LINCOLN BOARD OF SELECTMEN

APPROVED **MEETING MINUTES**

JULY 15, 2019 - 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH (MEETING VIDEO AVAILABLE AT WWW.LINCOLNNH.ORG)

Board of Selectmen Present: Chairman OJ Robinson, and Jayne Ludwig

Excused: Tamra Ham

Staff Present: Town Manager Burbank, Fire Chief Ron Beard, DPW Director, Nate Hadaway, Town

Planner, Carole Bont, and Administrative Assistant, Jane Leslie.

Public Present: Chris Mulleavey, President & CEO, Hoyle, Tanner & Associates, Inc., Joe Ducharme, Vice President, Hoyle, Tanner & Associates, Inc., Dave Edson, Hoyle, Tanner Project Manager & Senior Consultant, Chris Curran, Jeff Murphy, Stephan Huntoon, Dave Beaudin, Rick Kelley, Dennis Ducharme, John D. Hettinger, Jay Scambio, Ray & Cinda D'Amante, Roger Harrington, Rick Elliott, Debbie Celino, Paul Beaudin, Kevin McNamara, Delia Sullivan, Jim Welsh, and Walter Clark Wrye III.

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:30 p.m.

II. REVIEW AND APPROVAL-MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the meeting minutes of July 1, 2019 as presented."

Motion: Jayne Ludwig

Second: OJ Robinson

Motion carries.

MOTION: "To amend the motion from the meeting minutes of June 17, 2019 to read as follows... That all of the Town owned lots in the Municipal Business Park, with the exception of Lot #4 which is subject to a vote at the 2020 Town Meeting are available for sale."

Motion: OJ Robinson

Second: Jayne Ludwig

Motion carries

The original approved minutes referenced the incorrect Lot # and read... with the exception of Lot #2, and should have read... Lot #4.

III. HOYLE, TANNER PHASE II FIRE FLOW ASSESSMENT CAPITAL IMPROVEMENT PLAN PRESENTATION

Hoyle, Tanner Project Manager, Dave Edson opened up the presentation and explained that Phase I of the study had identified the town's current deficiencies within its water system, and Phase II was to develop the fixes to remedy those deficiencies and plan for the future (2030 projected maximum day demand). Edson presented a Power Point Presentation (see attached) that explained the Town of Lincoln's water system schematic and the six (6) various pressure zones located throughout the town (Indian Head Pressure Zone; Main Pressure Zone, Loon Village Pressure Zone (major pressure zones) South Peak Pressure Zone, The Landing Pressure Zone, and Clearbrook Pressure Zone [smaller pressure zones]. Edson also detailed the goals, costs, and prioritization of the long-term improvements.

This Capital Improvement Plan (CIP) addresses the identified issues, and Hoyle, Tanner evaluated thirteen (13) specific improvements of which nine (9) are being recommended (four (4) are not). The analysis prioritized the recommended improvements based on cost/benefit and order (in some cases one improvement must happen prior to another one being done), rather than the "importance" of fixing one area over another. Edson also elaborated that there is not any one area that needs fire protection more than another, but rather the entire system needs fire protection, and he detailed the three (3) stages of the CIP recommendations:

<u>Stage 1 Recommendations</u> (relatively low-cost fixes): Fixes will greatly increase available water in existing tanks and are aimed at removing usable storage limitations caused by high elevation users (serve Crooked Mountain Road from South Peak Booster Pump Station, Est. Cost: \$55k); and serve portions of Beechnut Drive from the Landing (Est. Cost: \$48k).

Town Manager Burbank commented that this is a critical juncture in the conversation because South Peak Home Owners Association has a privately-owned water system (PORS), and the Town of Lincoln does *not* have the authority to direct them, or request that they go in and implement these changes and upgrades.

Stage 2 Recommendations (adding 2 new tanks): New storage tank added at Indian Head tank/activate PRV (Pressure Reducing Valve) in Boyce Brook Booster Pump Station (Est. Cost: \$914K - \$1,063M). New storage tank south of Pemi River (Est. Cost: \$1,028M). Address inadequate water storage (add storage) and fulfill usable storage requirements; improve fire flow in Loon Village Pressure Zone south of the Pemi River and Route 3 corridor (needed for Stage 3 improvements).

