

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
NOVEMBER 17, 2014
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

Board of Selectmen Present: O.J. Robinson, Patricia McTeague, and Tamra Ham.

Staff Present: Town Manager Burbank and Recording Secretary Brook Rose.

Public Present: Edmond Gionet, Dave Beaudin, and Jayne Ludwig.

I. CALL TO ORDER

O.J. Robinson called the meeting to order at 5:35pm.

II. MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the minutes of the November 10, 2014 Board of Selectmen's meeting as amended."

Motion: Patricia McTeague **Second:** Tamra Ham **All in favor.**

Amendments were as follows:

To make the word trustees plural on line 35

To add "The town received letters of interest" to line 41

To add "without interviewing them first" to line 49

To add "capital" to line 218

To change "were not adhered to" to "do not match the existing as structure" on line 243

To insert the word "aspects" to line 280

MOTION: "To approve the non-public minutes of the November 10, 2014 Board of Selectmen's meeting."

Motion: Tamra Ham **Second:** Patricia McTeague **All in favor.**

MOTION: "To approve the minutes of the November 11, 2014 Emergency Board of Selectmen's work session."

Motion: Tamra Ham **Second:** Patricia McTeague **All in favor.**

III. OLD / NEW BUSINESS

Public Participation - Representative Edmond Gionet

Mr. Edmond Gionet attended the meeting to discuss the failed culvert on Plummer Road. He informed the board that two residents of Plummer Road approached him for help regarding the disrepair of the road. Mr. Gionet researched the history of the road and abutting properties and also spoke with residents who would remember what transpired many years ago regarding the culvert installation on Plummer Hill Road. Mr. Gionet stated that it is his understanding that the town will not claim ownership of the culvert. Mr. Gionet then proceeded to read the following letter he composed containing his recollection of the installation of this culvert many decades ago. He then proceeded to read three accompanying letters into the record. They are as follows:

OJ Robinson
Chairman board of Selectmen
Lincoln, New Hampshire

November 17, 2014

Dear sir,

I am writing this letter at the request of my constituents. Relying on the information that has been provided to me. I will attempt to help clarify a situation that involves the culvert at Plummer Road that is effecting the residents along the intermittent brook/ drainage area that runs parallel to Pollard Road. The issue is not the access road it is the culvert that lies within. What has been said to me, is that the town has taken the position that it does not own the culvert. Therefore, the current select board denies having any responsibility to correct any deficiencies. That doesn't surprise me given the fact that no one on the board originated in Lincoln. Also quite possible that anyone serving on the board at the present time was even born when the culvert was installed. It makes sense that because of my age and my history of serving the town along with a good memory that my neighbors would seek my help. That coupled with the fact that before being in the Legislature I served the town proudly for several years. And continue to do so.

I recall Adrian Tardif putting the culvert in for the town. On that occasion my self and other kids my age were disappointed because we lost our skating pond. Also our source of pollywogs in the spring that many classes incubated in a jar at school. Prior to the culvert being installed there were wide planks on the ground with old railroad ties on the side. From this point on throughout the course of the intermittent brook on its way to the Pemi are different forms of culverts that have always been maintained by the town. Including one that was blocked from the Charkarohen farm no longer needed after the barn burned in 1943 by selectman McGee to help Scully when he built his new home.

I recommend that if the info I received is correct that the board re size and replace the existing culvert to accommodate all of the new and proposed construction that has been approved by the town. To avoid any repercussions.

Along with this letter there will be three other letters all confirming the facts. Please enter all letters into the permanent record. Further distribution of these letters will be halted pending your response. Thank you for your consideration concerning this matter.



Edmond Gionet

Representative Grafton District 5

CC:JDE

TOWN OF Lincoln

I was asked if I could ^{stand} any light on the
Culvert Pipe Job on Plummer Road
I have lived here since 1950 & I
was here when the work was done
Adrian Tardif had his own
equipment and he did the work and
I am sure he got paid by someone

~~George~~ George McGEE was a selectman
at the time Tardif and McGee were
very good friends so it is possible
that McGee hired him to do the job
That's all I know

Victor Aldridge

11-14-14

To whom it may concern,

My name is Gloria Tardif and I have

lived next to Plummer Road since 1966. Just recently , Edmond Gionet came to see me wanting any information I might have regarding the culvert . What I told him was that quite sometime in the past that I and others had received a letter from the town advising us that they were going to be doing work to clean and straighten the brook . Which they did do. . It has been a long time since that was done and I don't recall the exact date. . However since the time the work was done there has been major development above here including Forest Ridge. and the volume of water has increased tremendously whenever we have heavy rain.

