

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
JULY 28, 2014 – 5:30PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

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

Staff Present: Town Manager Alfred Burbank, Fire Chief Ron Beard, and Recording Secretary Brook Rose.

Public Present: Paul Beaudin, Bill Conn, Taylor Beaudin, Dave Beaudin, Rick Kelley, Ralph Lewis, Molly Mahar, John Imbrescia, and Jane McCarthy.

I. CALL TO ORDER

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

II. MINUTES OF THE PREVIOUS MEETING

MOTION: “To approve the minutes of the July 21, 2014 meeting as amended”

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

Amendment was to delete the sentence: “The shed meets setbacks.”

MOTION: “To approve the non-public minutes of the July 21, 2014.”

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

III. SECOND PUBLIC HEARING ON WELSH/HARRINGTON/MCCARTHY LAND ACQUISITION

O.J. Robinson opened the second public hearing on the sale of excess town owned land to Jim Welsh, Mike Harrington, and Jane McCarthy. Paul Beaudin commented that he would like to go on record as saying that he is opposed to the manner in which the town is disposing of the land. As there was no other public comment, O.J. closed the public hearing at 5:31pm. He stated that the Board has heard the public comments on this matter over the past two public hearings. The Board is in favor of putting this land back on the tax role and has good documentation in support of the requested sale price. The next step is to have the land surveyed and deeds drafted at the property owners’ expense.

IV. PUBLIC PARTICPATION

Cooper Memorial Bridge

Loon Mountain Recreation Corporation President and General Manager Rick Kelley addressed the Board and stated that he took issue with the way the town has handled the matter of the Cooper

Memorial Bridge. The bridge is owned by CLP Loon Mountain and Cypress Real Estate Advisors. He submitted a letter outlining his concerns to the board. He was very disappointed to learn that the town had hired an engineer to inspect the bridge without first discussing their concerns with Loon. Rick read the following questions from his letter:

“What precipitated the town to hire an engineer to inspect the bridge?
Why was Loon not notified about any concerns, so we could be part of the solution?
Why was the existing Hoyle & Tanner engineering report ignored?
Why was the report submitted to D’Amante, Couser, Pellerin & Associates, Attorneys at Law in Concord?”

O.J. Robinson apologized to Rick and stated that in hindsight, the town should have made Loon aware that a study was commissioned. However, the board was not aware that the report would raise such immediate concerns. The report was commissioned by the town when several different engineers, one of which was a former bridge engineer, who were attending a site meeting at the nearby levee project, expressed grave concerns about the integrity of the bridge and highly suggested that the town have it inspected right away. The town then asked that the attorney for the levee project, Mr. D’Amante, have the bridge added into the engineering study. The engineering firm that is overseeing the levee project then hired bridge engineer, Bruce Knox to look at the bridge.

Rick commented that he cannot believe all of this went on without Loon being notified. He added that Loon spent \$50,000 on a study of the bridge which they gave to the Town. How the town can hire someone who knows nothing about the history of the bridge to do a study is also unbelievable. Rick also questioned why the Fire Marshall was called. O.J. explained that the board expected to get a report from Mr. Knox recommending whether or not the town should be driving their heavy equipment (i.e. fire trucks) across the bridge. The board did not expect to get a report that said the bridge should be closed and NHDOT called to further inspect the bridge immediately. As the Fire Marshall is the authority on public safety in a matter such as this, he was contacted by Chief Beard to assist the town in making a determination on the bridge. The Fire Marshall advised that the town close the bridge. Rick replied that Loon should not have been circumvented and that someone should have picked up the phone and called him if they were concerned about the load weight of the bridge. O.J. replied that he wishes he would have called him but that as soon as he heard from Mr. Knox, he did call Loon. After an in depth investigation of the current and former bridge reports, Fire Chief Beard made the decision not to close the bridge until it was further discussed with Loon. Prior reports on the bridge determined that it was structurally sound. O.J. stated that the town may have started this process off on the wrong foot but they did not close Loon’s bridge. Rick replied that a lot of grief could have been spared if the town would have simply contacted him.