Stage 3 Recommendations: Address specific remaining areas of low fire flow and provide fire flow to areas that do not have any; improve fire flow in Route 3 corridor to commercial standards (Stage 2 improvements required for Stage 3). Includes adding fire pump and hydrants at The Landing which will provide fire protection to The Landing (Est. cost \$571k). Add fire pump at Clearbrook Condos which will provide fire protection to Clearbrook Condos (Est. Cost \$486k). Pipeline reinforcing in Easterly Road which will improve fire flow to condos in eastern end of Easterly Road (Est. Cost: \$444K), and serve South Peak Resort with PRV (Pressure Reducing Valve) which will provide fire protection to South Peak Resort (Est. Cost: \$73K). Pipeline reinforcing in Indian Head Pressure Zone will further improve fire flow in Route 3 corridor (Est. Cost: \$854K).

Edson explained that this is a long-term plan that is going to be expensive, and Hoyle, Tanner has done their best to prioritize their recommendations based on the overall cost benefits the town will receive from the money it will be spending.

Paul Beaudin asked if the findings from the Got Big Water Report could be integrated with Hoyle, Tanner's recommendations to eliminate some of the costly expenses associated with the proposed recommendations. Edson explained that he has not had the chance to thoroughly review the findings from the report on alternative water sources and explained that these two reports are quite different. The Got Big Water Report was written to align more with the Fire Department's needs (e.g., how much fire flow needed).

Chairman Robinson commented that the Board is now hearing the results of the report this evening for the first time, and this is going to be a multi-year process. The Board will need to review these recommendations in increments and determine which options are most affordable and feasible based on the information provided by both Hoyle, Tanner and the *Got Big Water Reports*. Edson added that one of their goals was to identify the improvements that will help provide adequate fire flow from the town's municipal system to fight fires.

Edson briefly reviewed the four (4) items that were evaluated but not recommended: (1) add a new tank in Route 3 in Main Pressure Zone; (2) add fire pump at South Peak Booster Pump Station, (3) add storage tank at top of The Landing, add hydrants, and (4) South Peak tank and Loon Village Fire Pump.

Selectman Ludwig asked out of all the options presented this evening, which would have the greatest impact. Edson responded that Stage 1 Recommendations would fix an immediate problem and have the greatest impact (providing it can be done). A discussion ensued on the PORS and town's water system, and Chairman Robinson asked if the Forest Ridge Tank could feed the central part of Route 3 if a new line was installed, and essentially avoid incurring the costs/maintenance of a new larger tank. Chris Mulleavey responded that the costs would be about the same and quite possibly a bit more, however, with the town now dealing with a lack of water storage, a new tank is really what is needed. The presentation ended at 6:37 p.m.

IV. OLD/NEW BUSINESS

Town Managers Report

There was no Town Managers Report.

Other Business

Letter from Governor Sununu (see attached)

Chairman Robinson received a letter from Gov. Sununu detailing budgetary initiatives for local communities across the state (see attached).

One Love Brewery request for deck expansion

Chairman Robinson explained that at the last Board meeting (June 17th) the Selectmen discussed a request that was submitted from One Love Brewery to expand their patio out into the town's easement. In 2010, there was a license agreement (rather than an easement) (see attached) that the property owners gave to the town to use the area for one (1) year (Memorial Park/Gazebo), and then at such time the agreement would automatically renew year-to-year (unless 30-days prior written notice was issued by either party). Robinson further explained that the details surrounding the reasoning for this licensing agreement in the first place (how it came about, and why) are unknown, however, noted that this complicates the Boards previous decision on the deck expansion request. Selectman Ludwig noted that this agreement was signed by the previous owner, Dennis Ducharme (Southern Peaks Realty, LLC) in March of 2010, and appears to supersede the original agreement signed in April, 1979 (Franconia Paper Company, Inc., term expiring September 4, 2074). Ludwig questioned whether the town should have a new agreement signed with the current owners (John & Marcia Imbrescia). The Board agreed to wait and speak with Town Manager Burbank who had met with the Imbrescia's last week.

Abatement Request

An abatement request was submitted by Saber Mountain Landing/Loon Landing Development LLC for sixty-four (64) parcels. Per the settlement agreement for Saber Mountain Landing Chapter 7, new "first half" billing statements should be net of the abatement period (i.e., cover period from 5/17 through 9/30). The town shall abate the property taxes assessed for the time period of April 1, 2019 through and including May 16, 2019.

