

LINCOLN BOARD OF SELECTMEN
MEETING MINUTES
MAY 12, 2014 – 5:30PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH

Board of Selectmen Present: OJ Robinson, Patricia McTeague and Tamra Ham

Staff Present: Town Manager Alfred Burbank and Nikki Donahue, Minute Recorder.

Public Present: Fran Burns, Jane McCarthy O'Connor, Rathueen Duffy, Rick Kelley, Jim Welsh, Paul Beaudin

I. CALL TO ORDER

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

II. REVIEW AND APPROVAL – MEETING MINUTES OF THE PREVIOUS MEETING

Motion: “To approve the meeting minutes of May 5th, 2014 as Amended”

Motion: O.J. Robinson Second: Tamra Ham

Line 62...State has said they could come in and make some repairs...

Line 65... "imminent danger".

Line 67... "Imminent danger" or not.

Line 80... "high hazard dam" but FEMA...

Line 87...Army Corp of Engineers since Irene.

Line 96...Fairwoods Association Board...

Line 100...He stated that the granite blocks at the levee...

Line 106/107... "Town Manager Burbank stated" has been deleted.

Line 122...fact that the Engineers offered to help...

Line 123...becoming an issue for the Dam Bureau.

Line 188...needed at Burn Dibner Road...

Line 190...sign at Burn Dibner Road and Old Airport Road.

Motion: “To approve the non-public meeting minutes of May 5th, 2014”

Motion: Patricia McTeague Second: Tamra Ham

Motion: “To approve the meeting Minutes of May 7th, 2014 as Amended”

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

Attach the JORI Abatement Requests to the minutes.

Line 38...The meeting adjourned at 5:14 pm.

III. JIM WELSH, MIKE HARRINGTON AND JANE MCCARTHY LAND ACQUISITION

James Welsh, Mike Harrington, and Jane McCarthy O'Connor wish to collaborate and purchase the land that the Town of Lincoln owns on East Spur Road. Chairman Robinson read the appraisal of the land in question. The individuals would like to purchase the land for five cents per acre and the total parcel is 45' x 830'. The land has been appraised at \$1500.00 by their appraisers. According to their proposal; Mike Harrington will pay \$382.50, Jane McCarthy O'Connor will pay \$445.25, and James Welsh will

pay \$1,039.03 for his share of the land. Town Manager Burbank reminded the Board that two public hearings are required for this land purchase to go through, if the Board approved it tonight. The two public hearings must occur no sooner than ten days from approval and no later than 14 days past approval. Selectman McTeague questioned if the town assessor can look over the proposal before approved as well. This is not the assessors role. Town Manager Burbank suggested that the Board should schedule the two public hearings before approving the proposal. The Board chose to wait and discuss this matter next Monday, May 19th to be able to stay within the 10-14 day window with this proposal.

Paul Beaudin asked how the town acquired this land. Chairman Robinson answered that the land was given to the town by the State of NH. Paul Beaudin asked why there is a difference with this land sale as compared to when he wished to acquire the land behind his home. He stated that the land he wished to purchase had to be discussed at Town Meeting versus this land, which is having two public hearings before purchase. Chairman Robinson responded that the process was different because the land Paul purchased was "controversial". Chairman Robinson stated that the Board has discretion in the matter of land sales and there is no set procedure that is absolute and must be followed. Selectman McTeague stated that the land Paul Beaudin was questioning involved multiple uses where this land now in question doesn't have many uses for it. Chairman Robinson stated that this land acquisition will be re-discussed at next Mondays meeting; on May 19th and then the two public meetings will be scheduled.

IV: LOON MOUNTIAN BRIDGE

Chairman Robinson stated that the town wishes to get the bridge built and is facing some difficulties from Loon Mountain. Rick Kelley stated that there are no problems coming from Loon on this issue. Kelley also stated that Loon is okay with the bridge being moved and built, as long as it does not affect parking at Loon Mountain. He also stated that Loon knows they have to take full responsibility, should a car parked under the bridge affect the bridge. Town Manager Burbank stated that the engineer on the project said that the bridge would need to be moved and the new one could not be built in the same place as the existing bridge. Town Manager Burbank stated that if the town were to own the bridge land, then parking should not be allowed under the new bridge. Selectman Ham asked what year the parking under the bridge was built. Kelley replied that it was built in the 1980's. Paul Beaudin stated that a new bridge was considered because the cost to repair the bridge was high and it made more sense to completely rebuild. Kelley stated that he did not find it fair that Loon would have to take the liability from the town. Chairman Robinson stated that he wanted to clarify that the only issue still outstanding is that if a part of the bridge fell off and injured someone or cars then the liability goes on the town. Town Manager Burbank stated that the town of Lincoln owns the land and the parking deed rights are given over to Loon Mountain forever. Town Manager Burbank needs the board to decide how they want to go forward on this issue. Kelley stated that all the parking at Loon Mountain is absolutely needed and necessary for customers, both during the week and on the weekends.

Chairman Robinson asked if where the bridge is now, is there parking located under it? Rick Kelley stated that yes; about 10 cars can fit under there. Chairman Robinson asked if this is the same situation if the bridge were moved down to a new location. Kelley stated that there would be parking traffic and passing traffic affected by this and this would affect 30-50 parking spots. He also stated that the issue of indemnification is ridiculous because it is a town liability, should something happen because the town owns the bridge land. Town Manager Burbank stated that this indemnification issue occurred because legal attorneys brought it up. Selectman Ham asked if the State of NH or FEMA had any input on this issue since they would be contributing money to the project. Paul Beaudin stated that he finds it odd that these issues are even coming up since the bridge has been in existence for so long and there has always been a good partnership between the two.