Bill Conn questioned how the board could justify spending taxpayer money on a private bridge. O.J. replied that Chief Beard is responsible for the safety of the town and has the authority to inspect any public or private structures that may pose a threat to public safety. Bill replied that there is a rumor that the town ordered that none of the town vehicles were to cross the bridge. O.J. replied that the fire department’s heavy apparatus exceeds the weight limit of the bridge and that the Fire Marshall advised Chief Beard to close the bridge. Bill replied that he is working on the other side of the bridge and the

Town should not have let him cross the bridge so many times with his heavy equipment if they thought it might be unsafe. O.J. replied that after further investigation the town decided not to close the bridge. Chief Beard added that he was under the bridge while Lincoln Trucking was running trucks over it. Chief Beard took into consideration that some of the comments about the bridge mentioned in Bruce Knox's report were some of the same comments mentioned in the 1996 report so after reviewing all of the reports, he decided not to close the bridge. The only issue Chief Beard has at this time is that one of the supports has a crack in it. The south span of the bridge needs to be reinforced and the weight limit reduced. Rick Kelley will speak to his engineer and does plan to address the crack. The weight limit on the bridge has already been reduced to 30,000lb. He added that the bridge is well equipped to handle passenger vehicles. If the town would rather, the Fire Department can drive the fire trucks around the other way. O.J. mentioned that the State's requirement for bridge inspections is every two years. He questioned how often Mr. Kelley thinks this bridge should be inspected. Mr. Kelley will discuss this with his engineer.

Paul Beaudin commented that last week when the bridge was discussed, the board was concerned with the liability of the bridge if someone were to get hurt. Chief Beard replied that after initially hearing from the Fire Marshall that the town should close the bridge, he started studying prior reports which he also passed on to the Fire Marshall's office. The Deputy Fire Marshall inspected the bridge later in the week and agreed with Chief Beard that the bridge was not an imminent danger. Town Manager Burbank added that from the town's standpoint, he does not want any of the town's trucks crossing the bridge and further pounding on that cracked beam. He does not want the town to be liable for any increased damages to the bridge. Rick Kelley stated that Bruce Knox wasn't even the engineer that found the crack in the beam.

O.J. asked that Mr. Kelley please accept the town's apologies for failing to initially contact him.

V. OLD/NEW BUSINESS

Abatement

Mr. John Imbrescia presented his request for a tax abatement for his property at 49 Main Street which was submitted by his attorney Ray D'Amante. He explained that a gasoline leak from a neighboring property has affected the building with fumes, odor etc. and is unable to rent lower floor offices as a result. Mr. Imbrescia submitted an appraisal to the town showing a reduced value at \$420,000 due to contamination. Further, he explained that NHDES is installing a system in the building that they also installed in the former Sporthoma building. This system will also serve the Alpine Adventures building. The system is similar to a radon treatment system and will take 5-10 years before eliminating the fumes.

MOTION: "To grant an abatement as recommended by the town's assessor for property at 49 Main Street LLC, tax map 112-055 for the 2013 taxes. The assessment will be reduced from \$746,500 to \$455,600."

Motion: Patricia McTeague

Second: Tamra Ham

All in favor.

Town Manager's Report

Town Manager Burbank submitted the following update on current projects to the board:

1. *Community Center culvert and drainage. I have received an engineering proposal from HEB Engineers for the review of the culverts that carry water under the Community Center parking lot and the occasional overflowing/flooding issues. The property has never been formally surveyed. In order to do a comprehensive review the property will need to have finite elevations established to fully understand the drainage issues and possible solutions. The estimated cost for this work is between \$16,000 and \$19,000. I am reviewing the budget to see if the work can be done this year.*

The Board asked that Mr. Burbank get a few more quotes on the engineering for this project. Mr. Burbank also informed the Board that he just spoke with the town's insurance company, Primex who has informed him that they will not cover damages to the homes flooded downstream from the Community Center or at Westwood as their determination is that this is event was an act of nature.

