

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
AUGUST 18, 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: Jayne Ludwig, Susan Clark, and Katherine Labrecque.

I. CALL TO ORDER

O.J. Robinson called the meeting to order at 5:30pm.

II. MINUTES OF THE PREVIOUS MEETING

MOTION: “To approve the minutes of August 11, 2014 meeting as amended”

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

Amendments were to insert the words “town that” on line 25 and on line 26 to insert the words “uses a portion of” and to replace the words “would have to be” to “should.”

Also line 59 should read, “Board of Selectmen and Planning Board” rather than “boards.”

MOTION: “To approve the non-public meeting minutes of August 11, 2014 as presented.”

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

III. OLD / NEW BUSINESS

Public Participation

Susan Clark and Katherine Labrecque attended the meeting to discuss the culvert that was installed on Plummer Hill Road several decades ago. Katherine said that it was the town that installed the culvert. She added that when the Forest Ridge Development was built many years ago it altered the brook that runs across their properties. Since that development was built even a heavy rainfall event causes water to run over the road, wash it away, and block the culvert. The culvert is too small and is easily blocked. She added that a propane delivery driver was stuck in the ditch here because the road is in such bad shape. O.J. questioned whether Katherine or Susan had spoken with the owner of the property where the culvert is located. They replied that they had not. O.J. stated that he was unable to determine ownership of the property except to say that it is not owned by the town. As the road and culvert are not owned by the town, it is illegal for the town to go onto private property to make repairs. The board members all agreed that they wish they could fix the culvert. Susan questioned why the town installed the culvert if they are not supposed to work on private property. O.J. replied that he is not able to explain the actions of the town in the 1970’s except to say that things were done very differently then. Things that are

illegal now such as plowing private driveways etc. were common back then. Susan and Katherine discussed the fact that Mr. Hanks may own the property. O.J. stated that if someone is collecting rent on a property, that person has a legal obligation to the property. He suggested both Susan and Katherine examine their deeds and possibly bring them to an attorney for review and assistance. Jayne Ludwig suggested they contact NH Legal Assistance for free legal aid.

Town Manager Burbank stated that when Forest Ridge was developed he has no doubt that it affected the brook. He added that the Planning Board is taking a hard look at drainage in the town with any new development because of issues such as this. Mr. Burbank suggested a letter be sent to Mr. Hanks and that the homeowners affected in this situation may want to consider hiring an attorney. Susan Clark questioned how the road could be accepted as a town road. O.J. replied that the road would have to be brought up to the town's minimum road standards which could be quite costly, prior to going before the voters to be accepted at Town Meeting.

Jane Ludwig suggested that Katherine and Susan contact NHDES to see if they could do anything in this situation. She added that if the Planning Board's failure to properly review the Forest Ridge development allowed the development to affect the property owners downstream, the town may be liable to repair the road. Tamra Ham stated that if this were in fact the case and it was the town's legal responsibility, then the town may be able to take action. Otherwise it is illegal for the town to go onto the property.

Town Manager's Report

Review of Employee Compensation Time

The board reviewed the compensation hours accumulated to date by the town's employees. There are seven employees carrying comp time and only two carrying a significant amount of comp time. Town Manager Burbank explained that in the past, the town has not paid out comp time at the end of the year. However, the NH Department of Labor requires that if comp time is not used, it be paid. He added that the problem lies with employees not being able to use all of their comp time because the town cannot afford to have staff away from their jobs for weeks or months at a time. The board discussed the fact that salaried employees should not be earning comp time. Hourly employees can be paid in overtime or equivalent comp time. Mr. Burbank prefers employees be paid for their time. The board discussed the employees with excessive comp time and how to manage paying the comp time out to employees. Mr. Burbank stated that more funds should be set aside for employee separation as historically that line item has been underfunded. O.J. replied that he would like to calculate the town's exposure if several department heads with significant leave and comp time were to leave at the same time. Thus the board would be able to determine how to budget appropriately. Town Manager Burbank would like to adopt this new policy and pick a date to pay out the accumulated comp time. He will try to plan this so that employees are able to use up as much of their accumulated time as possible. Tamra Ham asked that Mr. Burbank relay to the employees that this new policy has nothing to do with employees personally; all are doing a great job.

Pleasant Street Dumpster

Jayne Ludwig questioned what the status of the dumpster on Pleasant Street is because it is still a mess around the dumpster. Town Manager Burbank replied that the property owner has been issued a citation. Tamra Ham stated that she has never seen a mess around the dumpster. Mr. Burbank will have Chief Smith follow up with the property owner.

Update from the Fire Chief

New Brewery Proposed

Chief Beard informed the Board that he had a site visit today with the owner of One Love Brewery for a possible new brewery location at the old Fratello's site. The owner of the One Love Brewery in Dover has vacationed in Lincoln with his family for many years and owns property in Lincoln. The owner is hoping to sign a lease for this location in the near future. Town Manager Burbank added that the brewery will be opened in phases. The first phase is a tap pub with a German flair. The owner is coming before the Planning Board for conceptual review on August 27th. The conceptual review will be of a proposed courtyard and garden that houses picnic tables for outdoor seating. One of the brewery owners is also a landscape architect. The second phase of the project is the brewery which will require extensive interior renovations and will be a lengthy process as the owner plans to purchase only construction and brewery materials made in the U.S.A. The board was very excited and happy to hear about this new business!

Landaff Parade

The Lincoln Fire Department recently participated in the Landaff parade. Smoky the Bear rode on engine one in the parade.