The culvert is to small and can't handle the flow. Myself and others have tried in vain to clear debris and have left the area in fear of being caught in the over flow. Several of us have witnessed the water going over and around the pipe destroying portions of the roadway .

Signed by:-

Gloria Tardif

A handwritten signature in cursive script, reading "Gloria Tardif", written over a horizontal line.

Dated :

11/16/14

Nov 7, 2014

IT APPEARS THAT THERE IS A QUESTION
AS TO WHETHER OR NOT THE TOWN OF
LINCOLN PUT A CULVERT IN THE
LANE THAT GOES UP TO BERT
VALLEY'S FARM. YES, THE TOWN
DID PLACE THE ~~CULVERT~~ CULVERT
AND GEORGE MCGEE HAD
ADRIAN TARDIFF DO THE WORK.
THE CULVERT WAS BROUGHT
DOWN FROM THE STORMWEE
AREA AT THE RED BARN.
THE BROOK FLOODED AND
CAME OUT ONTO POLLARD RD
AND ONTO BILLY THERIAULT'S
LAWN AND MAPLE ST.

Wm A Ledger

Wilfred A Ledger.

11-7-2014

Witnessed by Donna Ledger

O.J. questioned whether Adrian Tardif was the owner of the home when he installed the culvert. Edmond replied that he does not believe so. Mr. Burbank questioned who Mr. Tardif was. Edmond explained that he was a resident in town that owned heavy equipment. On many occasions, the Town hired him to do excavation work. O.J. stated that the dilemma the Town is facing is that Plummer Road is a private way. The Town is not legally allowed per State Statute to spend town money on a private structure. In years past, towns did this type of work for private citizens. State laws are different now and they do not allow municipalities to even plow a private or business drive. Edmond replied that he believes fixing the culvert is the proper thing to do. O.J. asked if Edmond could advise the board under what authority they have to make these repairs or who they could speak with to get permission to do this work. Would Mr. Gionet advise the board to just do the work illegally? Edmond replied that history speaks for itself and that the culvert was maintained in the past and he sees no reason not to continue doing so.

Mr. Burbank stated that he has heard that one of the Town's road agents resided on this road in the past and took it upon himself to install a piece of culvert. Mr. Burbank recently spoke with Susan Plummer and her son Alan. They are planning to sell the property and may have an interested buyer. If this is the case, the problem may take of itself. He also made the board aware that this issue is more than just the repair of a culvert. There is a collapsed sewer line that is backing up into the trailer on this property. If this is not fixed by the owners of the property, the town will have to condemn the trailer. Neither the road nor the sewer line is owned by the Town. He added that even if the board were to take Mr. Gionet's recommendations to fix the culvert, it would not be possible to do so without replacing a private sewer line. He asked that the board consider that this is not a small matter and is certainly not an easy fix. It is a complex issue. O.J. replied that the law is clear that the Town cannot work on private property. Spending public dollars on private land is prohibited. Mr. Gionet stated that no one owns the water way.

The board stated that they feel badly for the homeowners and wish they could fix the problem for them however, the law is clear.

Mr. Burbank stated that the brook does not appear to be a seasonal brook as he has seen water running in it year round. It varies in velocity but it always has water in it. NHDES will consider it a stream and doing any work to it will require the necessary permits from NHDES. Mr. Burbank did make the Plummer family aware of this.

Jayne Ludwig questioned whether the developers upstream of the property bear any responsibility for this issue. Mr. Burbank replied that the developments upstream have received all of the necessary approvals from the State. The properties are in compliance and due diligence has been done. He added that in the spirit of cooperation he has no problem if the town has an extra culvert lying around to give it to the residents but he will not put town equipment or manpower on private land. Tamra Ham replied that giving a culvert to a private resident cannot be done as it is town property. She added that the good news is that there is an interested buyer and all of these issues will have to be addressed in order for a sale to transpire.

The board asked that Town Manager Burbank contact the realtor for this property to make sure he is aware of two issues: the septic line that is supposedly caved in causing a septic issue for the lower house (if it continues the Town will condemn the house) and the failed culvert.

Town Manager's Report

Town Hall Stairwell

The contractor has begun preliminary construction preparation with some design modifications from original plans. (i.e., data and electrical wiring issues).

South Peak Water System

The town is trying to determine who the responsible party is for relocating pumps at this time. No meeting has been scheduled with Ed Wendler at this point.

