

Lincoln Board of Selectmen – Meeting Minutes
July 26, 2010

Board of Selectmen Present: Chairman Peter Moore, Selectman Deanna Huot, and Selectman Patricia McTeague.

Staff: Town Manager Peter Joseph, Planning & Zoning Administrator Matt Henry, Solid Waste Facility Manager Paul Beaudin and Administrative Assistant Brook Rose.

Members of the Public: Lutz Wallem, Charlie Cook, and Susan and Joe Chenard

I. CALL TO ORDER

Peter Moore called the meeting to order at 5:15 PM.

II. TAX INCREMENTAL FINANCING DISTRICT (TIF)

Matt Henry updated the Board on the status of his research of a possible TIF District for the Town of Lincoln. Mr. Henry has developed a draft timeline for implementation of a TIF District which ultimately ends up with an exploratory committee presentation to the public at Town Meeting. He explained that next week he would be visiting other municipalities similar to Lincoln including Keene, Antrim and Peterborough. He is waiting to hear back from Hooksett, Hinsdale and Swanzey, all Towns that recently implemented a TIF District. He also spoke to the Town of Milford about their TIF District over the phone. Mr. Henry reviewed all of the questions he would be asking of those communities with the Board. The Board thought that the questions were quite thorough. Peter Moore would like Mr. Henry to find out whether the TIF Districts in other municipalities captured all of the funds they could and if not, what the reasoning was as well as the period of time the districts are in place for. Deanna Huot would like to know the costs involved in the process and who covers those costs. Peter Moore asked that Mr. Henry really study and know the law regarding TIF Districts. He went on to say that the Board would be reading and reviewing the law but they would like Mr. Henry to know it precisely. Charlie Cook mentioned including in the list of questions asked whether any of the other communities regretted forming a TIF District and whether the local tax rate was impacted. Peter Moore added that the Town needs to investigate every avenue of a potential district, explore all of the options and see how it has impacted other towns.

Charlie Cook questioned whether the TIF District would be something the Board wanted to see accepted at the 2011 Town Meeting. The Board would like to see this addressed at the upcoming Town Meeting. Paul Beaudin mentioned that there are only 13 towns out of 250 in NH that have a TIF District. He added that TIF Districts seem to be designed for towns that are in distress and perhaps the Board should take another look at what is currently being done in the Town to see what is or is not working. He thinks the implementation timeline is a bit aggressive as there are so many factors that need to be considered. In addition, Mr. Beaudin brought up the idea of the Town possibly even creating more than one TIF District. The Board would like Mr. Henry to report back to them once he has a comprehensive report and added that he may want to schedule two days for visiting the various municipalities rather than just one day. The Board thanked everyone for their input.

III. MINUTES OF THE PREVIOUS MEETING

The Board reviewed the meeting minutes of the July 12th and July 19, 2010 Board of Selectmen's

Lincoln Board of Selectmen – Meeting Minutes
July 26, 2010

meetings.

MOTION: Patricia McTeague made a motion that the meeting minutes of July 12, 2010 be approved as presented. Peter Moore seconded the motion. Deanna Huot abstained as she was not present at that meeting. Motion carries.

MOTION: Deanna Huot made a motion that the meeting minutes of the July 19, 2010 be approved as presented. Patricia McTeague seconded the motion. Peter Moore abstained as he was not present at that meeting. Motion carries.

IV. OLD BUSINESS / NEW BUSINESS

Town Manager's Report

Peter Joseph updated the Board on the status of the statewide property tax. He has a conference call tomorrow with several other towns to discuss the possibility of DRA handling the implementation and taxation process of the statewide property tax. He added that there isn't a lot of opposition to this. However, whether the towns can gather the amount of support necessary is the real issue.

Mr. Joseph would like the Board to sign the deeds to 21 Pleasant Street and the Lodge at Lincoln Station, Unit A201 back over to the property owners. Both properties were redeemed. The Board thanked Peter Joseph and Sue Whitman for their hard work throughout the entire tax deeding process.

