

Lincoln Board of Selectmen – Meeting Minutes
March 14, 2011

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

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

Members of the Public: Tom & Darlene Smith, Lutz Wallem, Joe Chenard, Councilor Ray Burton and Tammy Ham.

I. CALL TO ORDER

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

II. COMMISSIONER RAY BURTON

County Update

The Board welcomed Commissioner Ray Burton to the meeting. Commissioner Burton informed the Board that they should have received the County's Annual Report and the Board confirmed that they had. Commissioner Burton proceeded to explain the function of the County's government. He briefly reviewed the County's branches of government, process and procedures. He informed the Board that the current population in the County is approximately 90,000 with the most growth in the Upper Connecticut River Valley. He explained that the budget is currently being prepared and will be presented to the Executive Committee. Senator Gionet is Lincoln's representative to the Executive Committee in the near future. There should be a new operating budget by July 1st. The County is being very watchful of the Legislature especially in regards to all of the budget cuts including the Department of Health & Human Services.

Commissioner Burton updated the Board on the County Correctional Facility, County Nursing Home, NH Cooperative Extension, the Sheriff's Department and Dispatch Center, Registry of Deeds (one of the biggest revenue producers) and Human Services (the largest County department).

OJ Robinson questioned whether the new correctional facility would be open in April 2012. Commissioner Burton confirmed that it would be. He added that there are currently three full time staff responsible for training all personnel on moving into the new facility. He also informed the Board that the County welcomes any input on what to do with the old facility. There have been many suggestions and Commissioner Burton would ideally like to see an advisory committee formed to make recommendations for either a use for the building or demolishing it. Tom Smith suggested elderly or low income housing for the facility. Commissioner Burton said that he would share Mr. Smith's suggestions with the Board of Commissioners tomorrow morning.

OJ Robinson stated that he assumed the operating budget would go up with the new building and that he does not want to tear down a building that could be used nor does he want to spend money maintaining an old building that isn't being used. Commissioner Burton replied that there would definitely be an increase in the budget when the new facility opens. However, everything is being done to keep the costs contained and the facility green.

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Peter Moore mentioned that the Town received a letter last spring from the Director of the Correctional Facility which mentioned two bonds. Commissioner Burton replied that 4 million of the 18 million dollar bond has been spent. The total project is estimated to be around 33 million dollars. Peter Moore questioned whether the total project cost is all inclusive. Commissioner Burton replied that he believes it to be all inclusive.

Peter Moore stated that the Board was very concerned with a letter the Town received regarding a proposed dispatch tax included in general taxes. The Town considered this to be very unfair. Commissioner Burton replied that the letter should never have gone out because the proposed tax will never be enacted. Peter Joseph added that Commissioner Burton took the time to sit down with Chief Smith and himself to call the County Sheriff together to address the matter.

Peter Moore also mentioned that he would like see the County implement a capital improvement plan (CIP). The CIP has worked very well for the Town of Lincoln.

At this time, Commissioner Burton took questions from the audience.

Lutz Wallem questioned whether Commissioner Burton could give him any recommendations about how to more evenly distribute the costs of the school between the towns of Lincoln & Woodstock. He added that the Town of Lincoln carries 68% of the cost and the Town of Woodstock pays 32%. Councilor Burton didn't have any direct recommendations but did give Mr. Wallem the contact information of an individual at the Department of Education and recommended that Mr. Wallem stay involved with the school, serve on one of the school's committees etc.

Tammy Ham questioned where Commissioner Burton stands on the Northern Pass project. Commissioner Burton replied that last year he made a statement against Northern Pass and that his opposition to the project has grown even stronger since. He added that he has repeatedly requested that the Northern Pass sit down with representatives of the wood burning plants in northern NH and they have expressed no interest in doing so. He stated that it is troubling to have a such a large power line coming from a foreign power company and running right by our local power plants. He plans to attend the Department of Energy hearing at Loon Mountain this week to ask the President of Public Service of New Hampshire why, if 20 towns in the North Country oppose the project, isn't it time for Hydro Quebec to take their project and go home.