MOTION: "To grant the abatement request for Saber Mountain Landing/Loon Landing Development, LLC and refund Loon Landing Development, LLC in the amount of \$4,431.08."

Motion: OJ Robinson Second: Jayne Ludwig Motion carries

Public Participation

Roger Harrington asked if the roof over at the Community Center has been checked for mold. Chairman Robinson explained that the contractor recently returned and met with DPW Hadaway at the Community Center to make some repairs to a few problem areas that were not properly sealed.

Mr. Harrington also questioned what was going on with the retention ponds at The Pines Development. Robinson explained that Developer Rick Elliott has applied to DES for a re-deign of the ponds (two (2) ponds are going to be combined into one) and is currently waiting for DES to review and approve. Harrington requested copies of the DES approval documents when the town is in receipt of the same. Chief Beard asked if Mr. Elliott will be required to go for a Site Plan Review process due to the change in the layout of the ponds. Robinson responded that he was not sure as this decision will be made by the Planning Board and not the Selectmen.

NH U.S. Supreme Court Decision - Lincoln Levee

Paul Beaudin asked when a Maintenance Program for the levee was going to be written. Robinson explained that Dubois & King will be writing the program with the approval of the US Army Corps. of Engineers (USACE), and to date he has not heard back from them. Beaudin also asked about the public statement (see attached) that was going to be made concerning the NH Supreme Court ruling on the levee ownership. Robinson responded that this was discussed at the previous meeting and read the following:

On June 7, 2019, the NH Supreme Court ruled that the Town of Lincoln is not the "Owner" of the levee on the East Branch. The Town of Lincoln is obligated to uphold the 1960 Maintenance Agreement with the US Army Corp of Engineers (USACE), but this decision confirms that it is not responsible for any maintenance beyond that agreement. The Town is responsible only for the section of the levee that is under the control of USACE and is responsible to maintain it only to the standards as set forth in the 1960 Agreement. The Town is fully committed to completing the current levee restoration project and will uphold its obligations as set forth in the 1960 Agreement. The Town intends to inspect and maintain the levee as required and provide ongoing funding of the maintenance program and a capital reserve. The restoration of the levee is nearing completion. USACE has periodically inspected the progress and has expressed satisfaction. We expect USACE to re-establish the "Active" status of the levee upon completion.

Mr. Beaudin also commented that the term "qualifying event" should be expressed in clear and concise terms so that there is no confusion in the future when/if a natural event occurs and creates a situation similar to what the town has recently experienced. Robinson replied that this can certainly be part of the discussion once the levee is restored to an "active" status.

Dave Beaudin asked if the town is required to conduct maintenance on the levee now, or upon completion of the repairs. Robinson explained that when the town is told that the levee is completed and restored to the 1960 Standards, the town will then be required to maintain it on an annual basis.

Joint Lincoln-Woodstock Board Meeting (7/2/19)

Paul Beaudin commented to the Board on the recent discussions with Woodstock Board of Selectmen concerning the purchase of a scale for the Transfer Station (which he supports), however, noted that he is not supportive of paying \$70K for a scale and then giving away free C&D. Dave Beaudin agreed and feels that if the town(s) have to pay to get rid of material, then the cost should equally be shared with the public that utilizes the transfer station. Robinson explained that one of the reasons he was in support of purchasing a scale was to take the judgement responsibility off of the employees and provide an accurate dollar amount based on the exact weight of a load being disposed of. Robinson assured Paul that this will be part of the upcoming discussions with Woodstock Board of Selectmen.

Department of Public Works Employment Opening

Stephen Huntoon addressed the Board and questioned how many candidates were interviewed for the recent public works position that was filled, and if the position was posted for the public to apply. Chairman Robinson responded that to the best of his knowledge this position was filled from within, as this employee works seasonally (part-time) at the Kanc Ski Area during the winter months and was hired in a permanent full-time capacity. Mr. Huntoon feels that this position should have been posted to the public so that other candidates that may have been equally or more experienced/qualified would have had an opportunity to apply. The Board thanked Mr. Huntoon for his comments.

Maple Street/Pollard Road Stop Sign

Jim Welsh commented that he feels there should be a Stop Sign at the intersection of Pollard and Maple Street because this is a dangerous intersection due to a blind spot and overgrown hedges. Chairman Robinson explained that he is meeting with Chief Morris on some other signage issues and will bring this up during their discussion.