Battle of the Badges

A softball game between the Lincoln Police Department and Fire Department will be held Saturday at 10:00am on the front field.

Public Safety Academy

The Fire Department, Police Department, and Linwood Ambulance will be hosting a Public Safety Academy in October. The class will consist of four evening classes followed by a graduation in November. The academy will examine overall police, fire, and ambulance services in Lincoln. Police work in NH and the United States will also be a topic of discussion. The Linwood Ambulance Service and Fire Department will each present one of the classes.

The board asked that town staff publicize the academy and the softball game on Facebook, town websites, the post office etc. The board also encouraged Chief Beard to assist with the Woodstock Fire Department's lobster festival this weekend.

Town Manager's Report

Common Man Appraisal

O.J. Robinson stated that he is in agreement with the value listed for this property in the most recent appraisal. Town Manager Burbank will discuss the recent appraisal with Alex Ray.

Gregory Mercurio formerly G.A.M. Surgical Associates Settlement and Abatement

The town received the settlement check in the amount of \$4,000 from Gregory Mercurio. This property, a quarter share at Loon Mountain Club, has been in bankruptcy since 1998. Taxes have not been paid on this property in eleven years and \$4,384.67 is outstanding.

MOTION: "To accept a Settlement Agreement with Gregory Mercurio, formerly G.A.M. Surgical Specialists, Inc."

Motion: Patricia McTeague

Second: Tamra Ham

All in favor.

MOTION: "To grant an abatement to Gregory Mercurio, formerly G.A.M. Surgical Specialists, Inc. on property located at 90 Loon Mountain Road #962A, map 107-038 in the amount of \$384.67."

Motion: Patricia McTeague

Second: Tamra Ham

All in favor.

Riverwalk Park Funds

Town Manager Burbank informed the board that the town can use the Riverwalk Park Funds for any work that is park related.

Drainage Design Projects

Town Manager Burbank informed the Board that Ray Korber has agreed to take a look at the drainage for the Community Center culvert. He plans to address the problem and determine a solution. The cost incurred for this work was agreed upon both by parties not to exceed \$4,000.

Mr. Burbank also confirmed that the town can use funds from the Water Rehabilitation Fund for an engineering study to upgrade the lower Loon Pond dam and enlarge the culvert.

Public Meeting on the Sign Ordinance

The board agreed to delay this meeting until October after the Columbus Day holiday. They would like town staff to heavily publicize this meeting which will be held on Monday, October 20th. It will be a

joint Planning Board and Board of Selectmen's meeting. The town is hoping to gain input and feedback from a majority of the businesses in town regarding the ordinance.

Update on Loon Mountain Bridge

Patricia McTeague questioned whether the Loon Mountain Bridge project is on schedule. Mr. Burbank replied that the posted schedule is delayed because of one of the attorneys for Loon. The legal department at Prudential is taking their time despite being contacted by Loon Mountain Resort. All other parties are ready to proceed and the project is ready to go out to bid. The board decided to have Town Counsel contact Prudential via letter to inform them that Loon will be sent the monthly bill for the temporary bridge for every day that they delay the project beginning this Friday.

Cooper Memorial Bridge

Chief Beard recently spoke with Rick Kelley and was informed that Loon had hired a company out of Washington that specializes in bridges to repair the buckle in the Cooper Memorial Bridge. Chief Beard expressed his concerns to Mr. Kelley that if one of their busses loaded with people exceeds the bridge limit prior to this repair being made, there could be an issue. He was informed that the repairs will be made prior to the Highland Games. Chief Beard informed Mr. Kelley that the Fire Marshall is going to ask Loon about their plan for managing traffic during the Highland Games. Tamra Ham would like to ensure that Loon provides the town with an inspection schedule for this bridge.

Fee Schedule for Certificates of Compliance

O.J. Robinson questioned how long it takes town staff to process a Certificate of Compliance. Town Manager Burbank replied that it depends on how involved the property is. A typical certificate may take approximately an hour and a half. O.J. questioned whether the town charges for this. Mr. Burbank replied that the town charges for a building permit but not a Certificate of Compliance. O.J. questioned whether the town should revisit the fee schedule. Mr. Burbank will inquire with other towns to see what the general practice is.

Update on the Town Siren

Town Manager Burbank informed the board that because of a recent lightning strike to the siren, a new timer had to be installed on it. The timer costs approximately \$700. However with this new timer, any time there is a dip in the power or a power outage, the timer resets itself. This happened over the weekend and the siren went off two days in a row at 3:00am. The board discussed various solutions to ensure that this does not happen in the future. Town Manager Burbank questioned whether the board wants to keep the siren going on a daily basis as it can be quite expensive to make repairs on it. The board was very much in favor of maintaining the siren on a daily basis.

MS-1 Extension

MOTION: “To request an extension from NHDRA on filing the MS-1.”

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

250th Anniversary Commemorative Quilt

The Historical Society and the town have agreed that the best place to display the town’s commemorative quilt is at the town hall. The board asked that town staff obtain quotes on preserving and displaying the quilt.

IV. NON-PUBLIC WORK SESSION *Pursuant to RSA 91-A:3(d,e)*

MOTION: “To go into Non-Public Session pursuant to RSA 91-A:3II(d,e) Real Estate and Legal

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

The board went into non-public session at 7:00pm.

MOTION: “To re-enter public session”

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

The board came back into public session at 7:15pm.

V. 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 7:25pm.

Respectfully Submitted,

Brook Rose

Approval Date ____/____/____

Chairman O.J. Robinson

Patricia McTeague

Tamra Ham