

Lincoln Board of Selectmen – Meeting Minutes
December 20, 2010

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

Staff: Town Manager Peter Joseph and Administrative Assistant Brook Rose.

Members of the Public: Lauri Rubner, Tamra Ham, and Joe and Susanne Chenard.

I. CALL TO ORDER

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

II. MINUTES OF THE PREVIOUS MEETING

MOTION: Deanna Huot made a motion that the meeting minutes of December 13, 2010 be approved. Patricia McTeague seconded the motion. Motion carries.

III. LAURI RUBNER / TRANSFER OF 36 LODGE ROAD, #A210

Lauri Rubner appeared before the Board to discuss her purchase of 36 Lodge Road, Unit A210. She explained that she is having a difficult time with the refinance of her current condominium as Wells Fargo keeps pushing back the closing date. She is using the large amount of equity in her condominium to refinance and purchase the unit on Lodge Road. She has since switched to TD Bank for the home equity loan and would like to ask for a little more time to secure the funds. She added that she has taken \$20,000 from her 401k and should have it in two days. She asked that the Board give her another week to secure funding. Susanne Chenard and Patricia McTeague confirmed that condo financing has been very difficult lately. Peter Joseph informed the Board that the Purchase and Sale Agreement between the Town and Ms. Rubner expired December 15th but that he does not see a problem with extending the agreement. The Board had no problem extending the agreement.

MOTION: Patricia McTeague made a motion to extend the Purchase and Sale Agreement for 36 Lodge Road, Unit A210 between the Town and Lauri Rubner until Friday, December 31, 2010. Deanna Huot seconded the motion. Motion carries.

IV. OLD / NEW BUSINESS

Compliance Review of 11 Liberty Road (Parcel 107-061) & Associated Land Off US Route 3 (Parcel 107-051, et al..)

Peter Moore read a letter to the Board from Peter Joseph regarding the inspection of Mr. Chenard's property that he and Selectman McTeague did that day. The letter stated that the Jeep was not removed from the Route 3 lot, the truck in the overgrown area behind the house on Liberty Road was not removed and there are now two boats present behind the house. It appeared that a fair amount of scrap wood, steel etc. on the Liberty Road lot was in the process of being organized but there still seemed to be more than 500 square feet of scrap. It was Mr. Joseph's opinion that the list of items (established by the Board at their November 22nd meeting)

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to be completed prior to this inspection has not been satisfactorily completed. Both lots still appear to be in violation of RSA 236:11 et. seq.

Chairman Moore went on to read a letter from Town Counsel who recommended that the Town file an injunction. An injunction would take anywhere from three to nine months to be heard by the court. In the meantime, if Mr. Chenard satisfied the requirements of the Board, the injunction could then be dropped. Chairman Moore stated that this discussion between the Board and Mr. Chenard has been going on for at least six months, with Mr. Chenard making little efforts here and there to prolong the good will of the Board. He feels that Mr. Chenard is constantly making excuses about why things are not done.

Mr. Chenard replied that he is going to burn the boats this week and he has someone who will remove the two vehicles this week. The two snow machines will also be taken away at that time. He added that the person he was going to contact regarding the storage trailers will not be back to work until after the first of the year. Chairman Moore questioned why Mr. Chenard didn't burn the boats months ago. Mr. Chenard replied that it was summer and the Fire Chief would not give him a permit to do so. Mr. Chenard went on to say that he plans to go through the content of the trailers and burn everything that is not of any value. He questioned whether it is illegal for him to have storage trailers on his property. Peter Joseph replied that if they are going to remain on the property, they are considered vehicles and have to be registered. Mr. Chenard replied that he will not be able to get rid of the storage trailers until at least spring but that the trailers are titled in NH and have been inspected by the Department of Transportation. If he is not able to get the trailers removed, he will either pour cement pads under them or register them. The Board agreed that the trailers needed to be taken care of and removed by March 1st at the latest. Mr. Chenard replied that he would not be able to get them out of there by that date. Deanna Huot inquired about the metal debris. Mr. Chenard replied that it was taken to the dump. Peter Joseph stated that there are still piles of metal and scrap wood in the public view that appear to be more than 500 square feet.

Chairman Moore proposed an alternative to filing an injunction which is that the Board set a firm date that if the requirements have not been met by that date, there would be no further discussion on the matter and the injunction would be filed. The Board members thought this was a good idea. Peter Joseph stated that this is what the Board has been doing all along and very little progress has been made. At least if an injunction was filed now, the process would be underway yet the injunction could be stopped before going to court if the matter is settled beforehand. Deanna Huot would like to see this matter resolved prior to the summer season but even if the Board files the injunction, it most likely wouldn't be heard before summer so she favors Chairman Moore's idea. Mr. Chenard stated that he is very upset with the entire situation to the point of it affecting his health.