V. NONPUBLIC SESSION Pursuant to RSA 91-A: 3: II

There was no non-public session this evening.

VI. ADJOURNMENT

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

MOTION: "To adjourn."

Motion: OJ Robinson

Second: Jayne Ludwig

Motion Carries.

The meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Jane Leslie

Approval Date <u>7 / 29 / 2019</u>

hairman OJ Robinson

Selectman Tamra Ham



STATE OF NEW HAMPSHIRE OFFICE OF THE GOVERNOR

RECEIVED

JUL 1 1 2019

TOWN OF NEW MARKET ADMINISTRATOR'S DEFICE

July 9, 2019

Board of Selectmen Town of Newmarket 186 Main Street Newmarket, NH 03857

Dear Chairman and Members of the Board,

As a local official who has a fiduciary responsibility to your constituents, you understand firsthand the challenges of balancing long-term obligations, strategic investments, expanded services, and financial realities. You are responsible for ensuring your cities' and towns' operations provide for your citizens' needs. You determine how left over funds are expended, whether that be fixing a pothole or investing in a new roof for your fire department. You make hard decisions and try your best to keep your cities and towns affordable. At a fundamental level, you understand that you cannot spend money that you do not have or cannot expect to have in the future.

Just like you, I am responsible for the operations of government. Just like you, I must prioritize needs in order to budget within the state's means. I made the tough decision to veto the state budget, not because I disagree with the programs contained within it, but because it contains a \$93.4 million structural deficit in Fiscal Year 2021. A deficit of this size can only be closed though massive reductions of services or a massive increase in taxes—neither of which I can support—and both of which would hurt your communities.

The Legislature's budget, while well intentioned, is not financially sustainable and puts us back on the path of the difficult budget cuts of 2011. It makes financial promises that may not be kept. The looming structural deficit of almost \$100 million could mean layoffs and cutbacks for critical state programs (plows, social services, etc.). It could mean the elimination of revenue sharing and downshifting costs onto local communities. These scenarios are unacceptable and would put New Hampshire on the path to an income or sales tax – something none of us want to see.

We have to balance the budget within itself and ensure that we are not passing the buck on how to pay for these expanded programs when the state is no longer running a significant surplus. While the Legislature's budget contains good programs and more funding than ever before, we must be smart about how the funds are appropriated, which is why I have been steadfast in my insistence that the state allocates one-time revenues for one-time expenses.

We cannot return to the difficult days of 2011 when nearly \$900 million had to be cut from the state budget, resulting in significant layoffs and reductions in critical services. It was the massive overspending and use of one-time funds for ongoing expenses in the unsustainable 2009 budget that led to the reductions in municipal support and state aid in 2011. The net result was reduced services for our citizens.

¹http://www.gencourt.state.nh.us/LBA/Budget/operating_budgets/2020_2021/C%20of%20C/CofC%20Surplus%20 Statement%206-20-19.pdf FY 21 CofC row 14, Current Year Balance

The Legislature's budget contains many laudable programs, which I can find compromise on such as:

- \$40 million in Revenue Sharing from our current surplus back to cities and towns
- Restoring Education Stabilization Grants
- Fully funding Special Education
- Updating the Full-Day Kindergarten funding formula
- Increasing State Aid Grants for municipal wastewater facilities

Additionally, after listening to numerous communities across the state, my budget proposed a \$63.7 million targeted school building aid program. The Legislature removed this entire program and attempted to replace it with over \$100 million in long term education funding obligations, even though we currently spend more dollars per student than ever before in New Hampshire. While this massive increase in spending would create a huge budgetary problem, I do believe we can come to some rational common ground and find additional education dollars for communities most in need. I am the first Governor in the past 25 years to come up through New Hampshire's public schools. Our schools are some of the best in the nation, because they deliver results. I believe in our teachers. I believe in the students. I want to ensure they have additional resources, but this must be achieved in a sustainable and responsible manner.

As always, I remain committed to working with the Legislature to craft a budget that balances within itself, and that meets the needs of the citizens all across New Hampshire. Concord can be somewhat of a bubble, and legislatures can be more in tune with professional lobbyists than the citizens they represent. I have attached to this letter a document that shows my proposed compromise on Business Tax Rates, and a document that outlines what I believe to be the grounds for a budget compromise that works for the citizens of New Hampshire. I ask that you speak to your Representatives and Senators. Ask them to listen to the citizens of New Hampshire who appreciate our strong economic advantages and don't want to be needlessly burdened with more taxes. We must budget our state in a responsible and sustainable way, just as you do.

