

**LINCOLN BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY, JULY 1, 2013 – 5:30PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

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

Staff Present: Town Manager Butch Burbank, Acting Chief Ron Beard, and Administrative Assistant Brook Rose.

Public Present: Dave Larsen, Paul Beaudin, Raymond Emerson, Ron Emerson, and Tom Emerson.

I. CALL TO ORDER

O.J. Robinson called the meeting to order at 5:35pm.

II. MINUTES OF THE PREVIOUS MEETING

MOTION: “To approve the meeting minutes of June 24, 2013.”

Motion: Tamra Ham Second: O.J. Robinson Motion carries

MOTION: “To approve the non-public meeting minutes of June 24, 2013.”

Motion: Tamra Ham Second: O.J. Robinson Motion carries.

III. OLD/NEW BUSINESS

Public Participation

Brothers, Tom, Raymond, and Ron Emerson attended the meeting to request that Henry Lane be changed to Emerson Lane. They explained that their property has been in their family for over seventy years and that Ron has been a member of the Fire Department for many years. One of the brothers served in the Navy and the other served in WWII. They thought that perhaps because Govoni Lane was changed to Nora Parent Lane that the same thing could happen with Henry Lane. O.J. Robinson replied that Henry Lane is very historic to the Town of Lincoln as the Town’s founding father was J.E. Henry. O.J. Robinson also explained the history behind the naming of the Town’s back alleys. He explained that there were two interconnecting roads name Govoni Lane which was why one of the roads was required to be changed by E-911 thus how Nora Parent Lane came into existence.

After a brief discussion, the Board agreed that they would not be inclined to change the road name. Paul Beaudin mentioned that if the Emerson’s so desired they could submit a petition warrant article to change the name at Town Meeting.

Mr. Dave Larsen / Intent to Cut at Forest Ridge

On behalf of the Forest Ridge Homeowners Association, Property Manager Dave Larsen explained that he attended the meeting to discuss the recently filed Notice of Intent to Cut filed by JORI Properties and approved by the Board. He stated that the homeowners will not give permission to Mr. Elliot, owner of JORI Properties, to run logging vehicles over Forest Ridge Road. He would like to request that the

Board rescind their approval or at least put a hold on the cut. Dave explained that he met with the forester who is planning to start as early as next week. The forester informed him that there will be 8-10 logging trucks running 8 hours/day. The cut will be at the height of the summer season which is quite unfortunate for the property owners at Forest Ridge. However, the Association's real concern is damage to the newly paved road. If there were to be damages, the Association would never be able to collect on them as JORI Properties already owes the Association approximately \$30,000. Dave also added that the Association's attorney found that according to the Secretary of State's Office, JORI Properties is administratively dissolved.

Paul Beaudin suggested that JORI Properties may need to come back to the Planning Board before anything takes place on the property. O.J. Robinson replied that all of JORI's permits and subdivision plans have expired and that the details of the logging operation fall under the jurisdiction of the State. Town Manager Burbank will check with the Town Attorney on whether JORI needs to consult with the Planning Board prior to the timber cut. The Board does not want to get involved in the matter of the use of Forest Ridge Road as it is a private road. The Board thanked Dave for bringing his concerns to their attention.

Paul Beaudin / Land Acquisition

Paul Beaudin informed the Board that he is formally withdrawing his RSA91: A request as well as his request to purchase the piece of town property that abuts his land and he is blocking off the path. He stated that under RSA41:14a, the Town cannot sell real estate that was donated to the Town for several purposes, one being recreational. That said he is tired of petitioning the Board on this matter. O.J. Robinson questioned whether if the Board wanted to bring an article to Town Meeting regarding this piece of property, would Paul be ok with that. Paul replied that he would be.

Solid Waste Facility Burning Complaints

The Board brought up two written complaints that were made regarding burning at the Solid Waste Facility. The Board discussed the possibility of a tub grinder. Paul commented that when presented with the opportunity, the Town of Woodstock turned down the purchase of a grinder. He added that if the Facility were to use a grinder, noise would be an issue. Paul stated that he only burns on Tuesdays and Thursdays until 1:00pm at the latest. He tries not to burn on poor weather days as it creates more smoke than burning on fair weather days. Paul added that he believes the solution to the burning is to purchase a chipper however in order to do so, the Facility would have to get approval from the Town of Woodstock as well as bring on at least two more staff members. He proposed building the \$250,000 cost of a chipper into the Town's impact fees. The Board also discussed the possibility of burning in an alternate location.

