

Lincoln Board of Selectmen – Meeting Minutes
October 19, 2009 – 5:00 pm

Present: Chairman Peter Moore, Selectman Deanna Huot, Selectman Patricia McTeague,
Town Manager Peter Joseph and Administrative Assistant Susan Chenard
Audience: Bill Willey and Charlie Cook

Chairman Moore opened the Board of Selectmen's meeting at 5:05 pm.

Routine Business

- **Approval of the Public Meeting Minutes of October 5, 2009** - A motion was made by Selectman McTeague, seconded by Selectman Huot, to approve the public meeting minutes of October 5, 2009, as written. The vote was unanimous.
- **Review of Sewer Ordinance** – Public Works Director Bill Willey came before the Board of Selectmen to discuss proposed changes he would like to see in our sewer ordinance. He has been studying a variety of sewer ordinances in other towns and his main focus was in Article V, Section F, which has to do with FOG (fats, oils and grease). Grease has been clogging pipes, especially on the Route 3 corridor. The problem has gotten so severe that the Town has had to pump out the Route 3 sewer station several times this year alone, at a cost of thousands of dollars to the Town.

Bill suggested that the only way to be fair to all businesses and to identify who was violating the requirements of the ordinance and who wasn't, would be to install sampling taps at businesses in Town that discharge FOG to the sewer system. Currently an inspection often involves opening a grease trap, which can give off an unpleasant odor and be disruptive during business hours. Sampling taps would mean that there would be neither odor nor interruption in workflow at the business should the Town need to test. The taps would cost an average of \$200 each to install, which would be at the Town's expense. Bill had thought of installing these over a period of years, but Charlie Cook, as current Budget Committee Chairman, felt that the roughly \$6,000 expense of installing all of them in one year made more sense, based on an overall public works budget of about \$1 million already. The cost to install the taps and test would be offset by a reduction in the amount of cleaning and pumping of grease that the Town does, resulting in a net savings. Testing would also be done at the Town's expense, at a cost of about \$120, but if the restaurant failed to meet the requirements, they would reimburse the Town for the test.

The current ordinance specifies FOG to be at less than 100 ppm (parts per million). Previous testing has shown some restaurants are as low as 7.5 ppm, but others are as high as 4700 ppm. The 100 ppm was suggested by an engineer at Hoyle & Tanner after a study done in preparation for the current ordinance, but Bill believes a lower maximum would be better, in order to allow for slight overages without unnecessarily taxing the sewer system.

The definitions of high and medium volume should also be adjusted to only reflect number of meals per day, without regard to how many hours businesses are open.

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Bill asked that the violation schedule also be edited to include maximum time frames by which action must be taken. He has been working on this grease issue for nearly 19 years and would like to have it solved before he retires. The fines should apply to Section F as well as D.2.

Another item to be added is a request for no enzymes to be used by restaurants. Enzymes keep the grease from coagulating so they bypass the grease trap at the restaurant and flow into the main sewer system.

There was also discussion about reporting requirements for businesses with grease traps, which are required by the current ordinance but have not been complied with by most businesses. Grease traps should be cleaned at least twice per year, and an inspector should supply copies of the pumping receipts and inspection evaluation to the Town. Several companies, including United Water, who currently manages our lagoons, would be contacted for a quote for providing independent testing and inspections.

Bill also discussed the minimum sizes of grease traps or interceptors, which are described in Table A. He felt that they started at too small an amount. With a 5-gallon trap, it would need to be emptied daily in any restaurant. And often the owners are willing to comply, but employees mistakenly dump the grease down the drain rather than disposing of it separately in an outside container.

After some further discussion, Chairman Moore asked Town Manager Joseph to rewrite the ordinance based on the following items agreed to by the Board of Selectmen. Then he would present it to them again for public discussion, with notice to all affected restaurant owners.

- The Town of Lincoln is to install an external grease tap in all restaurants using FOG, and define their location within the restaurant.
- The Town is to coordinate testing of results, charging restaurants that are non-compliant. Non-payment may result in loss of license per F.5.
- Enzyme additives shall be prohibited.
- D.2 – FOG amounts shall be less than or equal to 75 ppm or mg/l.
- F.1.a – Volume definitions shall no longer include number of hours the establishment is open.
- F.2 – Table A shall be adjusted to more realistically sized interceptors.
- F.5 – The violation schedule shall be expanded to include time frames before each escalation, in order to provide time for corrective action.
- F.6 – Cleaning and inspection reports shall be due twice per year, with independent contractor to perform services.

It was made clear that the changes requested to the ordinance were being considered due to the adverse effects that the dumping of FOG into the sewer system was having on the Town, both financially, and infrastructure-wise. Bill pointed out that the Public Works Department has witnessed a dramatic increase

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in grease accumulation at the Route 3 pump station. For most of his 19 years with the Public Works Department, Bill could not recall needing to clean grease out of this pump station. However, in the past 2 years it has needed thousands of pounds removed at four separate times. Some of these have been emergency situations that could have, or did, result in sewer overflows. Something had clearly changed in the FOG disposal habits, especially along Route 3, and this needed to be addressed.

Bill will confirm the number of businesses, estimated at 30, and the cost of testing by United Water, in time for budget season. Some further discussion provided the following information. All kitchens must have separate lines where grease is removed before joining the sewer lines. Often food grinders link into a grease trap too, but they should have solids removed first. Copper levels mentioned in the current ordinance are all reserved for FCI/Burndy at this time.

