

Lincoln Board of Selectmen – Meeting Minutes
July 21, 2009 – 5:00 pm

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

Audience: Representative Edmond Gionet, Representative Susan Ford, Paul Beaudin,
Lutz Wallem, Ted Smith, Michael Stevens and Tom Noonan

Chairman Moore opened the Board of Selectmen's meeting at 5:00pm.

Routine Business

- **Approval of the Public Meeting Minutes of July 6, 2009** - A **motion** was made by Chairman Moore, seconded by Selectman McTeague, to approve the public meeting minutes of July 6, 2009, as amended. The vote was unanimous.
- **Legislative Update** – Chairman Moore welcomed Representatives Edmond Gionet and Susan Ford to the meeting. Both gave updates on state issues that were of interest to them. One major topic of discussion was the state budget and how to increase revenues and/or cut costs.

Representative Gionet is a major proponent of the gambling bill and feels it would increase revenue at virtually no cost. He cited examples of the casino in Bangor, Maine, and is hoping that a casino will be built in Lincoln, if that bill is passed. He listed 31 new and increased taxes and fees and feels that this is the fault of the Democrats. Representative Ford stated that she had looked at or discussed the contracts being proposed for the gambling facilities and did not feel any of them were beneficial to the State of New Hampshire. She had examples of costs that were increased. She noted that 6 or 7 states did not have a budget they could pass currently, and all of them did have gambling. As to new taxes and fees, she felt that this had been the case when the Republicans were in power as well. She also described a case where increased spending now could offset significantly greater costs in the future.

Chairman Moore asked about donor towns, as the cost of tuition and the cost for an adequate education were very disparate. Both representatives are keeping a close eye on this. No one would like to see donor towns come back, nor do they want to see bonding, nor a broad based tax. Chairman Moore is upset that Lincoln, who manages its resources well, ends up paying for other towns that do not do so.

The conversation turned back to gambling. Town Manager Joseph noted that another item on the agenda was that the Planning Board would like to meet jointly with the Board of Selectmen to discuss possible actions to take in case gambling is approved in the State. The Selectmen did not yet have an opinion either way, but the Town Manager urged them to plan ahead, as there was a distinct possibility that eventually gambling would come to the Town. Paul Beaudin asked Representative Gionet to whom he had spoken that lead the Representative to believe that most of Lincoln was in favor of gambling. Representative Gionet said that most of his constituents that he spoke to were for gambling. However, when Mr. Beaudin asked both boards, they said Representative Gionet had not spoken

Lincoln Board of Selectmen – Meeting Minutes

July 21, 2009 – 5:00 pm

to them on the subject. This is why they are planning a joint meeting in the near future.

Chairman Moore thanked both Representatives for coming and urged them to keep the donor town issue in mind. He noted that the Yankee motto of “Don’t spend it unless you have to” should be a guide to them.

The Representatives and all other audience members left, except Officer Michael Stevens, Union representative Tom Noonan and Police Chief Smith.

- **Non-Public session pursuant to RSA 91-A:3 II(a) (personnel)** - At 6:10 pm, a **motion** was made by Selectman Huot, seconded by Selectman McTeague, to enter into **non-public session** per RSA 91-A:3 II(a). The vote was unanimous. The Board discussed a grievance about the September schedule for the police department. A certain week had a modified schedule and there was a question as to which paragraph of Section 9 of the union agreement took precedence. The Board decided to have the Town Manager obtain a legal opinion on the subject for the next meeting, so they would be able to respond in writing within 14 days. At 7:22 pm, a **motion** was made by Selectman McTeague, seconded by Selectman Huot, to reconvene the public session. The vote was unanimous. Officer Stevens and Mr. Noonan departed.

Police Chief Smith remained to provide an update on recent police activities, including the good reviews of the bicycle officer, actions in response to the Dunkin Donuts break-ins, new cruiser outfitting including more reflective and recognizable graphics, good reviews and versatility of the electronic speed sign, a nine-month trial of the emergency notification system this fall and the possibility of higher costs or dissolution of the prosecutors association. The Chief also asked if Lt. Cooper could accompany him to the NH Chiefs conference out of town in September. As it will be for just a few days and the funds are available in the current budget, the Selectmen agreed to this. The Chief left at 7:47 pm.

- **Discussion of joint meeting request with Planning Board** – Town Manager Joseph explained that the Lincoln Planning Board would like to hold a joint work session with the Board of Selectmen to discuss the possibility that gambling may be allowed by the State in the near future. Discussions would include what, if any, approach the Town should take toward gathering public input on zoning changes, and advance discussion of wording of a warrant article asking if we will allow gambling in Lincoln. Any such warrant article would be intended to follow State statutes which would give municipalities the right to approve or disapprove gambling locally. The Town Manager reiterated that it was better to prepare in advance rather than wait until March of 2011 if the bill is passed this year. Various dates were discussed, but the Selectmen will all be out of town at various times next month. (Selectman McTeague will be away on August 9 through 16, Selectman Huot from August 11 through 19, and Chairman Moore from August 26 through September 10th. Town Manager Joseph will most likely also be away in the second or third week of August.) It was decided that the Town Manager

Lincoln Board of Selectmen – Meeting Minutes
July 21, 2009 – 5:00 pm

would ask Planning Administrative Assistant Stacey Havlock to poll the Planning Board to see if they could meet on August 5th, the first Wednesday of August.