The Board thanked Commissioner Burton for the update as well as for his direct and very responsive representation of the Town. Commissioner Burton also congratulated OJ Robinson on his being elected to the Board of Selectmen.

III. MINUTES OF THE PREVIOUS MEETING

MOTION: Patricia McTeague made a motion that the meeting minutes of March 7, 2011 be approved. Peter Moore seconded the motion. Motion carries by two with OJ Robinson abstaining.

IV. 2011 BOARD ASSIGNMENTS

MOTION: Patricia McTeague made a motion to approve the following Board of Selectmen appointments:

OJ Robinson as Selectmen's Representative to the Budget Committee as well as the Board of Selectmen's recommendation to the Planning Board for their appointment to the CIP Subcommittee.

Peter Moore as Chair of the Board of Selectmen and Selectmen's Representative to the Planning Board.

Patricia McTeague as Selectmen's Representative to the Zoning Board of Adjustment.

OJ Robinson seconded the motion. Motion carries.

V. OLD / NEW BUSINESS

11 Liberty Road Follow Up

Peter Joseph and Patricia McTeague did an inspection last Thursday, March 10 at 11 Liberty Road. It was determined that the property is still not in compliance with RSA 236:112. Peter Joseph mentioned that the Board discussed the matter last on December 20th and had decided to give Mr. Chenard until March 1st to bring his property into compliance with RSA 236:112. If Mr. Chenard was found not to be in compliance by such date, the Board would file an injunction with the court.

Peter Moore stated that the court may take as long as 3-6 months to hear the injunction which will give Mr. Chenard that much more time to come into compliance. If he were to come into compliance prior to a hearing, the Town could withdraw the petition for injunction. He went on to say that the situation has gone above the Town's ability to deal with it and the Board will let the State adjudicate the matter.

Joe Chenard stated that it has been physically and financially impossible for him to do this work especially with the amount of snowfall this winter. He stated that he has removed 7-8 vehicles, 5-6 truckloads of scrap and only has 2 unregistered vehicles there now. Peter Joseph disagreed with the amount of unregistered vehicles present on Mr. Chenard's property. Mr. Chenard stated that he is cutting up the boat on his property and burning it in his furnace. He also stated that he spoke with Jeff Caulder from the Department of Motor Vehicles who told him that the storage trailers aren't necessarily considered motor vehicles. He added that he does not want anyone on his property without his permission.

Peter Joseph stated that he wanted Joe Chenard to know that he would be taking pictures of the property but would not go on to his property to do so. Mr. Chenard did not have a problem with

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the Board members coming on to his property but that he wanted to be notified and be there when and if it were to happen. Mr. Joseph reiterated that they would not be entering his property and therefore would not be in contact with him.

Peter Moore stated that the Board has given Mr. Chenard adequate time to take care of the situation and several townspeople have even offered to help Mr. Chenard clean up his property. Despite this, the Board and Mr. Chenard's opinions have differed in interpretation of what Mr. Chenard was required to do to come into compliance with state statute.

OJ Robinson stated that the Board has to act in a way that is fair, legal and reasonable. He added that he owned property across the street from Mr. Chenard's for numerous years and it certainly did not make his property more valuable having Mr. Chenard's property right across the street. This situation affects at least one neighbor, the Smiths, and the only fair way to deal with the situation is to move forward with the injunction. OJ Robinson stated that it is his hope that Mr. Chenard would take the steps that are feasible to take with limited funds to bring the property into compliance. He added that scrap metal is in high demand and getting rid of it could be done with little or no financial investment on Mr. Chenard's part.

The Board was in agreement that they would be very happy if the situation was resolved and the Town did not have to go to court on this matter. If Mr. Chenard were to make considerable progress by the time the matter goes to court, the Board would be willing to consider withdrawing the injunction.

