

**LINCOLN BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**JULY 14, 2014 – 5:30PM**  
**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

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

**Staff Present:** Recording Secretary Brook Rose.

**Public Present:** Heidi Barrett-Kitchen, Rick Elliot, Jim Welsh, Dave Beaudin, Paul Beaudin, Taylor Beaudin, Mike Harrington, and Pat Romprey.

## **I. CALL TO ORDER**

O.J. Robinson called the meeting to order at 5:25pm.

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## **II. NON-PUBLIC WORK SESSION *Pursuant to RSA 91-A:3(e)***

**MOTION: “To go into Non-Public Session pursuant to RSA 91-A:3II(e)**

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

The Board went into Non-Public Session at 5:25pm. Heidi Barrett-Kitchen and Rick Elliot were also invited to participate in the session.

**MOTION: “To re-enter public session”**

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

The Board came back into session at 6:10pm.

**MOTION: “To settle the past tax errors with JORI Properties and Rick Elliot for the amount of the originally assessed 2009 taxes of \$3,951 which when paid will eliminate all past taxes per the agreement the Board of Selectmen signed with Rick Elliot on May 23, 2013.**

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

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## **III. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING**

**MOTION: “To approve the minutes of the July 7, 2014 meeting as amended”**

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

*The amendment was to revise line 149 to change the word, “means” to, “implies” and to change, “The” to, “NHDES believes.”*

**MOTION: “To approve the non-public minutes of the July 7, 2014 meeting as presented”**

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

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#### IV. JIM WELSH, MIKE HARRINGTON, JANE MCCARTHY LAND ACQUISITION PUBLIC HEARING

O.J. Robinson opened the public hearing to discuss the Board's proposed agreement to sell a 45'x830' strip of town owned land at West side East Spur Road to Mike Harrington, Jane McCarthy-O'Connor, and James Walsh. The land will be subdivided and added to their current properties as follows: Mike Harrington 170'x45' or 7,650 sqft., Jane McCarthy-O'Connor 197.59x45' or 8,905.05sqft., James Welsh 461.79x45' or 20,780.55sqft. The proposal is to sell the land for a total of \$1,866.78 for the three combined parcels. Dave Beaudin questioned whether the property could be subdivided if this additional land was added to the aforesaid owners' current property. Jim Welsh replied that he is able to subdivide without the additional land.

Paul Beaudin presented the Board with a letter that will be attached to the meeting minutes as presented. The letter objects to the manner in which the Board is choosing to dispose of the property. He feels that the according to statute, the Board should put this sale before the voters at Town Meeting. O.J. Robinson replied by saying that the Board is holding several public hearings on this transaction for the public to express their opinions. The Board has also consulted their attorney on this matter and his opinion is as follows:

*"I do not believe that 41:14-a, II (c) prohibits the Selectmen from selling the property that you described. That section of that statute prohibits the Selectmen from selling land that has been given, devised or bequeathed to the town for charitable or community purposes, which is not the case here.*

*By the way, RSA 498:4-a and 547:3-d, both of which are referenced in the statute, are both entitled "Cy Pres Doctrine," which allows a court to amend the terms of a charitable trust, as closely as possible to the original intention of the testator, to prevent the trust from failing."*

Paul Beaudin stated that the community purpose is the road. O.J. Robinson stated that the Board is getting rid of the additional width of the roadway. Paul replied that this land is the people's land and that they should have a vote on its disposal. He does not have a problem with selling the property just the manner in which it is being done. Taylor Beaudin questioned whether the Town's land is a buildable lot. O.J. replied that the land is only a 45ft. wide strip of land that abuts the Town's right of way that runs along the road. He added that historically when the State discontinues a road they dispose of the land by giving it to the abutters at the half way point. Jim Welsh stated that if an outside party wanted to purchase the section of land he is buying from the Town, they would have to give the Town a right of way as well as himself a right of way to his house, his mother's house, and his salt shed. This doesn't really leave much land. Paul Beaudin stated that the Board is increasing the value of the land for these property owners. O.J. replied that the Town has given the Board of Selectmen the right to buy and sell property and he would rather sell this land for the price being offered and receive taxes on it rather than wait for someone else to purchase this strip of land for a little more than what is currently being offered. He added that this transaction isn't costing the Town anything. Pat Romprey commented that if this lot is not buildable, why would the Town want to hold onto it? He would rather see it on the tax rolls.

O.J. stated that the next public hearing on this land sale will be held two weeks from tonight. He added that the Board will want to review the language of the deed and right of way prior to moving forward. O.J. closed the public hearing at 6:35pm.

