills should be going out by next Friday, and are being submitted to the printers by this Friday.

Town Manager Joseph reminded the Selectmen that there would be no meeting this coming Monday, as it will be Memorial Day. The Board did not feel the need to hold another meeting that week.

The Town Manager also noted that he would be attending another all hazards mitigation planning meeting at 6pm on Tuesday, May 19th. The public has been invited, and he hoped that one or more of the Selectmen could come as well. Chairman Moore said he would stop in after another meeting that evening.

Administrative Assistant Chenard mentioned to the Board that former Mayor Sirrell of Portsmouth had passed away. Mayor Sirrell was very involved with the Coalition Communities, who work to prevent donor towns from being reinstated and to create healthy school funding legislation. The board asked that we send a condolence card.

Administrative Assistant Chenard also reported that the NH Moose Video announcement would take place at Littleton Hospital on Thursday. Town Manager Joseph reported that he had a copy of the video. We will try to put it on the web.

Town Manager Joseph reported that there had been a request for abatement from a Clearbrook homeowner. The Town's contract assessors recommended denying the

Lincoln Board of Selectmen – Meeting Minutes

May 18, 2009 – 5:00 pm

request due to lack of timeliness, as abatement requests are due by March 1st and the request was filed on March 20th.

Public Participation

There was none at this time.

At 7:16 pm, the meeting was adjourned and the Board of Selectmen reviewed payroll and accounts payable check registers for the week ending May 17, 2009.

Date: _____

Approved by:

Chairman Peter Moore

Selectman Deanna Huot

Selectman Patricia McTeague