

Lincoln Board of Selectmen – Meeting Minutes
June 20, 2011

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

Staff: Town Manager Peter Joseph, Finance Director Helen Jones and Administrative Assistant Brook Rose.

Members of the Public: Bob Webb, Joe Chenard, Tom Smith, Dave Beaudin, Mary Conn, and Carol Parent.

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 13, 2011 be approved as amended. O.J. Robinson seconded the motion. Motion carries.

III. APPOINTMENTS- BOB WEBB, USI CONSULTING RE: GASB 45

Mr. Bob Webb, consultant from USI Consulting, attended the meeting to give a presentation on the GASB 45 actuarial valuation that USI prepared for the Town of Lincoln. Because of the small size of the Town, the valuation only has to be done every three years. The Town is required to offer these retirement benefits to pre-65 retirees, and from what Mr. Webb can see, the Town has been managing its costs by requiring the retirees to contribute 100% of the premiums. The primary cost accounting-wise to the Town is the implicit subsidy provided by charging younger employees (who cost less to insure in theory) the same premium as older pre65 retirees. Mr. Webb explained that it is possible to offset these costs by placing money into trust funds from year to year, but said this is being done by few, if any, municipalities that he knows of. Helen Jones stated that the Town's auditors having been waiting on the figures from the valuation which will be included in the 2010 audit. The Board thanked Mr. Webb for keeping them informed.

IV. OLD / NEW BUSINESS

Liberty Road Update

Peter Joseph explained that he and Patricia McTeague recently met with Mr. Chenard to inspect any progress he has made on his property. Peter Joseph reported that progress has been made especially on the lot across from Route 3 however, many violations remain. Mr. Chenard is still in the process of moving and getting rid of scrap. Definite progress has been made on the site, however in his opinion it is still in violation. He informed the Board that the petition for injunction has been drafted by Town Counsel and he is awaiting approval of the Board to file.

Peter Moore inquired about the number of unregistered vehicles. Peter Joseph replied that there are several on both pieces of property. Joe Chenard stated that there are 4-5 on the lot across the street, one of which he is getting rid of next week, and one other unregistered vehicle on the house lot. Peter Moore replied that this situation is really unfortunate. Mr. Chenard keeps telling

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the Board things will be done, “next week” but it has been over a year and the Town is now faced with having to spend taxpayer dollars on this situation. He added that the Board has gone above and beyond to work with Mr. Chenard however, Mr. Chenard is really forcing the Town to take legal action.

Mr. Chenard stated that he is not able to be on his property all day to clean up 40 year's worth of materials on his property. He has to work to pay his bills. He added that he has taken a total of about 35 truck loads off of his property. He has also gone through and gotten rid of a lot of what was stored in the trailers and moved a lot of the mess in the backyard to the front yard to sell and get rid of.

Peter Moore asked Mr. Chenard's neighbor, Tom Smith for his opinion. Mr. Smith replied that for the amount of time Joe has had to do this work, he does not feel enough progress has been made and that everything should have been done by now. He added that there is a value to some of the items Mr. Chenard has on his property and those items could be sold. Mr. Smith stated that his property is now for sale and he has had several interested buyers walk away because of Joe's property. Out of state customers are consistently deciding not to stay at the motel because of the, “dump across the street.” Mr. Chenard stated that cleaning up the property requires a lot of money he doesn't have.

Peter Joseph advised Mr. Chenard that regardless of what the Board decides to do, he would encourage him not to stop clearing his property as he may be able to take care of the problem before this goes to court. If his property is taken care of, the Town wouldn't have the need to proceed in court. The Board agreed.

O.J. Robinson stated that well before he was even a member of the Board, petitions were signed and residents were complaining to the Town about Mr. Chenard's property. It seemed that Mr. Chenard took little to no action on his property until court action was imminent. It appears to be that the court action is really the motivation and influence for Mr. Chenard taking any action and not the Town's reasonable plea over the past year. It is O.J. Robinson's hope that by the time this matter is scheduled in court, a lot of progress will be made on Joe's property. Mr. Chenard replied that the matter could go to court any time and could be sooner rather than later which is why he has hired two attorneys.

