

Lincoln Board of Selectmen – Meeting Minutes
January 11, 2010 – 5:00 pm

Present: Chairman Peter Moore, Selectman Deanna Huot, Selectman Patricia McTeague, Town Manager Peter Joseph, Chester Kahn, Pat Romprey, Doug Hayward

Chairman Moore called the meeting to order at 5:05 PM.

Review and approval of minutes from 01/04/10 meeting

Deanna Huot had one edit. Patricia McTeague moved that the minutes be approved as amended. Deanna Huot seconded the motion. The vote was unanimous in favor of approving the minutes.

Fence Issue – Nacho's Resturaunt

The Board of Selectmen reviewed a letter of complaint from Carla Romprey regarding the condition of the fence between her property and Nacho's Restaurant, which she abuts. A condition of their site plan approval was to erect and maintain a fence along the abutting properties (including the Romprey's). The fence currently is in disrepair and they would like the Board of Selectmen to require Mr. Hayward to maintain the fence. The Board had requested that Doug Hayward, the owner, attend the meeting tonight. Peter Moore explained that he felt the fence should be repaired and that the bank needed to be rebuilt in order to fulfill his site plan conditions.

Mr. Hayward said the fence had blown down in a winter storm. He put it back up after the storm. The fence was on Carla Romprey's property so it had to be moved back. Since then it has come down again. Mr. Hayward felt that the fence had been knocked down by bears or by a wind coming across the field.

There was an extended discussion regarding the issue. Peter Moore suggested that a deadline of April 30, 2010 be set to fix the fence with a \$5,000 bond posted so the Town could guarantee the fix.

Mr. Hayward said he could not afford to fix the problem. Peter Moore said if he could not fix the problem, they would revoke site plan approval. Peter Joseph explained that the Town could also fine him for each day the fence was down.

After some discussion regarding alternatives, Peter Moore motioned that the Town would require the fence to be repaired by April 30, 2010 and the bank restored to the satisfaction of the Town, to be judged by the Public Works Director and Town Manager. The Town will begin levying fines according to RSA:676:17 as soon as possible. These fines will be held in abeyance until the satisfactory completion at which point they will be waived, if the fence is not completed fines will be assessed. Patricia McTeague seconded the motion. The vote was unanimous in favor of the motion. Mr. Hayward was in agreement and asked that the Public Works Director contact him as soon as possible in order to address what he needed to do.

Chester Kahn – concerns regarding Planning Board application for site plan review

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Chester Kahn addressed the board regarding several concerns he had as an abutter to the proposed “Rapids Project” being proposed by Lincoln South Mountain Partners. Mr Kahn expressed concerns about an the developer's alteration of terrain permit, modifications to the floodplain that could increase floodwater sent onto property abutters, drainage, hazardous materials that may be present on site, access to a private sewer system and access to a private road (Bunker Lane), NHDES shoreland protection, the state of the levee along the East Branch Pemigewasset River and the liability the Town may face, and several other concerns that he and other abutters have with the project, including the fact that the pump station on the private sewer was designed for 47,000 gal/hr. but only permitted for 27,000 originally.

Chester asked that the Board of Selectmen and Town Manager write letters to the Attorney General and NHDES stating these concerns. Peter Moore explained that many of these issues were also of concern to the Planning Board members. Peter Joseph also explained that the Planning Board had asked him to follow up on many of these same concerns, and he would be doing so throughout the project. The Selectmen agreed that the appropriate time to address these concerns through the Attorney General and NH DES would be if the Planning Board failed to address issues that brought liability to the Town during the site plan approval process.

Discussion of sale of lot 107-029-0000-01

Pursuant to NH RSA 41:14-a, the Board of Selectmen are required to vote no fewer than 7 days after and no more than 14 days after the second public hearing on sale of a parcel. After a brief discussion, the Board was in agreement to sell lot 107-029-0000-01 to Brian and Jill Pakus of Goodbout Road. Deanna Huot motioned to sell the lot for \$1,000 plus any costs. Peter Moore seconded the motion. Motion carries unanimously.

Review of Draft Warrant for 2010 Town Meeting

The Board reviewed the draft warrant. The Board was in favor of all of the articles as proposed, including changing from an elected Treasurer to an appointed Treasurer, and establishing and funding an employee separation CRF. The Town Manager would continue to work on the warrant and bring a revision for the Board at their next meeting.

Town Manager's Report

The Town Manager informed the Board of the calling hours for Murray Clark, who had passed away last week. The Town would send a card and flowers.

Peter Joseph informed the Board of the date of several upcoming meetings, including public hearings and the School Legislative Breakfast.

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Discussion regarding easements proposed by Mr. Dennis Ducharme

Peter Joseph summarized the results of Town Attorney's review of the three easements recently proposed to the Board by Dennis Ducharme to clarify the status of several arrangements he has outstanding with the Town of Lincoln. Deanna Huot made a motion to authorize the Town Manager to sign the three easements on behalf of the Board once the language has been approved by Town Counsel. Peter Moore seconded the motion. Motion carries unanimously.

Deanna Huot asked that the Board of Selectmen and Town Manager begin looking into health care options as soon as possible this year.

As there was no further business to attend to, the meeting was adjourned at 7:35PM, and the Board members reviewed the accounts payable and payroll registers.

Respectfully submitted,
Peter Joseph, Town Manager

Approval Date: ____/____/____

LINCOLN BOARD OF SELECTMEN:

Chairman Peter Moore

Selectman Deanna Huot

Selectman Patricia McTeague