

**LINCOLN BOARD OF SELECTMEN  
MEETING MINUTES  
SEPTEMBER 28, 2015  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

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**Present:** O.J. Robinson, Patricia McTeague, and Jayne Ludwig.

**Staff Present:** Fire Chief Ron Beard, Police Chief Ted Smith, and Recording Secretary Brook Rose.

**Public Present:** Mike Leclerc, Susan Clark, Lutz Wallem, Tamra Ham, Steve Noseworthy, Edmond Gionet, Paul Beaudin, Tammy Dutilly, Mr. & Mrs. Ivan Saitow, Roger Harrington, Bill Conn, Rosemary Dutilly, and Mary Conn.

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### **I. CALL TO ORDER**

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

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### **II. REVIEW OF MEETING MINUTES**

**MOTION: “To approve the minutes of the September 21, 2015 Board of Selectmen’s meeting as amended.”**

**Motion: McTeague                      Second: Ludwig                      Motion carries.**

**MOTION: “To approve the minutes of the September 22, 2015 joint meeting as presented.”**

**Motion: McTeague                      Second: Ludwig                      Motion carries.**

**MOTION: “To approve the non-public meeting minutes of the September 21, 2015 Board of Selectmen’s meeting as presented.”**

**Motion: Ludwig                      Second: McTeague                      Motion carries**

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### **III. OLD/NEW BUSINESS**

#### **Sidewalk and Bike Path Ordinance Discussion**

O.J. stated that last week the Board heard from a bicyclist and a stationary user of the Town’s sidewalks. Staff did provide the Board with a copy of the Town’s ordinance pertaining to bicycles. O.J. read the ordinance aloud. He stated that it was ruled back in 1999 that the Connector Road sidewalk was to be used for pedestrians only and not bicycles.

Chief Smith stated he was at Connector Road today and spoke with a woman that has been riding on the sidewalk for years, and was unaware of the Town’s ordinance. Chief Smith suggested updated signage with the symbols on it rather than the wording. The Board asked that Town staff order and install new signage for Connector Road.

Town Manager Burbank thought that the Board should investigate the use of sidewalks further, as this is an issue town wide, especially for families with young children. It's not safe for a child to ride on Main Street as rather than riding on the sidewalk. O.J. agreed and stated that no young child who is inexperienced on a bike will be told to get off of the sidewalk. Chief Smith agreed. Tamra Ham mentioned that it would be a great idea if the Town were to reach out to the School and offer to educate students about bike safety and the Town's Bicycle Ordinance.

### **Chief Smith- Police Department Update**

Chief Smith informed the Board that the Prescription Take Back Day this year was very successful. The Department did a lot of advertising on social media and collected five pounds of drugs and needles.

### **Town Manager's Report**

#### **Reports from Town Engineer Ray Korber**

The Board discussed the report from the Town's engineer, Ray Korber on The Pines at Forest Ridge. The Board discussed the fact that the white pipe which was pointed out by Roger Harrington did have to be removed as it was in violation of the project's SWIP (storm water implementation plan). Town Manager Burbank and Ray Korber have walked the site. Mr. Korber has reviewed the SWIP reports for compliance. For the most part, the developer is complying, however; Mr. Korber did note a few deficiencies. Thus, Mr. Korber will be visiting the site weekly which is at a substantial increase to the contractor however; there were enough deficiencies to warrant this action. O.J. provided Roger Harrington with a copy of the report.

#### **Inlet Headwall on East Spur Road**

The Board discussed the report from the Town's engineer, Ray Korber, on the inlet headwall on East Spur Road. The Board provided Edmond Gionet with a copy of the report. Town Manager Burbank will put this project on the list of projects to be completed and will get to it as soon as possible. The Town is required to contact NHDES to see if a wetlands permit is required. Bill Conn suggested that the Town apply for a blanket permit from NHDES to repair drainage throughout the Town. Town Manager Burbank will follow up on this with Ray Korber.

Edmond Gionet stated that the more development that occurs in this area, the more storm water will be seen here. O.J. replied that the Storm Water Ordinance that the Town adopted in March 2015 prohibits development from adding to the storm water runoff.