When asked her opinion, Patricia McTeague stated that Joe has definitely made progress particularly on the lot across the street. However, the mess in the front yard is especially an eye sore. Her hope is that Mr. Chenard will continue at this new expedited rate to clean up the property and hopefully before the injunction goes to court, the Board can withdraw the petition. It is her opinion that the Board should stay the course and stand by their decision to file the injunction.

Due to the length of time that has passed and in fairness to the neighbors and the welfare of the community, the Board unanimously decided to file the injunction.

MOTION: Patricia McTeague made a motion to submit the Petition for Injunction against Joe Chenard to Superior Court. O.J. Robinson seconded the motion. Motion carries.

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Joe Chenard stated that he would file a counter injunction tomorrow. He added that for the record, he wanted it noted that two years ago, the Town voted to change the zoning on Route 3 and it still hasn't been done and isn't reflected on the tax maps. Peter Joseph replied that the Town has yet to receive the April 2011 tax maps but that the change should be reflected on them. The current (April 2010) maps may not have had the changes from the March 2010 Town Meeting on them. Peter Joseph will follow up with CAI. O.J. Robinson asked that the Planning Board also check to make sure that all of the changes made at Town Meeting are reflected on the new maps. Peter Moore stated that Mr. Chenard's concerns are duly noted.

Town Manager's Report

Peter Joseph provided the Board with a memo regarding the Emerson Property on School Street containing the following list of actions associated with the property:

1946 – Louis and Gertrude Emerson acquire property on School Street.

1988 – Two separate deeds recorded from Gertrude Emerson to Ron Emerson and Tom Emerson, effectively subdividing the property. At the time, Town subdivision regulations are in place, requiring Planning Board approval before recording at Grafton County Registry. We are unaware if the Town took any action at that time to enforce this requirement.

1991 – Deed recorded between Tom and Ron Emerson granting joint ownership to both tracts of land as tenants in common. At that time, Town regulation would have required a voluntary lot merger approved by the Planning Board, before being recorded at Grafton County Registry. However, since the original lot owned by Gertrude Emerson was never legally subdivided in 1988, the lots could not be merged, since they were never technically “separated”. This deed more accurately reflects the current appropriate property ownership status. The Town currently considers this lot as one piece of property with two joint owners. The metes and bounds showing “Tract 1” and “Tract 2” in the 1991 deed represent the metes and bounds from the 1988 deeds and do not indicate separate parcels of land with separate ownership.

2007 – Town is made aware by Ron Emerson of 1991 deed showing both Tom and Ron as joint owners and joint tenants in common. Tax record is switched to show both as owners of Tract 1 and Tract 2, and separate tax cards were created so that Ron could apply for an elderly tax exemption on the portion of the property that is his primary residence. Currently tax bills for both tracts are mailed to Ron Emerson and copied to Tom Emerson.

Mr. Joseph noted that moving forward, the Town could either keep two separate bills, as has been done post-2007, or switch back to one single bill for the property, which would require the two owners to determine how to split up the property taxes amongst themselves.

After an extended discussion on the matter, it was the Board's opinion that this has been one lot of land with one tax bill for many years prior to 2007 and the Town should only be sending one bill. It is up to the family to determine how they want to split the bill. Unsure of how the elderly exemption should be applied, the Board asked that Peter Joseph speak with MRI to see what is

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done in other similar situations. Peter Joseph stated that sending the two tax bills could have been MRI's way of applying the exemption up till now. Patricia McTeague also requested that Tom Emerson put his request in writing for the record.