Riverbank Stabilization (Levee)

Town Manager Burbank has not heard anything further from any of the property owners regarding meeting with the Town. O.J. asked that if Mr. Burbank does hear back from the property owners that he makes it clear to them that the Town will certainly listen to their concerns and meet with them but the board is not able to really discuss the project under the advice of town counsel.

Loon Bridge Update

FEMA notified the town that they must review the project worksheet again due to increased project costs. A new project manager from FEMA recently took over the project and has informed the town that he will have to start the review process over again. Town Manager Burbank has submitted requests to FEMA as well as our Senate delegates, Jeanne Shaheen and Kelly Ayotte to assist in moving this project forward as quickly as possible.

Fire Department Furnace

The new furnace has been installed and is up and running.

Budget Update

The 2015 budget process has begun and is progressing well. Town Manager Burbank has met with department heads and the budget will be submitted to the board next week.

Trustees of the Trust Fund

Lori Wigget has accepted the 4 month term for position of Trustee of Trust Funds.

Grandfathering of Employee Sick and Compensation Time and Subsequent Payout

The board discussed how to manage the hundreds of hours of compensation and sick time that long term (10-20 year) employees have that they cannot possibly use or were planning to cash in upon retirement. The board agreed that they have an excellent town staff and that the town is fortunate to have so many long term employees. Town Manager Burbank stated that several employees have made their future plans based on the current policy and past practice. The board agreed to make the policy changes effective going forward and not retroactively. The new policies will become effective December 1, 2014. Any accumulated comp and sick time will be grandfathered as of November 30, 2014. The grandfathered time will then be capped at the maximum accumulated time and the rest will be paid out

to the employee at a date to be determined. The board asked that Town Manager Burbank find out how much the payout will be.

Sign Violation Letters

O.J. made revisions to the sign violation letter. Town staff will mail the notices out this week.

Revised Fee Schedule

The board discussed the draft fee schedule they worked on several weeks ago. They asked that Carole Bont review the revised fees and they will discuss it at their next meeting.

Town Gazebo

The board approved Loon Mountain Ministry's request to decorate the gazebo this holiday season.

Garbage behind Price Chopper

Tamra Ham stated that she drove behind Price Chopper and there is a lot of fresh trash spread all throughout the field and around the dumpsters. Town Manager Burbank will discuss this with the owner. Tamra asked that the property owner be sent a copy of the ordinance and if he does not respond to the board's request to clean up the area, a fine will be charged per the ordinance.

New Garage on Conn Property

Tamra Ham stated that the garage being built on Bill and Cindy Conn's property is almost as big as the garage her family operates their business out of. Town Manager Burbank replied that the Conn's have assured the town that it is a residential garage and they have no intentions of using it for business. However, Mr. Conn did inform Mr. Burbank that he does plan to approach the Planning Board to discuss rezoning the area. Patricia McTeague questioned whether that would be considered spot zoning. Tamra Ham questioned what the board could do to assist the Conn's through this process. O.J. replied that is not under the jurisdiction of the Board of Selectmen but rather the Planning Board.

IV. NON PUBLIC SESSION pursuant to RSA 91-A:3II(a,c,e)

MOTION: "To go into Non-Public Session pursuant to RSA 91-A:3II(a,c,e) legal, personnel ."

Motion: Tamra Ham Second: Patricia McTeague Roll call vote was all in favor.

The Board went into non-public session at 7:45pm.

MOTION: "To enter back into public session."

Motion: Tamra Ham Second: Patricia McTeague Roll call vote was all in favor.

The Board came back into public session at 7:55pm.

V. ADJOURNMENT

After reviewing the weekly accounts payable and with no further business to attend to, the Board made the following motion.

MOTION: "To adjourn."

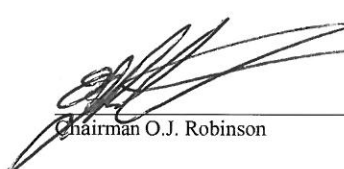
Motion: O.J. Robinson Second: Tamra Ham All in favor.

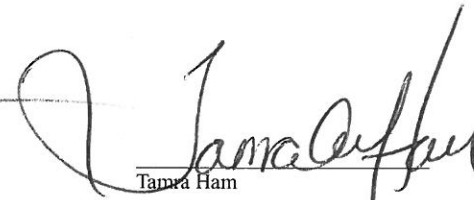
The meeting adjourned at 8:00pm.


Respectfully Submitted,

Brook Rose

Approval Date 11/24/14


Chairman O.J. Robinson


Tamra Ham


Patricia McTeague