## **VI. HOUSING AND COMMUNITY DEVELOPMENT PLAN**

The Board discussed the proposed Housing and Community Development Plan for the Town. A public hearing on the plan as well as the application for the Community Development Block Grant for the Riverwalk project will be held at the Board's next meeting. The Board asked that a copy of this plan be e-mailed to everyone that receives the meeting minutes. Paul Beaudin questioned whether the Town will be liable to pay back the grant if the Riverwalk project fails. O.J. Robinson replied that it is not his understanding that the Town would be liable as the funds are managed directly by Grafton County Economic Development Council. However, he will have Town staff speak with GCEDC to see what the process would be if the project fails.

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## **VII. OLD/NEW BUSINESS**

### **Town Property Tour Follow Up**

O.J. Robinson stated that after the tour of Town property and the question regarding the Town's legal access to the pump station on Connector Road, it was determined that the Town does have a written legal easement over Mr. Conn's property. By mutual agreement, the Town does not use the easement as it is written but uses Mr. Conn's driveway to eliminate the need for having two separate driveways right next to each other. Mr. Conn sees no reason to change that.

### **Public Participation**

Taylor Beaudin read a letter sent to him by Administrative Assistant, Jane Leslie. In brief, the letter stated that the notice for the summer emergency work may not have been advertised in the newspaper but was posted on the Town's website and around Town. Taylor stated that it bothers him that O.J., Town Manager Burbank, and Selectman Ham all lied to him about seeing the ad in the newspaper. Both O.J. and Tamra reiterated that they thought they did see the ad in the paper. However, O.J. stated that regardless of whether or not the ad was in the paper, going forward the Town will contact anyone previously on the emergency call list of the current notice each year. Mr. Beaudin replied that Jane did inform him of that but he is more upset about the lying. Tamra Ham stated that she apologizes if she was mistaken about the ad being in the newspaper. She is still of the opinion that she saw it in there but there have been many ads posted by the Town in the paper recently. She added that no one was purposefully being excluded and it was a mistake if Taylor was not notified. The Town has taken steps to fix this problem in the future. Taylor replied that in looking to fix issues in the future, he wonders whether the Board is learning from their mistakes in the past. Tamra replied that she believes the Board is learning from their mistakes. Pat Romprey questioned whether Taylor is now on the list. Taylor confirmed that he is on the list now.

At this time, Dave Beaudin submitted a written Comment/Complaint Form about comments he believes should be clarified from the June 30<sup>th</sup> meeting minutes. He requested this form be attached to the meeting minutes.

Taylor Beaudin stated that the Board, as the boss overseeing Town staff, should educate themselves on the process and procedures of managing public works jobs. Paul Beaudin added that it makes sense for the Board to know what kind of equipment needs to be used so when questions arise from the public, the

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Board will be aware. He cited a specific job up at Loon Mountain that he believes the Town spent much more than should have been spent. He added that the taxpayers deserve a watchful eye which should be the job of the Board and the Town Manager. O.J. Robinson replied that it is the job of the Board to hire Department Heads that are capable of making these decisions under the oversight of the Town Manager. It is not the Board's job to micromanage but to delegate. It is the Public Works Director's job to manage construction projects and make decisions about equipment. There was some further discussion about specific jobs. Tamra Ham added that when she was new to the Board, she did research the management of some of the construction projects and found the way the jobs were handled to be adequate and the projects successfully completed. O.J. Robinson added that any time he has spoken with Bill Willey about a concern of the public; Bill has made the right decisions. O.J. has supported the decisions of the Public Works Director and trusts his judgment. Dave Beaudin stated that if the public is questioning Bill's decisions, why is the Board not investigating? O.J. and Tamra both stated that they have done that in the past and never found Bill's decisions to be lacking. They have always been satisfied with his reasoning and project management skills.

### **Northern Pass Project Environmental Land Law Discussion with BCM Environmental Land Law, PLLC Proposal**

The Board reviewed and discussed a proposal letter from BCM Environmental & Land Law, PLLC to represent the Town in the Northern Pass Project. As the firm does not yet have any municipal clients in this matter, the Board decided to see how the matter progresses before engaging an attorney.

### **Weston & Sampson**

O.J. Robinson stated that Weston & Sampson have been engaged to evaluate the most recent heavy rain event and surrounding drainage issues at or near the culvert at the Water Treatment Plant.

### **Review of Meeting Packet Materials**

At this time the Board reviewed paperwork provided by Town Staff including notices of decisions, sign permits and various weekly correspondence.

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## **VIII. 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: Patricia McTeague**

**Second: Tamra Ham**

**All in favor.**

The meeting adjourned at 7:15pm.

Respectfully Submitted,

Brook Rose

Approval Date \_\_\_\_/\_\_\_\_/\_\_\_\_

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Chairman O.J. Robinson

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Patricia McTeague

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Tamra Ham