

Lincoln Board of Selectmen – Meeting Minutes
June 13, 2011

Board of Selectmen Present: Chairman Peter Moore, Selectman Patricia McTeague and Selectman O.J. Robinson.

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

Members of the Public: Thomas Emerson and Raymond Emerson.

I. CALL TO ORDER

Peter Moore called the meeting to order at 5:40 PM.

II. MINUTES OF THE PREVIOUS MEETING

MOTION: Patricia McTeague made a motion that the meeting minutes of June 6, 2011 be approved. O.J. Robinson seconded the motion. Motion carries.

III. PUBLIC PARTICIPATION

Thomas Emerson and his brother Raymond Emerson attended the meeting to discuss a property they own with their brother Ron Emerson which is located at 41 School Street / 13 Henry Lane. There are two houses on the lot. Thomas Emerson explained that there are two different tax bills being sent out though the property should only be considered one parcel because the lot is not large enough to subdivide. He added that prior to 2007, only one tax bill was being sent out and by sending two tax bills, the Town has subdivided the parcel. He further explained that in 1986, when his mother deeded the property to her sons, she had deeds drawn up by an attorney splitting up the .25 parcel without going through the Town's required subdivision process. The attorney most likely did not know of the new subdivision requirements in place in Lincoln at the time. The deeds were then recorded at the Registry of Deeds. He added that the tax bills the Town sent out also have the wrong acreage on them according to the deeds. Peter Moore stated that the Town did a revaluation in 2007, which could be why there are two bills now. Peter Joseph clarified that there was another deed recorded in 1991 naming both brothers as owners and tenants in common.

Thomas Emerson informed the Board that the underlying issue is that his brother, Ron Emerson, is taking him to court because he thinks Thomas should be paying a larger share of the tax bill which is why it was much easier to have one tax bill that could then be split two ways.

Peter Joseph commented that he was made aware of the situation about a year ago but was not aware that the situation had escalated to involve legal action. He asked Thomas Emerson which specific items should be corrected on the tax bills in his opinion.

There was an extended discussion on the matter. The Board of Selectmen asked Peter Joseph to research the history of the situation, including the changes to the tax bills that were made in 2006. Peter Joseph will discuss the matter with the assessors and report back to the Board with a brief explanation of changes since 2006. The Board would get back to Thomas Emerson after discussing the issue further at their next meeting.

IV. OLD / NEW BUSINESS

Town Manager's Report

Peter Joseph informed the Board that he contacted the Town Attorney regarding RSA 447:16 (payment bonds for public projects). It was the Town Attorney's opinion that under the law, each separate project performed under the on call services agreement could be construed as a separate "contract" and a payment bond should be required on any individual project that exceeds or is estimated to exceed \$35,000. The fact that the entire agreement may exceed \$35,000 in value does not necessarily mean that a payment bond is required for the entire agreement. Rather, a bond would only be required for specific projects under that agreement that exceed or are estimated to exceed \$35,000. He added that there isn't a written contract for the summer construction work nor is there an estimated cost. The Town is free to require bonds on any projects it desires.

Peter Joseph informed the Board that the Town received a performance bond for the full value of the new fire truck on order from HME, Incorporated. The Town is currently planning to prepay \$250,000 of the (approximately) \$331,000 purchase price, which will save the Town over \$7,000.

Peter Joseph informed the Board about some river bank erosion occurring upstream from the sewer lagoons that will need to be addressed this year. He and Bill Willey were made aware of the situation by John Hettinger who noticed it while using the Riverwalk trail. He clarified that the lagoon embankments were not in immediate danger, but rather the river bank immediately upstream from them was eroding. If the bank eroded completely it could have a serious impact on the upstream edge of the lagoon embankments, which could lead to an emergency situation.

Bill Willey will be meeting on site with NHDES and the Army Corps of Engineers in the next week to discuss the Town's options for an emergency permit which would allow the Town to stabilize that section of riverbank with rip rap and river stones. The section in question is approximately 100 feet long. Currently the main goal will be to stabilize the bank before next Spring, in order to avoid losing some or all of the remaining bank in the spring melt when river levels are highest. Peter Joseph would keep the Board posted on any developments.

Peter Moore also informed the Board that the Supervisors of the Checklist appointed Robert Wetherell to the position of Town Moderator. Both candidates have been notified. Mr. Wetherell will stop by the Town Clerk's office to be sworn in.

V. ADJOURNMENT

As there was no further business to attend to, the Board adjourned at 6:55pm and reviewed the accounts payable for the week ending June 10, 2011.

Respectfully submitted,

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Brook Rose

Approval Date: ____ / ____ / ____

LINCOLN BOARD OF SELECTMEN:

Chairman Peter Moore

Selectman Patricia McTeague

Selectman O.J. Robinson