Recreational Trails Grant

MOTION: Patricia McTeague made a motion to appoint Peter Joseph as the 2010 Recreational Trails Grant Program Project Administrator for the Town of Lincoln. Deanna Huot seconded the motion. Motion carries.

CIP

Deanna Huot mentioned that the CIP process has begun. Helen Jones, Peter Joseph, John Hettinger and Matt Henry are involved and regular meetings are underway.

Solid Waste Facility Burning

Peter Moore brought up the Town's policy on burning brush at the Solid Waste facility. It was recently pointed out to him that the Town does not have a specific brush burning policy. He added that Jim Fadden, the Town of Woodstock's representative to the Solid Waste Board has drafted a revised policy / administrative regulations for the Solid Waste Board to adopt. The Town of Lincoln continues to field complaints regarding the burning of brush. Paul Beaudin commented that there is no real solution to avoiding complaints. He added that the facility burns on Tuesdays and Thursdays and he tries only to accept enough brush so that it can be entirely burnt by the end of each week. The facility deals with complaints about spending too much time burning and also about not accepting enough brush. Mr. Beaudin mentioned that there are very few facilities that have

Lincoln Board of Selectmen – Meeting Minutes
July 26, 2010

actual operational policies and that if there is going to be a policy for burning, the Board may have to consider what other policies will have to be written. Peter Moore stated that every policy is subject to the facility manager's discretion. Peter Joseph stated that burning at the facility takes a lot of danger out of people burning the brush in their back yards. Paul Beaudin replied that he can really see both points of view and that there doesn't seem to be any neutral ground on the issue. There was some further discussion about purchasing a large scale chipper. Peter Moore stated that this is a pressing issue that the two towns are going to be forced into finding some kind of an equipment resolution to especially as future development encroaches on the facility. The Board discussed adding a large scale chipper to the CIP this year.

Business Park-

Paul Beaudin asked the Board about the status of the business park. The Board had a brief discussion on the matter and decided they would discuss it at their next meeting.

Liberty Road / Mr. Joe Chenard

Peter Moore questioned whether Mr. Chenard had received the letter from the Board sent back in May. Mr. Chenard replied that he had and had come promptly into the office to discuss it with Peter Joseph. Peter Moore stated that the Board is still getting complaints from Mr. Chenard's neighbor and went on to say that there is now a complainant who is continually losing business and had originally given the Board one example of a large event lost by the business because of Mr. Chenard's property across the street. He added that the Board feels that they have an obligation to what seems to be a very valid complaint and that the complainant has standing in court if the Board fails to take action. They do not want to see this happen and would rather see the property cleaned up in a timely manner without having to charge fines or file an injunction. Peter Moore added that the timeline has to be restricted at this point. He read Section 236:128 of the State Statutes into the minutes.

Mr. Chenard replied that he does want to respond to the Board's concerns and comply with their wishes to clean up his property. He stated that he has removed 2-3 loads of various items from his property per week. He plans to get rid of two of the junk cars in the next few weeks and register two others. He clarified with the Board that as long as his vehicles on the property were registered, that they were ok to be there. Peter Moore replied that the registered vehicles as well as the two unregistered vehicles, except for the construction vehicles would be acceptable to the Town at this point as long as they were parked as neatly as possible. Mr. Chenard mentioned that the state law says he can have two vehicles on each lot although he is not going to make an issue out of this because he too would like to get his property cleaned up. He added that his lot looking terrible is not what technically makes a junkyard although he is not trying to drag his feet and does not want to get nasty with anyone. He prefers to make everyone happy and resolve the issue. Patricia McTeague stated that she could tell from the recent inspection of Mr. Chenard's property that some things had been removed.

Mr. Chenard added that within the next few weeks in front of the garage would be cleaned up and that the driveway would be cleared. However, his construction equipment that is currently under repair would remain in the driveway. Also, two run down buildings way in the back of his property are being demolished.