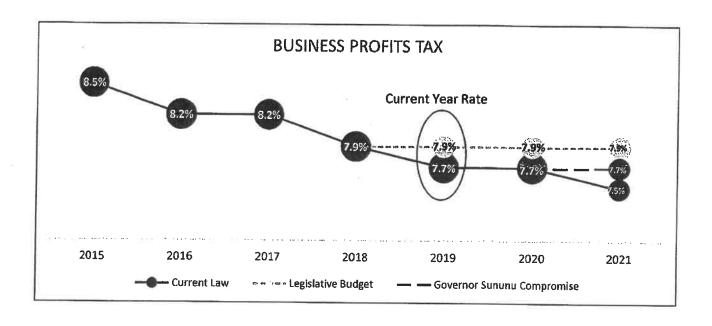
If you would like to learn more, please designate one local elected official to attend and represent your city/town at an informational session I am hosting on Friday, July 19th at 10:00am at Sweeney Auditorium at the New Hampshire Technical Institute, located at 23 Institute Drive in Concord. Your town's designee must RSVP to governorsunun@nh.gov to receive their personalized confirmation letter.

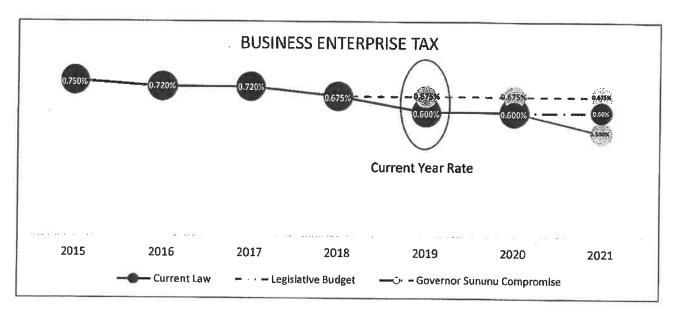
Thank you for your service to our great state.

Sincerely,

Christopher T. Sununu

Governor







ROADMAP TO COMMON GROUND

- Balanced budget
- Fully funds Special Education Aid
- 24 bed forensic hospital
- Relocate Inpatient Psychiatric Care for Children
- Fully funds the waitlist for the developmentally disabled with a 2.5% rate increase
- \$63.7 million in building aid to property-poor school districts
- \$24 million in strategic workforce investments to the university system.
- \$32.5 million student debt assistance program
- \$40 million in municipal revenue sharing to cities & towns
- \$3 million lead remediation grant program
- \$1.5 million for state-owned dam repair
- Voluntary Family Medical Leave Insurance Program
- No changes to the education funding formula
- Stabilization grants for schools in 2020 and 2021 at 90%, a \$14 million total increase
- \$14.6 million for Department of Transportation Fleet Replacement
- \$30 million for targeted Medicaid provider rate increases
- \$14 million in direct scholarships to college students
- Funds additional DCYF workers, as outlined in SB 6
- Funds mental health services, as outlined in SB 11 and 14
- Comprehensive business tax reform
- No increase to business tax, capital gains tax, or income tax required

On June 7, 2019, the NH Supreme Court ruled that the Town of Lincoln is not the "Owner" of the levee on the East Branch.

The Town of Lincoln is obligated to uphold the 1960 maintenance agreement with the US Army Corps of Engineers (USACE), but this decision confirms that it is not responsible for any maintenance beyond that agreement. The Town is responsible only for the section of the levee that is under the control of USACE and is responsible to maintain it only to the standards as set forth in the 1960 agreement.

The Town is fully committed to completing the current levee restoration project and will uphold its obligations as set forth in the 1960 agreement. The Town intends to inspect and maintain the levee as required and provide ongoing funding of the maintenance program and a capital reserve.

The restoration of the levee is nearing completion. USACE has periodically inspected the progress and has expressed satisfaction. We expect USACE to re-establish the "Active" status of the levee upon completion.