#### **Waste Management Inter Municipal Agreement**

Town Manager Burbank informed the Board that he recently discussed with Waste Management their practice of leaving their storage containers on site at the Solid Waste Facility for extended periods of time. Waste Management was unaware of this practice and will put an end to it immediately. Mr. Burbank plans to research Waste Management's annual cost increase and rates prior to having the Board sign the contract. Once both towns have approved the contract, Mr. Burbank will sign it.

#### **Letter of Thanks to the Town Staff**

O.J. read the attached letter of thanks from a visitor to Lincoln thanking Susan Whitman and Carole Bont for their outstanding service on behalf of the Town. The Board thanked Susan and Carole for their excellent work.

## **Public Participation**

### **Ivan Saitow**

Ivan Saitow stated that he lives at The Landing and he has serious issues with what is going on with the water in this development. He stated that the developer has broken every covenant and promise he has made with the homeowners. Ivan cautioned the Board in granting him any leeway.

Town Manager Burbank stated that the Town is not issuing any more permits in this area until the water issues have been resolved. Chief Beard has done a great deal of research about what needs to be done to correct the water situation. It has also been found that the developer has not met all of the conditions of the permit and the Town is working with him to correct these issues.

Chief Beard stated that that the developer contacted the Fire Marshall's office as they doubted Chief Beard's assessment of the water situation. Chief Beard invited the developer, engineer, and Fire Marshall to the site for an inspection. The Fire Marshall's office reiterated what Chief Beard had relayed to the developer. The placement of the cisterns needs to be altered according to NH State Fire Code. The Fire Marshall's office found several other state code fire violations that also need to be addressed.

Town Manager Burbank stated that several of the residents at The Landing have complained about water pressure. Ivan added that he came here tonight to see if the Board could understand the individual they are dealing with. He added that the developer just sold a lot to a couple who are going to build an enormous house. He sold it knowing full well that he will not be able to get a building permit.

Mr. Burbank stated that the Town is trying to maintain a working relationship, but will not be issuing any further building permits at this time. Ivan thanked Chief Beard and Mr. Burbank for working to bring this developer into compliance.

The Board thanked Chief Beard for his extensive research on this matter.

### **Edmond Gionet**

Edmond Gionet stated that at previous meetings, the statements from the Board regarding the allegations surrounding the staff encouraging the signing of the petition and that being hearsay were not totally accurate. Further he stated that it was James Welch that made the statement that Town staff encouraged him to sign the petition while Town Manager Burbank was standing nearby. Jayne Ludwig replied that Mr. Gionet should encourage Mr. Welch to address the Board directly.

### **Tammy Dutilly**

Tammy Dutilly addressed the Board and requested that something be done about the Town's property at the former airport parking lot. She stated that there is a lot of glass, nails and other debris remaining in the field from when the Fire Department conducted their last burn training. She added that the vehicles used for this training remained in the field for four days after the exercise. This created a really dangerous situation for the children that play in this area. Further, she stated that there are many people that use the field to walk in and to exercise their dogs. There are large culvert pipes that have been stored at this location for decades which the children play on especially when they are covered in snow. Boulders, excavated tar, and cement manholes are also stored here. All of this creates a danger to Town residents. She asked that something be done about relocating these materials to an alternate location.

Town Manager Burbank will see what can be done about cleaning up this piece of Town property, as it is in a residential area and is not the ideal location for storage. Mr. Burbank will report back to the Board.

Ms. Dutilly also reiterated what Mr. Gionet said about Mr. Welch. She said that James Welch told her the same thing, which was that he was asked to go and sign the petition by the staff in front of Mr. Burbank.

Ms. Dutilly then made the Board aware of a noise complaint she has with the neighbors living in the former convent house. After a brief discussion of the details, Chief Beard and Chief Smith will investigate the complaint.

### **Rosemary Dutilly**

At this time, Rosemary Dutilly walked into the meeting. She questioned what was being done about her request for new signage on the sidewalk in front of Lincoln Green. O.J. replied that Chief Smith will order and install the symbol signs. O.J. updated Ms. Dutilly on the Town's Bicycle Ordinance as well as the earlier discussion about young children who are learning to ride their bikes (will not be made to ride on the side of the road). Further, the Board will not be asking the Police Department to tell young children not to ride on the sidewalk. He added that there needs to be a sense of reasonableness and respect in using the sidewalks. Stationary objects are also not permitted in the sidewalk.