Lincoln Board of Selectmen – Meeting Minutes
July 26, 2010

Peter Joseph read Section 236:112 & 120 of the State Statutes regarding junkyards into the minutes.

Mr. Chenard informed the Board that once he has his property cleaned up, he is planning to direct his efforts back into the commercial businesses he has run out of his home for years which is cutting and selling firewood as well as his small engine repair. He added that he is in the general use zone and his hours of business are 8:00am-6:00pm. Peter Moore replied that the Board is not addressing the business aspect of Mr. Chenard's property at this time. Patricia McTeague questioned whether the engine repair business meant that items would be stored in his driveway. Mr. Chenard replied that if he was not working on it, it would be sent to the junkyard.

Deanna Huot questioned whether there was any runoff into the culvert or brook from Mr. Chenard's property. He replied that on his land, nothing drains into the culverts. He added that he does not have any hazardous materials, barrels or drums of any sort and certainly nothing that would pollute his own well. Deanna Huot questioned whether Mr. Chenard was averse to getting any help with the clean up of his property as she has had several people offer their assistance to Mr. Chenard. He replied that he already had some individuals helping him. Patricia McTeague mentioned that there are a lot of items that could be easily removed i.e. the grocery carts full of small items.

Peter Moore stated that he would like to see significant improvement to Mr. Chenard's property within two weeks from today. Improvements such as taking care of the vehicles and removing most of the smaller items and just neatening the property in general with the understanding that the other larger items would be removed by August 25th. In two weeks, the Town Manager and a member of the Board of Selectmen will conduct another inspection of the property. The Board thanked Mr. Chenard for his cooperation.

V. ADJOURNMENT

As there was no further business to attend to, the Board adjourned at 7:15pm. The Board then reviewed the accounts payable and payroll registers for the week ending July 23, 2010.

Lincoln Board of Selectmen – Meeting Minutes
July 26, 2010

Respectfully submitted,

Brook Rose

Approval Date: ____/____/____

LINCOLN BOARD OF SELECTMEN:

Chairman Peter Moore

Selectman Patricia McTeague

Selectman Deanna Huot

**TITLE XX
TRANSPORTATION**

**CHAPTER 236
HIGHWAY REGULATION, PROTECTION AND CONTROL
REGULATIONS**

Motor Vehicle Recycling Yards and Junk Yards

Section 236:128

236:128 Local Enforcement; Injunction; Civil Penalties. – The governing body, elected or appointed officers or other appointed agents of a town, city, or unincorporated place, or a private person pursuant to RSA 236:129 may initiate proceedings for the enforcement of the provisions of this subdivision. In addition to the criminal penalty in RSA 236:127, enforcement may be by the following:

- I. The local governing body may obtain a mandatory injunction to end the violation.
- II. If the local governing body does not obtain such an injunction the attorney general may obtain an injunction in the name of the state.
- III. The local governing body or other enforcement official of the town, city, or unincorporated place, after providing notice, may impose a civil penalty of up to \$50 for each day upon any person whose land is deemed a nuisance pursuant to RSA 236:119 until such time as the nuisance is removed or abated to the satisfaction of the governing body, or until the owner of the land acquires a license and is in compliance with the provisions of this subdivision. The building inspector or other local official with the authority to enforce the provisions of this section may commence an action to collect the civil penalty in the district court. Imposition of a civil penalty under this paragraph shall not relieve the owner of any requirement to comply with the provisions of this subdivision, nor shall it preclude the imposition of further actions or remedies under this chapter. The proceeds from the assessment of civil penalties under this section shall be for the use of the town, city, or unincorporated place. This paragraph shall not apply to automotive recycling yards and junkyards properly licensed or pending license renewal under this subdivision.

Source. RSA 267-A:16. 1965, 372:1. 1981, 87:1. 1985, 103:16. 2003, 118:2, eff. Jan. 1, 2004.