There was also a brief discussion of an upcoming cross connection control ordinance. This would come into effect if we had a water main break on Main Street, for example. Back flow preventers need to be in place to prevent water from being sucked out of building systems and back to the water treatment plant. These potential back flow preventers must be tested bi-annually by a certified operator. There was a suggestion to let businesses know that there is a water use ordinance forthcoming when we talk to them about the sewer ordinance. It was pointed out that the cross connection ordinance was being required by NH DES and US EPA, and we would be required to make these changes. The discussion ended with a promise to meet again on this soon.

- **Update on flood mapping process** – The Office of Energy and Planning (OEP) has been tasked by the State government to make sure we stay on the flood mapping guidelines and to make sure that our ordinances meet Federal guidelines. The draft flood maps are available at Town Hall, as well as the flood insurance booklet of data. The OEP letter describes the 30-day public review and 90-day comment periods. Community officials and any other interested parties may submit scientific information during the comment period (i.e. engineer's comments). Final versions of the digital flood insurance rate maps (DFIRM) and flood insurance study (FIS) become effective 6 months later. Ordinances must be updated by that time. One to two months before the effective date, we will receive paper copies of the flood maps, as well as digital information to add to our tax cards. OEP explains how to adopt the maps via the Board of Selectmen; once they are satisfied everyone's concerns have been heard. There was also an attachment to the letter, describing what the Planning Board needs to change via Town Meeting 2010. Three pages of changes to our current Land Use Plan Ordinance and Zoning Ordinance mainly update definitions and legal references. Warrant article sample language was also included, as well as some changes for subdivision and site plan review regulations. The Town Manager explained they are all required changes in order for us to stay in compliance with the National Flood Insurance Program. Any construction permits etc. will reference the

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current/old flood maps until the new ones come into effect next year. Public Works Director Bill Willey left at 7:00 pm.

➤ **Town Manager's Report**

- Several legislators (including Rep. Edmond Gionet) will be holding a panel question and answer session on recent proposed gambling legislation this Thursday, October 22nd at the Town Hall, starting at 7:00 pm. Town Manager Joseph encouraged board members to attend, but he noted that this meeting is not affiliated with the Town other than the fact that it is being held at the Town Hall.
- The Town Manager received a letter from Senator Gallus looking for input on potential legislation for the next legislative session. He asked the Selectmen to let him know if they had any concerns that he could put in writing for them.
- Joel Bourassa of the Woodstock Board of Selectmen requested that Town Manager Joseph attend their board meeting on Tuesday, October 20, 2009. He was asked to attend in a professional role in order to discuss how zoning ordinances in Lincoln and other towns regulate adult entertainment and related businesses. They will be holding a public input session on the adult-oriented entertainment business that has been proposed in Woodstock recently and thought it would be good to have someone there from Lincoln just to listen as well, as it is a community issue.
- Town Manager Joseph also noted that he had received a letter from NHDOT about a public input meeting they would be holding in Franconia at Cannon Mountain on November 23rd to discuss the rehabilitation project for the Franconia Notch Parkway. Potentially a member of the Board or a representative may attend. It does not seem that any major changes are scheduled besides road and guardrail upgrades.

Other Business

- Selectman Huot asked if there had been progress on the Community Center insulation and windows project. Town Manager Joseph is meeting with the successful bidders, Tara Tower and USDA on Wednesday, October 21st. The bidders will be hired if the meeting goes successfully.
- The Bog Brook/Maltais Farm engineering project is back on track and preliminary plans will be available within the next month, followed shortly by the public input meeting. Residents seem excited about the project, for which the engineering is 75% complete. Budget figures will be available within a month. We will have a construction estimate for our budget hearing and can amend that figure in late February with actual bid amounts. The estimate will be used as a not-to-exceed number.
- The Department of Revenue Administration will give us a tax rate setting date when more North Country communities are ready.
- As a result of Thursday's Chamber of Commerce meeting, Town Manager Peter Joseph has been nominated as vice president of the board. Eventually he would become president. The Town of Lincoln is one member of the Chamber of

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Commerce and the Town Manager is already a member of the Board of Directors. The position requires night and weekend volunteer responsibilities as well as attendance at occasional morning meetings at the Chamber Offices. The Board was supportive of the Town Manager accepting this position. Selectman McTeague and Administrative Assistant Chenard will attend the Annual Chamber of Commerce Meeting and Dinner on October 21st, while Town Manager Joseph and Chairman Moore are at a busy Planning Board meeting the same evening.

- The Energy and Water Conservation Committee meeting has been postponed due to schedule conflicts.
- The citation for John Andrews, recently retired from Local Government Center, was reviewed and signed by the Board of Selectmen.

Public Participation

Charlie Cook felt that the Board should be prepared to discuss the dike during the discussion of the proposed flood plan maps. FEMA says that as originally constructed, the dike would not change the planned new mapping. The top of the levee now appears to be under the 100-year flood zone on the new flood maps, according to the Town Manager.

The meeting was adjourned at 7:35 pm and the Board of Selectmen reviewed payroll and accounts payable check registers for the week ending October 18, 2009.

Date: _____

Approved by:

Chairman Peter Moore

Selectman Deanna Huot

Selectman Patricia McTeague