2. *Water Treatment Plant culvert review. Waiting for engineering report. Should be in shortly as we had put a priority review on this project.*
3. *The Beechwood drainage is progressing well. We have been able to stabilize a large section of the roadway. We have identified other problematic areas and are having Hoyle & Tanner take a second look at their original design to address these issues. Still waiting to hear from Loon Mountain on their plans for updating of the sewer and water in this area. Helen, Bill and I will be reviewing the budget to see if we will be able to upgrade the section of drainage at the intersection of Black Mountain Road and East Branch Drive. Hoyle & Tanner is currently reviewing their original design and will be providing an engineering estimate to complete this section. Reconstruction of this area is critical in controlling the runoff from the Beechwood One development.*

Town Manager Burbank has discussed this project with Loon Mountain Resort. Loon has agreed to share some of the costs of the project. The board discussed the logistics of this project as well as the possibility of creating a TIF district for the betterment of the area. Mr. Burbank will follow up with the town's attorney.

4. *The Water Intake project is going well and is on time. Even though the weather has not been totally cooperative, Glenn Builders has been able to remove the existing intake structure and is beginning the process of excavating the area and putting in new material for the reinstallation process. The contractor asked for permission to work extended hours so that they can cut down the actual time in the river. That request was granted. We have received a couple of complaints from owners at the Riverfront Condos. But after explaining the importance of the project they were very understanding. We are putting out a notice to all town residents and property owners, explaining the project and the need for the extended hours.*

Mr. Burbank informed the Board that the river did overtop the sandbags within the last hour of the recent rainfall event. Town staff has been working to put together a bulletin to the property owners that about the project to let them know that the construction workers do have permission o work extended hours and possibly even Saturdays to complete this crucial project.

Common Man Update

Mr. Burbank spoke with Alex Ray today. Alex is not interested in purchasing the lot. He will sign the new lease when it is ready. Alex was on site during the recent rainfall event examining the drainage issue. He is working to alleviate the situation as promised. The board will await the property appraisal before drawing up a new lease.

Recent 91A Requests

Town Manager Burbank informed the Board that with the two recent 91A requests from Terry Ross, town staff spent over 10 hours pulling together the information for her requests that she didn't spend more than a half hour looking at. She didn't take a single copy of anything. Carole Bont was also here one day for 10 hours pulling together information for a 91A request from the Littleton Courier. She had two boxes of paperwork that the reporter only spent just over an hour reviewing and he also took very few copies. These requests are very involved and take up a good deal of staff time that could have been spent on other projects.

Agreement with George E. Sansoucy, P.E., LLC

The board signed an agreement to continue working with George E. Sansoucy P.E., LLC and to contract his services to provide engineering, consulting and valuation update services to the Town of Lincoln and to value for ad valorem taxation purpose the utility properties located in the town.

MOTION: "To approve the agreement with George E. Sansoucy P.E., LLC for his general services to be performed including a \$6,000 flat fee for utility appraisal and a per hour fee for defending lawsuits, which he estimates to be \$5,000 for Fairpoint Communications, \$6,000 for Public Service of NH, and \$10,000 for NH Electric Co-op.

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

Commerford Nieder Perkins, LLC Extension

MOTION: "To approve CNP Appraisal and Assessment Services' request for an extension of time to complete the 2014 Data Verification originally to be completed by September 1, 2014 until October 1, 2014."

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

VI. NON-PUBLIC WORK SESSION *Pursuant to RSA 91-A:3(a,c)*

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

Motion: Tamra Ham Seconded: O.J. Robinson Roll call vote was all in favor.

The board went into non-public session at 6:58pm.

MOTION: “To re-enter public session”

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

The board came back into public session at 7:08pm.

VII. 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 7:10pm.

Respectfully Submitted,

Brook Rose

Approval Date ____/____/____

Chairman O.J. Robinson

Patricia McTeague

Tamra Ham