236:112 Definitions. – For the purposes of this subdivision:

- I. "'Junk yard" means a place used for storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material. As used in this subdivision, the term includes, but is not limited to, the following types of junk yards:
 - (a) Automotive recycling yards, meaning a motor vehicle junk yard, as identified in subparagraph (c), the primary purpose of which is to salvage multiple motor vehicle parts and materials for recycling or reuse;

Lincoln Board of Selectmen – Meeting Minutes
July 26, 2010

(b) Machinery junk yards, as defined in paragraph III; and

(c) Motor vehicle junk yards, meaning any place, not including the principal place of business of any motor vehicle dealer registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126, where the following are stored or deposited in a quantity equal in bulk to 2 or more motor vehicles:

(1) Motor vehicles which are no longer intended or in condition for legal use according to their original purpose including motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap; and/or

(2) Used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle.

II. "Local governing body" means the mayor and board of aldermen or the council of a city, the selectmen of a town, or the commissioners of a village district.

III. "Machinery junk yard" means any yard or field used as a place of storage in which there is displayed to the public view, junk machinery or scrap metal that occupies an area of 500 square feet.

IV. "Motor vehicle" means "motor vehicle" as defined by RSA 259:60, I, namely, any self-propelled vehicle not operated exclusively upon stationary tracks, including ski area vehicles.

V. "Motor vehicle dealer."

(a) "New motor vehicle dealer" means every person principally engaged in the business of buying, selling or exchanging new and secondhand motor vehicles, or tractors on commission or otherwise who maintains in operating condition, and in operation, and at which the dealer does a major portion of his business a place of business capable of housing indoors in one building in an area of 1200 square feet, 5 average-sized automobiles, devoted to the motor vehicle, or tractor business and gives mechanical service on the same and who holds a written contract with a manufacturer giving such person selling rights for new motor vehicles, or tractors, or with a distributor of such vehicles who, as such distributor, holds a manufacturer's franchise or contract giving selling rights on new motor vehicles, or tractors.

(b) "Used motor vehicle dealer" means every person or firm principally engaged in the business of buying, selling and exchanging secondhand motor vehicles or tractors, who maintains in operating condition and in operation and at which the dealer does the major portion of his business a place of business capable of housing indoors in one building, in an area of at least 1200 square feet, 5 average-sized motor vehicles devoted to the used motor vehicles, or tractor business, and gives mechanical service on the same and at which the repair of used motor vehicles, or tractors is subordinate or incidental to the business of buying, selling and exchanging the same.

(c) "Junk motor vehicle dealer" means any person or firm who has an established place of business at which he is engaged in the business of buying secondhand motor vehicles for the purpose of taking the same apart, or buying, and selling parts of secondhand motor vehicles, or tires, for the assembling of secondhand motor vehicle parts.

Source. 1939, 50:1. RL 165:22. RSA 267:1(b); 267-A:2. 1955, 275:1, par. 22. 1965, 372:1. 1967, 372:2. 1981, 87:1. 1985, 103:7. 2002, 27:3, 4, eff. July 1, 2002.

Lincoln Board of Selectmen – Meeting Minutes
July 26, 2010

236:120 Aesthetic Considerations. – At the hearing regarding location of the junk yard or automotive recycling yard, the local governing body may also take into account the clean, wholesome, and attractive environment which has been declared to be of vital importance to the continued stability and development of the tourist and recreational industry of the state and the general welfare of its citizens by considering whether or not the use of the proposed location can be reasonably prevented from having an unfavorable effect thereon. In this connection the local governing body may consider collectively the type of road servicing the junk yard or automotive recycling yard or from which the junk yard or automotive recycling yard may be seen, the natural or artificial barriers protecting the junk yard or automotive recycling yard from view, the proximity of the proposed junk yard or automotive recycling yard to established tourist and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junk yard or automotive recycling yard.

Source. RSA 267-A:8. 1965, 372:1. 1981, 87:1. 1985, 103:12. 1992, 88:15, eff. Jan. 1, 1993.