### **Paul Beaudin**

Paul Beaudin questioned who oversees parking and traffic on Route 112 going over the Kanc Highway. He stated that the overflow of vehicles parked in the parking lots and on the sides of the road created a hazardous situation this past weekend. Chief Smith replied that this is a State road and NHDOT is responsible for enforcement. He added that if Paul were to contact the Police Department in an official capacity, the Department would follow up with the State Police.

### **Edmond Gionet**

Edmond Gionet questioned when will there be some transparency on Beechwood Acres. O.J. replied that at the appropriate time, the details would be divulged. He explained that the Board does have a draft declaratory judgement prepared, and that there have been some ongoing negotiations. There was a brief discussion on this matter between the Board and Mr. Gionet.

### **Mary Conn**

Mary Conn asked the Board to give their opinion on why they are hesitant to proceed with a town administrator form of government as opposed to a town manager form of government. She questioned what the difference was. O.J. replied that the Board has not yet had this discussion. Jayne Ludwig stated that the Board of Selectmen have full time jobs, and do not have the necessary time or qualifications to put into managing the Town. She added that the Town's Manager's schedule is booked on a daily basis, and that with the extensive development in town, a manager needs to be overseeing it. O.J. added that the Town Manager also serves as the Town Planner. He went on to explain that there is a big difference between a manager and an administrator. A town manager has the authority to negotiate and make decisions for the Town in matters of union contracts, litigation issues, engineering issues, personnel, and town projects etc. all of which take exorbitant amounts of time. A town administrator has limited powers and cannot act on aforesaid matters without a quorum and decision of the Board of Selectmen. He added that in this extremely busy town (which likely has three times the volume of work than neighboring towns), a town manager form of government is a necessity.

Town Manager Burbank stated that with the ongoing issues in Town, and if there was a town administrator form of government, he would need the Board of Selectmen here at least two days every week in order to make the decisions that have to be acted on immediately. O.J. added that if the Town would have had a town manager form of government and a town planner to guide the Town in the past, the Town wouldn't be in as much litigation as they are in now.

### **Lutz Wallem**

Lutz Wallem stated that when people compare Lincoln to other towns, oftentimes, they only think of the 1600 residents, when in fact there are 2,500 condos in Town and many thousands of seasonal residents and visitors.

Lutz informed the Board that he would like to discuss the Town's electricity contract with the Board as the Town's current contract expires at the end of this year. Mr. Burbank replied that Town staff is pulling together quotes from several vendors. This contract falls under the purview of the Town Manager.

### **Bill Conn**

Bill Conn questioned what the water situation is up at Beechwood One. He questioned how a fire would be contained with the lack of water in this area. He added that there is ongoing construction up at Beechwood every day. Town Manager Burbank replied that this is a major discussion point for the Board. Mr. Burbank will pull the recent permits for Beechwood to see what the status of the development is currently.

### **MS1 Extension Request Form**

**MOTION: "To file a request for an extension of the MS-1 until October 30, 2015."**

**Motion: Ludwig      Second: McTeague.      All in favor.**

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### **IV. NON PUBLIC SESSION Pursuant to RSA 91-A: 3II (a,c) personnel & legal**

**MOTION: To go into Non-Public Work Session at 7:15pm.**

**Motion: Mcteague      Seconded: Ludwig      Roll call vote all in favor.**

**MOTION: To go back into public session at 8:00pm.**

**Motion: Robinson      Seconded: Ludwig      Roll call vote all in favor.**

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### **V. ADJOURNMENT**

After reviewing the weekly accounts payables, the Board made the following motion.

**MOTION: "To adjourn."**

**Motion: McTeague      Second: Ludwig      All in favor.**

The meeting was adjourned at 8:05pm.

Respectfully Submitted,

Brook Rose

Approval Date 10/5/15

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O.J. Robinson

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Patricia McTeague

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Jayne Ludwig