

LINCOLN BOARD OF SELECTMEN'S

MEETING MINUTES

MONDAY, MARCH 25, 2024 – 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

(THE RECORDING OF THIS MEETING CAN BE FOUND ON YOUTUBE)

APPROVED

Lincoln Board of Selectmen Present: Chairman, OJ Robinson, Vice Chair, Tamra Ham and Selectman Jack Daly

Staff Present: Town Manager, Carina Park

Excused: Jane Leslie

Public Present via Zoom: Paul Beaudin II

Public Present: Wayne Baltzer, Blaise Duguay, Kevin Barry (Forest Ridge HOA), Tammy Gionet-Dutilly

I. CALL TO ORDER

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

II. APPROVAL OF MEETING MINUTES FROM PREVIOUS MEETING

There were no meeting minutes available to approve.

III. THE PINES AT FOREST RIDGE ON-SITE ROAD BOND

Forest Ridge HOA member, Kevin Barry joined the Selectmen's meeting and explained that he had previously met with the Board of Selectmen on October 23, 2023 to discuss what was left from the original road bonds (the Town holds two (2) road bonds - \$10k-On-site Road Construction & \$100k- Off-site Road Repair bonds), and next steps going forward. Kevin further explained that he had been notified approximately 2-weeks ago that the primary HOA had finally gotten a court date and funding to pave/repair Woodland Loop (Bigelow Paving Co. will be cleaning up the entire road and re-doing Woodland Loop prior to Memorial Day weekend). At the same time, The Pines HOA thought it would make sense to obtain a quote from Bigelow Paving to address the top coat that needs to be done on the two (2) roads in The Pines, and some of the homeowners' driveways which are beginning to crack. Kevin wanted to follow-up on the status of the \$10k-On-site Road Construction bond and the availability of these funds, as well as what the next steps would entail. The new owners (The previous builder went bankrupt and the land subsequently went to auction, and there is now a new builder - 20-units were completed with 2 unfinished units) attorney had emailed Kevin Barry stating that they are *not* declarants of the former developer, and their *only* interest is in the two (2) unfinished units.

OJ asked for clarification on the main HOA receiving the funding to pave Woodland Loop, and questioned if this was part of a legal settlement (funding was received through a court-ordered assessment from the former developer). OJ agreed that it would make sense to have the paving work done while Bigelow is already mobilized up at Woodland Loop, however, he would like town counsel to take a look at the road bond (\$10k-On-site Road Construction) and ensure that the claim is filed properly (e.g., does it require prior notice? how to deal with the bond writer? etc.). OJ clarified that the off-site bond (\$100k- Off-site Road Repair bond) is for the main road from the Kanc Rec area up to The Pines entrance (up to, but not including Woodland Loop) and the bond would terminate upon completion of construction at The Pines. The Board questioned whether the *\$100k Off-site Road Repair Bond* (through New Jefferson) could be "called" at this time, and if a future developer would then be responsible for providing a new bond. Carina noted that the bonds were recently renewed and are active and current until 10/24/24. OJ expressed concerns over what will happen if the bonds are *not* renewed in October, 2024. Carina feels that town counsel should approach "calling" the bond(s) with New Jefferson's legal counsel where both road bonds can be discussed at that time. OJ suggested that Carina draft and send a letter to the Forest Ridge HOA and New Jefferson to discuss the road bonds expiring in October, and to see if they plan to renew them; if there are any potential claims, or if they are satisfied with the current improved roadway (and then discuss with Town Counsel, Jason Dennis).

IV. CAMPER'S WORLD PROPOSED PURCHASE (P&S) & SALES AGREEMENT

The Selectmen were able to individually review the proposed P&S for the Camper's World property. They were all in agreement that it was a standard document that the Town Manager is authorized to execute on behalf of the Board of Selectmen, and the following motion was made:

MOTION: "To sign the proposed P&S for the Campers World property."

Motion: Tamra Ham

Second: Jack Daly

All in favor.