July 15, 2019

Board of Selectmen's Meeting Please PRINT Legibly

Chris Conac	No.
(Print Name)	(Sign Name)
ROGEN HANNINGTON RICK Elliott	Rozer Harryto Rick Ellest
Stepha Hyton	Stephan Gutoen
JOHN P. HETTIMGER	Je 9 Alexander
Donnis Ovchance	
Jim Welsh	Jim Weld
Desbuce lino	Delle Gelio
Delia Sulliva	Dela Suelva

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ORR AND RENO, P.A. One Eagle Square P.O. Box 3550 Concord, NH 03302-3550

> Doc # 0002671 Mar 3, 2010 3:20 PM Register of Deeds, Grafton County

LICENSE AGREEMENT

BETWEEN

SOUTHERN PEAKS REALTY, LLC

AND

TOWN OF LINCOLN

Lincoln, Grafton County, New Hampshire

LICENSE AGREEMENT

THIS LICENSE AGREEMENT, made this 1st day of February, 2010 by and between Southern Peaks Realty, LLC, a New Hampshire limited liability company with an address of 25 South Mountain Drive, Post Office Box 1058, Lincoln, New Hampshire 03251 ("Licensor") and The Town of Lincoln, New Hampshire, a New Hampshire municipal corporation whose mailing address is Post Office Box 25, Lincoln, New Hampshire 03251 ("Licensee").

- 1. <u>Licensed Premises</u>. The Licensor does hereby permit the Licensee to use a portion of its real estate located along the south side of Route 112 in Lincoln, New Hampshire, being a portion of map/parcel 18-046000-00-00000, previously known as map/lot 16-3100.0004-002 and shown on a plan titled "Subdivision and Boundary Line Adjustments Lincoln Mill Associates & Millfront Associates and Lincoln Inn Associates, Lincoln, New Hampshire" recorded in the Grafton County Registry of Deeds as Plan #11011 ("Licensed Premises"), subject to the right and reservation of the Licensor to use the Licensed Premises at any time and for any purpose ("License"). The Licensed Premises is more particularly shown as the cross-hatched area on an excerpt of Plan #11011, which is attached hereto as Exhibit A.
- 2. <u>Term.</u> The initial term of the License shall be for one (1) year, commencing on the date hereof, and shall continue from year to year thereafter unless either party shall give thirty (30) days prior written notice to the other party that it is terminating the License, which termination shall be effective on the 31st day following the date of such notice.
- 3. <u>Use of the Licensed Premises</u>. The Licensed Premises shall be used by the Licensee only for the purpose of maintaining a gazebo, veterans' monuments, walking paths and lawn for the public enjoyment. Licensee shall not use or store on the Licensed Premises environmentally hazardous materials or products within the meaning of federal or state laws and regulations. Licensee shall not store personal property, equipment, machinery, products, supplies and any other materials on the Licensed Premises.
- 4. <u>Compliance with Laws and Regulations</u>. Licensee shall comply with any and all applicable state and local laws and regulations in connection with its use of the Licensed Premises.
- 5. <u>Maintenance and Upkeep</u>. Licensee shall maintain the gazebo in good and proper condition and shall keep the Licensed Premises in a clean and orderly manner, free from trash and unsightly materials.
- 6. <u>Surrender</u>. Upon the termination of this License, Licensee agrees to quit and deliver peaceably and quietly the Licensed Premises in a good, clean and restored

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condition to Licensor and shall remove the gazebo therefrom unless Licensor and Licensee reach other mutually acceptable agreement with respect to the disposition of the gazebo.

7. <u>Miscellaneous</u>. This License Agreement shall be governed by the laws of the State of New Hampshire and shall not be amended or modified except by written instrument executed by both of the parties. This License Agreement shall not be assigned by the Licensee without the prior written consent of the Licensor. This License Agreement shall be binding on the successors and assigns of the parties. All notices shall be mailed or delivered to the parties at the addresses designated in the preamble to this License Agreement unless a party shall give written notice to the other party of a new address.

IN WITNESS WHEREOF, each of the parties has caused a duly authorized officer or officers to execute this License Agreement on its behalf as of the first date written above.

Southern Peaks Realty, LLC

By: East Branch Besort Management,

Inc., Manager

By: Dennis Ducharme, Vice President

Town of Lincoln, New Hampshire

Name: Peter

Title: Selectman

By: Athicia Meson Name: R Pares as MC Das

Title: Selectman

Name: DEANAIL L. HOLOT

Title: Selectman