MOTION: Peter Moore made a motion to require the fulfillment of the letter of RSA 236:11 et. seq. regarding junk yards by Joe Chenard to be accomplished by March 1, 2011 with the Board providing a list of all of the items that are required to be accomplished by that date or the Town will file an injunction. Peter Joseph commented that a list really wouldn't be conducive to Mr. Chenard but rather that he needs to comply with the applicable statutes. Patricia McTeague seconded the motion. Motion carries.

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Cooper Memorial Bridge

Mr. Chenard brought up the Cooper Memorial Bridge weight limits as there are several concrete barriers currently on the bridge which he is sure would make the bridge over the recommended weight limits if a fire truck or construction equipment were to cross it. Peter Joseph replied that it is a private bridge and the Town has no authority over it. The Town had made Loon and South Peak aware that this of real concern to the Town and since the matter has not been addressed, the Town has a standing order that any of the Town's construction equipment or emergency vehicles are not allowed to cross the bridge. At this point, the Town knows of nothing that has been done by the bridge owners to remedy the situation.

Review of 2011 Health Insurance Rates & Primex Alternate Health Insurance Plans

Peter Joseph provided the Board with alternate health insurance plans offered by Primex as the Board had wanted to look at other cost sharing plans. The alternate plans have a \$500 single/\$1000 family deductible. The Board reviewed the plans and decided that these plans would only save the Town \$3,000 and would increase the risk to employees. Deanna Huot would like to see if Primex has plans with a higher co-pay and no deductibles to lessen the impact to employees. Peter Joseph will look into this. He explained that the main reason the cost of healthcare is going up is because of state and federal mandates that are changing the current healthcare system. It is not Primex's rates that are going up but rather the expense due to the increases in coverage.

Town Manager's Report

Peter Joseph informed the Board that the Planning Board conducted a site visit at Forest Ridge to the site where the applicant has requested site plan review for installation of a compactor. On a separate but related issue, the Zoning Office will be issuing a Notice of Violation as there was construction that occurred at the site without a building permit.

There was a brief discussion regarding the development of the Town Business Park. Peter Joseph explained that he had received an e-mail from Mary Conn questioning whether there is a contract or agreement still in place between J&M Donahue and the Town for the development of the park. Mr. Joseph then sought legal counsel on the existing agreement and was advised that the agreement was no longer a valid document. Both Mary Conn's e-mail and Mr. Joseph's response are to be attached to the meeting minutes.

Mr. Joseph brought up a suggestion made by Matt Henry, Planning and Zoning Administrator to look at possibly hiring a building code enforcement officer as a contractor offset by building permit application fees. This individual would not be considered a Town employee. Mr. Joseph was contacted today by the Town Administrator in Thornton who is considering the same thing and wanted to know if the Town of Lincoln was interested in exploring the issue with them. Mr. Joseph went on to say that there have been several code issues over the last six months. Peter Moore thought that hiring a building inspector was a big commitment and could possibly expose the Town to a greater liability. Patricia McTeague and Deanna Huot were both in favor of a fee based contractor to serve as a building inspector for the Town and thought Mr. Henry and Mr.

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Joseph should explore the idea and even talk to other Towns about the possibility of sharing an inspector.

There was a brief discussion on employee wages as Charlie Cook submitted a letter to the Board (which is attached to the minutes) contending with the Town's current step increase policy as he believes it is not sustainable. The Board will revisit the topic at their next meeting.

Deanna Huot mentioned that Chief Moorehead complemented Brook Rose on her level of involvement in working with the community to help distribute food baskets and gifts this holiday season. Ms. Huot added that perhaps the Town of Lincoln could be even more involved next year.

The Board decided to meet on Monday, December 27th to handle the year end encumbrances. They would also like to have their meetings at 5:30pm rather than 5:00pm from now on.

V. PUBLIC PARTICIPATION

Lutz Wallem addressed the Board and questioned whether they could recommend someone with investment experience to fill the third Trustee of the Trust Fund position. Mr. Wallem is of the opinion that the Town could invest the funds perhaps in gold or in something with a safe yet equitable return. However, he added that he and Mr. Spanos feel that they cannot make those decisions on their own. Peter Joseph replied that there are laws that govern what the trust funds can be invested in and gold is not one of them. The Board did not have any recommendations for Mr. Wallem however Deanna Huot reminded Mr. Wallem that the Trustees of the Trust Fund are able to seek out financial advice on behalf of the Town. Mr. Joseph added that the Trustees of the Trust Fund cannot involve the Board of Selectmen in their financial decisions as there, by state statute, is to be limited interaction between the Board and the Trustees. The Board thanked Mr. Wallem for his input.

VI. ADJOURNMENT

As there was no further business to attend to, the Board adjourned at 8:35pm.

Respectfully submitted,

Brook Rose

Approval Date: ____/____/____

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LINCOLN BOARD OF SELECTMEN:

Chairman Peter Moore

Selectman Patricia McTeague

Selectman Deanna Huot