Linwood Athletic Fields

On another matter, Peter Joseph informed the Board that he was contacted by a representative of the School Board, Mike Donahue, who wanted to know if the Town would agree to meet with the School Board to discuss watering the fields. The way it is handled currently is that the school maintains the front field and the Town waters the other field. The School Board is proposing that the School water both fields in exchange for using the Town's watering equipment for both fields. The Town has a more advanced watering system than the School, and this would save time and money for both parties.

The Public Works Director had some concerns with the time of day and length of time that the School currently waters the front field. The School will often times water the field all day long which isn't the most efficient use of water (as so much of the water evaporates before it can soak into the ground) and isn't good for the grass. The Town waters the other field from 7-9am. Dave Beaudin mentioned that the Town may want to be cautious with the equipment because it runs off of the fire hydrant and if someone who doesn't know how to use the system turns off the hydrant too quickly, there could be damage to the hydrant and the water main. The Board would like to work with the School in this matter, but only if any concerns can be satisfied. Peter Joseph will discuss the points raised at this meeting with Bill Willey and then contract Mr. Donahue to determine if the concerns could be satisfied.

V. PUBLIC PARTICIPATION

David Beaudin and Mary Conn attended the meeting to discuss a piece of property abutting the Kanc Rec Area that the Board had considered selling recently. They wanted to ensure that any such sale would be by a public bid or auction process. The Board affirmed that this is their intention. David also asked if the Town had considered any future uses or expansions for the Kanc Rec Area on that piece of land, such as parking, or a garage building. There were currently not any plans to use the piece of property, but the Board would investigate these options before deciding on whether to sell the property or not.

Mr. Beaudin brought up the topic of the access to their property off Forest Ridge Drive, which was currently disputed by the homeowners association at Forest Ridge. David recently obtained legal counsel about the access to his property from Forest Ridge Drive. It was the attorney's opinion that the Town could have granted David and Mary access to their property off of Forest Ridge Drive because the road right of way is over the Town's property. Peter Joseph explained that the only document he had reviewed was easement language stating that the Town could only grant the public access to Town properties. There were several other documents and deeds relating to historical access over the property, but Mr. Joseph had not reviewed them all. He stated he would be willing to look at any documents that Mr. Beaudin could produce on the subject. The Board had a brief discussion about the access question and determined that more information and possibly a legal opinion were needed to clear up the issue.

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David believes that this same scenario applies to the Town's property adjacent to the Kanc Rec Area that was previously considered for sale. David suggested that the Town be sure that a private landowner could not access the property in question from Forest Ridge Drive before any decision to sell the property is made. Peter Moore stated that if the Town can in fact grant a legal access, it makes that piece of property much more valuable. The Board thanked Dave and Mary for the information and would investigate the issues raised in this conversation further.

VI. OTHER BUSINESS

Abatement

The Board reviewed a recommendation from the Town's contracted utility appraiser for denial of an abatement request from NH Electric Co-operative.

MOTION: O.J. Robinson made a motion to deny the abatement request of New Hampshire Electric Cooperative, Inc. on the transmission lines in Lincoln, Map 117-1200000-0001. Patricia McTeague seconded the motion. Motion carries.

Rescheduling of Board of Selectmen's Meeting

The Board decided to meet on Tuesday, June 28th at 5:30pm rather than Monday so that the full Board could be in attendance.

The Board then reviewed the accounts payable for the week ending June 17, 2011.

VII. PRESENTATION OF THE PROCLAMATION RE: NORA PARENT LANE TO CAROL PARENT

At 7:30pm, the Board traveled to 38 School Street to present Carol Parent with a proclamation regarding the dedication of Nora Parent Lane. The Board invited members or the public to attend the presentation at Ms. Parent's house. It was asked that a copy of the proclamation and Carol Parent's comments be attached to the minutes.

VIII. ADJOURNMENT

After the presentation of the proclamation, the Board adjourned at 8:00pm.

Respectfully submitted,

Brook Rose

Approval Date: ____/____/____

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LINCOLN BOARD OF SELECTMEN:

Chairman Peter Moore

Selectman Patricia McTeague

Selectman O.J. Robinson