Peter Moore ended the public discussion and referenced a memo from the Town Manager outlining the legal process as described by Town Counsel. Town Counsel estimates it would cost approximately \$1,000 for the initial filing of the injunction plus any legal fees incurred due to Attorney Malia's appearance in court on the issue.

MOTION: Peter Moore made a motion to seek an injunction with Superior Court to enforce the Town's obligation to fulfill RSA 236:112 regarding the Chenard property at Liberty Road. Patricia McTeague seconded the motion. Motion carries unanimously.

Lutz Wallem made a comment that back in December, the Board's decision to give Mr. Chenard until March 1, 2011 to comply with state statute was somewhat unclear and he thinks giving Mr. Chenard a list of what needs to be done on his property would be helpful to all parties. Peter Joseph agreed that the way the decision was worded it wasn't totally clear whether Mr. Chenard had to comply with a list given to him by the Board or simply to comply with State Statute. However, the lack of clarity in the minutes does not change Mr. Chenard's violation of the law at that time or presently. Peter Moore added that the Board has been making lists for Mr. Chenard over the last nine months and Mr. Chenard has that documentation. Mr. Chenard's interpretation of what the statutes require obviously differs from that of the Board.

Mr. Chenard requested that the Board give him their opinion about whether the box trailers on his property are legal or not. The Board members were not willing to offer a definite opinion.

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The Town Manager suggested he would consider them components of a motor vehicle however not a full motor vehicle. The Board advised Mr. Chenard it may be more productive for him to focus on removing the box trailers rather than what side of the law they fall on.

Town Manager's Report

Peter Joseph mentioned to the Board that he was planning to attend the Department of Energy Scoping meeting in Lincoln this week and would like the Board's input as to the stand they would like to take on the Northern Pass project. Peter Moore stated that the Board's opinion is what the townspeople voted for at Town Meeting, which was to oppose the project. Peter Joseph will draft a letter for the Board to review which will be from the Town to be submitted at the hearing as a legal document. Patrica McTeague is also planning to attend the meeting.

The School Board District's annual meeting is Thursday at 7:00pm. The Town has been asked to attend to discuss Article 7, regarding the School Resource Officer (SRO). Peter Joseph, Patricia McTeague and SRO Will Ulwick will attend.

Peter Joseph informed the Board that some of the new US EPA requirements for the Towns NPDES Operation and Maintenance Plan were proving to be very costly to Lincoln and other municipalities throughout the State. Bill Willey, Peter Joseph and Ray Korber have been discussing the requirements which include the writing of the Operations and Maintenance Plan. The EPA is also requiring that every inch of sewer pipe and all 368 manholes are inspected by next year. This is a huge cost to the Town that is not in the budget. This workload is way beyond the scope of the Town's Public Works Department. Such a small department is not equipped to take on such an exorbitant workload. Ray Korber has recommended an outside subcontractor who can do this work for approximately \$13,000-\$15,000. Bill Willey and Peter Joseph are also investigating other options. Patricia McTeague questioned whether there is additional funds in the sewer taps fees for this. Peter Joseph replied that there are but he was unsure if the full \$15,000 could come out of the account. Peter Moore stated that this project may have to come out of contingency. Peter Joseph will keep the Board updated on whether or not the expenditures of funds on this project will be required.

Town Moderator

OJ Robinson stated that someone came forward at Town Meeting to express interest in serving as the Town Moderator. He added that the duties of the Moderator are more than just Town Meeting and that there is a lot to learn about running elections. He suggests the Board appoint someone to the position as soon as possible. The position will be advertised on the website as well as posted around Town.

VI. ADJOURNMENT-

As there was no further business to attend to, the Board adjourned at 8:40pm and reviewed the accounts payable for the week ending March 11, 2011.

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Respectfully submitted,

Brook Rose

Approval Date: ____/____/____

LINCOLN BOARD OF SELECTMEN:

Chairman Peter Moore

Selectman Patricia McTeague

Selectman OJ Robinson