Kelley stated that he talked with his attorney on Monday and he thought that the issues were resolved. Chairman Robinson stated that these issues are coming up because the Town's lawyers and Loon Mountain Lawyers brought up these issues. Town Manager Burbank asked the board if they are happy with "mutual indemnification" concerning the Loon Mountain Bridge. Chairman Robinson stated that he feels that most bridges in the state have some sort of traffic under bridges. He said that he has issues with the fact that cars would be parked under the bridge. Kelley stated that he would completely cover any situations that would occur with cars parked under the bridge. He also stated that it would be a huge issue for Loon Mountain to lose parking spaces. Town Manager Burbank read the following email received from Primex, concerning Bridge Coverage, on the Town's insurance policy:

Primex Bridge Coverage: **Sublimit: \$75,000**

Bridges – Scheduled, approved and not listed on the State of New Hampshire Department of Transportation Municipal Redlist (excluding coverage for the peril of Earthquake and excluding Federal Emergency Management Agency (F.E.M.A.) and/or New Hampshire Department of Safety, Bureau of Emergency Management (BEM) declared disasters).

If parking is allowed, an indemnification agreement in favor of the Town, and being added to Loon's coverage as an additional insured for the parking activity would be a good idea.

Motion: To Direct Attorney to Move Forward with a Solution that Includes Loon Indemnifying the Town for any Damage done on the Bridge and for the Bridge to be like any other Bridge on the Town's Insurance Policy

Motion: O.J. Robinson

Second: Patricia McTeague

All in favor

V. OLD/NEW BUSINESS

Public Participation-Email received from Mr. Bill Conn:

Hi Butch,

I'd like to know why the BOS has a non-public session every week?

I'd also like to know why the BOS doesn't change the Chairperson each year?

I'm requesting this be read at tonight's (5/5/14) BOS meeting and put into the minutes?

Thank you,

Bill Conn

Chairman Robinson read this email, which was sent on May 5th, 2014, into the minutes on May 12th, 2014; as the email was not received in time last week. Chairman Robinson stated that there is always a non-public session scheduled for each weeks meeting, but it is not always utilized. He also stated that committee assignments are looked at every year, but not always changed.

Police Chief Update

Chairman Robinson read the latest Lincoln Police Chief Update.

North Country Council

The North Country Council sent out a voluntary survey for the Selectman to fill out. Chairman Robinson stated that the members can fill them out and send them back if they wish.

Planning Board Minutes

Rick Kelley asked why the Planning Board minutes are so far behind online. Town Manager Burbank stated that they will be caught up in the next week.

Susan Schibanoff Email

Chairman Robinson asked Town Manager Burbank to tell Susan Schibanoff to add the Town of Lincoln to her mailing list regarding the Northern Pass Project.

Burns Business Proposal

Fran Burns, a retired RN, stated that she feels there is a dire need in the area for a program where individuals would come in and help the elderly with chores and tasks around their home so they could avoid going to a retirement home. Burns stated that she has talked to many individuals around town who are supportive of her idea. She also stated that her business would run largely off of volunteers. Selectman Ham suggested that Ms. Burns talk to Lin-Wood Public School, as there is a volunteer requirement for students to graduate. She also suggested that Ms. Burns talk to the doctors at the Lin-Wood Medical center for their input as well. Burns stated that she is going to the Woodstock Town Selectman meeting on Tuesday night to share her ideas as well. The Board of Selectman was in agreement that this idea sounds like it would be a great addition for the towns of Lincoln and Woodstock. Town Manager Burbank suggested that Ms. Burns check with the NH Secretary of States into the process of registering non-profit organizations before moving forward.

Lincoln Fire Department

Chief Ron Beard informed the Board that two new members have joined the fire department, bringing them to a total of twenty-two members. The Deputy Chief in Littleton asked for help shuttling water to the new fire academy in Bethlehem last weekend and Chief Beard went to help. Town Manager Burbank suggested that Chief Beard press having an open house for elected town officials at the new fire academy in Bethlehem. The Fire One class being held in Lincoln should start on June 7th, 2014 and the Woodstock Fire Department members have been notified and invited to join.

Town Manager's Report

Common Man Parking Lot

Capital Appraisers, out of Concord NH, has been contracted to appraise the Common Man Parking Lot land.

Parade Approval

Two Parades have been approved for the summer in Lincoln; the annual 4th of July parade and the Lincoln 250th parade. Additionally, the Town has contracted with R&S Firework for three years to be in charge of the town's July 4th fireworks display celebration.

Town Hall Website

Town Hall Website

Virtual Town Hall has been hired for web design for the Town of Lincoln's Website, and currently Jane Leslie and Tara Tower are pleased with the new improvements.

Emergency Management Grant Agreement

Emergency Management Grant agreement. 7-10 year agreement.

Dog Ordinance

Has been previously approved, but was signed by the Board of Selectman members tonight.

Motion: To approve the use of the Lincoln town logo for the 250th Beer label on the Anniversary Ale for only this year and that Town Manager Burbank can sign the letter for this approval

Motion: O.J. Robinson Second: Patricia McTeague Roll call vote was all in favor

VI. NON PUBLIC SESSION Pursuant to RSA 91-A:3, II (e).

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

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

The Board went into Non-Public session at 6:50 pm

MOTION: "To re-enter public session"

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

The Board came back into session at 7:33 pm

VII. ADJOURNMENT

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.

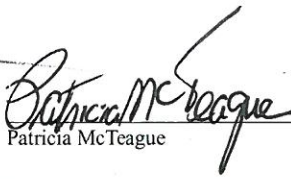

The meeting adjourned at 7:38 pm.

Respectfully Submitted,

Nikki Donahue



Approval Date 5/19/2014


Chairman O.J. Robinson
Patricia McTeague
Tamra Ham