Town Manager Burbank brought up the fact that the Town does need to be sensitive to those in Town who have health/breathing issues. Tamra Ham commented that everything the Town burns is completely organic and is burned according to state standards. Paul added that though it is not required, he has the ash tested. All of these tests protect the Town as they prove what has been burned at the Facility.

Acting Fire Chief Ron Beard added that the Fire Department wants to keep the burning of brush in one central location. The Board agreed especially as many property owners in Town do not have enough land to burn brush.

Town Manager's Report

Fire Department Update

Town Manager Burbank informed the Board that the final contract for the Fire Station came in at \$128,000. The revised contract was approved by the engineer and the Town should have enough funds to cover the repairs. A new roof will not be covered in the contract.

Mr. Burbank informed the Board that the recent personnel issue at the Fire Department has been resolved and he applauded Mr. Beard's management of the issue.

Chenard Property Update

The Town Attorney has sent a letter to Mr. Chenard as requested by the Board.

6 Hayhill Road Retaining Wall

Town Manager Burbank informed the Board that he has reviewed the architect's stamped plans for the retaining walls at this property and from his (non-engineer) perspective, the rock walls were not built according to the plans. The contractor who built the walls is taking responsibility for how they were constructed and has witnesses that the walls were built to industry standards. Mr. Burbank will not sign off on the Certificate of Land Use Compliance at this time. The Planning Board will be addressing the retaining walls in this area as the State Fire Marshall's office provided the Town with several pages of state building code that dictates the construction of retaining walls. O.J. Robinson added that there was no Town approval on this property as it was still under construction when the wall collapsed. Mr. Burbank stated that in his opinion, the Town has done due diligence in this matter.

Black Mountain Road Drainage

Mr. Burbank informed the Board that he spoke with Rick Kelley and was informed that Loon Mountain Resort has not set aside any funds for repairing the drainage and they are not planning to in the future. Mr. Burbank recently visited the site with Bill Conn to assess the drainage situation. Mr. Conn is the contractor who made several of the repairs to the drainage over the past few years. Mr. Conn agreed that at least one of the culverts he installed may not have been large enough to accommodate the drainage, but in order to have put a larger diameter culvert in this area would require additional excavation. There was an extended discussion on the drainage issue on Black Mountain Road. The Board would like to see if it is possible to use CIP Funds to fix at least two specific areas that have severe drainage issues. Town Manager Burbank will contact the Town Attorney on this. The Board will conduct a site visit to Black Mountain Road at their next meeting.

Abatement Request

The Town's Assessor is recommending an abatement be granted to JORI Properties, LLC as the Tax Collector found that lot 115-011 was issued two tax bills for the 2013 spring taxes. This error was created due to a software merge back in 2012. To correct this issue, the following motion was made:

MOTION: “To grant an abatement for the tax year 2012-2013 to JORI Properties, LLC as recommended by the Town’s Assessor for property located on tax map 115-011. The motion is to abate serial #3996- \$504.00 2013 spring tax bill that was also billed to serial #3410 and to also abate serial #3996- \$463.00 2012 Tax Lien; this will leave serial #3410 with the first issue bill and serial #3996 with the second issue bill.

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

Enforcement of Temporary Sandwich Board Signs

Planning and Zoning Assistant Carole Bont would like the Board’s guidance on whether they would like her to spend the great deal of time necessary to enforce the violations of the sign ordinance that many businesses are creating by putting out temporary sandwich board signs. The Board agreed that this isn’t a big problem in Town and thus it is low on the priority list at this time.

IV. ADJOURNMENT

After reviewing the weekly payables and with no further business to attend to, the Board made the following motion.

MOTION: “To adjourn.”

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

The meeting adjourned at 8:22pm.

Respectfully Submitted,

Brook Rose

Approval Date ____/____/____

Chairman O.J. Robinson

Patricia McTeague

Tamra Ham