➤ **Review of NHDES Sanitary Survey of the Lincoln Public Water System –**

Town Manager Joseph noted that in general the survey was very positive. NHDES applauded the Town for starting the electronic mapping, upgrades to the Route 3 line, etc. There were five basic concerns they listed in their letter (1) The Town was urged to install SCADA controls. The Town Manager noted that this was being addressed through the capital plan, and some money had already been set aside for this. (2) A cross connection ordinance is required to prevent contamination of potable water. They enclosed a sample ordinance which we could review. (3) They felt the water department is understaffed. Besides Public Works Director Bill Willey and David Beaudin, the other public works employees are not interested in this training. However, maybe other departments' employees would be interested. There was also discussion regarding if Mike Harrington, who used to work at the water plant, could be re-certified. (4) NHDES suggested maintaining records and agreements on the private systems. Many developments that have mains other than the direct connection to the town service are considered private systems. (5) Finally, they asked that we continue our commendable source water protection efforts.

➤ **Town Manager's Report**

1. The NH Municipal Association and the NH Local Government Center are moving forward with a lawsuit over the retirement costs that the State is “downshifting” on local governments, counties and school districts. This move is a violation of article 28-a of the NH constitution, which prohibits the State from creating new obligations for local governments without providing the means for funding those obligations. Town Manager Joseph feels very strongly about this issue and will continue to report on any progress.
2. Town Manager Joseph will be attending the workshop hosted by the North Country Council regarding SB 342, the new Workforce Housing law. This meeting will take place on July 29th, from 7 to 9 pm in the Franconia Town Hall.
3. We have received confirmation of our grant award for the Community Center insulation project in the amount of \$23,150. As previously discussed, we learned after budget season that our match would actually be \$18,945 instead of the \$15,000 that USDA-RD had originally calculated. The project will be bid out in order to comply with the various federal grant regulations. Selectman Huot noted that we do have money in property maintenance due to cost savings through donations for the Kanc Rec tow hut.
4. Helen Jones would like to take some unpaid leave (1 week) for personal reasons. Family members have had medical issues and she has been one of the primary caregivers, thereby using up her paid leave for the year. A **motion** was made by Selectman McTeague, seconded by Selectman Huot, to allow Helen Jones to take one additional week of unpaid leave. The vote was unanimous.

Other Business

- Our assessors have suggested the board deny an abatement request from the New Hampshire Electric Cooperative, as they have once again not complied with a

Lincoln Board of Selectmen – Meeting Minutes
July 21, 2009 – 5:00 pm

- request for more information. A **motion** was made by Selectman Huot, seconded by Selectman McTeague, to deny the request for abatement by the New Hampshire Electric Cooperative. The vote was unanimous.
- Chairman Moore asked why it seemed there was still a stretch of broken pavement past where we had stopped paving at Loon Mountain. Town Manager Joseph explained that we had only planned to pave up to the start of the building this year. The plan is to complete the stretch behind the Mountain Club in the near future. There are issues to deal with before the rest of the road behind the Mountain Club is paved, such as curbing replacement and a review of the condition of the retaining wall that underpins the road. By the layout document for the road from approximately 1986, Loon Mountain Rec. Corp has the responsibility to maintain all retaining walls and support structures, so this will need to be reviewed.
 - Selectman Huot, Chairman Moore and Town Manager Joseph discussed the drainage by Selectman Huot's and Bill Conn's properties. Selectman Huot and Director of Public Works Bill Willey would like to be involved in the discussions to resolve this issue.
 - Selectman Huot asked about a law she had read about which said that Towns were allowed by the American Recovery and Reinvestment Act to hold a Town Meeting to accept money they might have received by grant. Town Manager Joseph explained that this allowed a budgetary Town Meeting without court approval in order to accept any stimulus package funds.
 - Selectman McTeague asked if we had a deed from the North Country Center for the Arts yet. We do not have it yet. Our attorney suggested language to their attorney recently and we are still waiting to hear back from them. The NCCA is filling in the craters left behind by the removal of the old White Water Treatment Plant at this time.

Non-Public session pursuant to RSA 91-A:3 II(d) (real estate) At 8:29 pm, a **motion** was made by Selectman Huot, seconded by Selectman McTeague, to enter into **non-public session** per RSA 91-A:3 II(d). The vote was unanimous. Town Manager Joseph explained that we had received an offer on a business park lot. He relayed our real estate agent's comments and the Board discussed the offer price and a response. They asked the Town Manager to communicate their response to our real estate agent. At 8:37 pm, a **motion** was made by Selectman McTeague, seconded by Selectman Huot, to come out of non-public session. The vote was unanimous.

At 8:38 pm, the meeting was adjourned and the Board of Selectmen reviewed payroll and accounts payable check registers for the week ending July 19, 2009.

Date: _____

Approved by:

Chairman Peter Moore

Selectman Deanna Huot

Selectman Patricia McTeague