V. CAMPER'S WORLD REQUEST FOR PROPOSAL PROCESS

The Board continued their discussion from the previous March 18th public input session, where the Board began to discuss obtaining estimates for a bridge and road construction up at the Campers World property. OJ explained that he is not comfortable with this, and that he had gone home after the March 18th meeting and reviewed the February 1st Budget Committee Hearing on YouTube (the town received the Campers World Petition 2-days prior to budget hearing), and OJ noted that at the meeting recording time stamp of **46-minutes & 30-seconds**, OJ had discussed... *"how this purchase will allow the town to come up with development plans... I do not see the town being the developer, I see the town guiding and controlling the development... helping to focus on what the town needs... this process allows us to guide the development without being the developer... the plan was to sell off the land with deed restrictions, as this gives us control over the development..."* OJ further noted that his comments during this meeting ended at time stamp **53-minutes**, and a more extensive discussion was had at the February 20th BOS Public Bond Hearing. At time stamp **6-minutes & 25-seconds** of the YouTube video, OJ specifically stated... *"We are not looking to be the developer; we are not looking to build a bridge, we are looking to guide the development... we'll be looking for input on how to guide the development, and we will specifically be asking for input regarding the types of housing and priorities..."* This continued to recording time stamp **14-minutes & 30-seconds** where OJ talked about... *"the town plan is partnering and guiding..."* and at **18-minutes & 30-seconds**, OJ's comments ended. Jack Daly began speaking around **18-minutes & 45-seconds**... *"we will partner with developers; we will use restrictive covenants... and either sell or partner with the developers, and we'll be seeking input on how to have the land developed by developers."* OJ continued to explain that at Town Meeting, all of the discussion was regarding this same plan, that the Town would *not* own the land; would *not* be the developer, would *not* build the bridge or the roads, but rather use deed restrictions and a development agreement to guide the development of this land. OJ discussed that during the last BOS public input meeting (3/18/24) there was discussion about "hijacking" the process; OJ explained that this process was established the day after the Selectmen received the petition, and had not been challenged, or any strong vote of support for any other type of process from anyone, which is why he is having this discussion now.

Tammy disagreed and explained that she had very strongly voiced her opposition during a non-public meeting. Tammy explained that during the February 20th discussion... *"the Board would specifically be asking for "public input" regarding workforce housing and priorities... seek input on how to develop."* Tammy further explained that the term "public input" was made numerous times, and to date they have not received any town wide public input after Town Meeting, and feels that the Selectmen have already made the decision to sell the land to a developer without any public input from the local town's people who need this land, and not the developers.

A discussion ensued regarding whether or not the town should deal with developers, and previous discussions that have taken place about the same. Tammy noted at Town Meeting the residents voted to purchase the property, and they were told that there would be public input on exactly how and what to do with this land.

Tammy Gionet-Dutilly remarked that she recalls being present during the February 20th meeting and thanking the Selectmen for holding that meeting because it provided more public input and information than they originally had (outside of Facebook comments). At that meeting, her takeaway was to determine if the town voters would approve the purchase of the Campers World property (or not), and that the Clark Family had received another offer, but decided to give the Town the first opportunity to purchase the property (after a Town Meeting vote). Tammy further explained that her interpretation of the discussion between OJ and Jack (Tammy Ham was not present during this meeting) was that the town would have control over the land with different covenants on different buyers of certain sections. There was also discussion about AHEAD (Affordable Housing, Education & Development), and how the homes would be reasonably priced for community members that do not make six-figures a year, but rather regular people working in various businesses in town (e.g., food service employees, bartenders, hospitality workers etc.). Tammy continued to explain that she was surprised at Town Meeting because her takeaway from the February 20th Selectmen's meeting versus what she heard at Town Meeting (the town would keep 20-acres and sell the remaining land to a developer) is not what she and others originally heard during the February 20th discussion. Tammy recalled that the discussion in February was that the town would have control of the land, and not the developers, and the housing would be for the average person trying to raise a family, and both live and work in town. Tammy feels that what was said in the Town Hall conference room (2/20/24) was not what was discussed at Town Meeting. Tammy also feels that 20-acres and/or 100-units is *not* all that the community needs.

OJ asked Tammy D. to go back and listen to the February 20th meeting recording (at 6-minutes & 25-seconds to the end of the discussion when Jack spoke at 18-minutes & 45-seconds) and then come back to discuss how they *did speak* about partnering with developers.

Carina commented that there appears to be a hyper-fixation on the "20-acres" (which she understands), however, the town doesn't even own the property yet or seen any proposals, and feels that people should've stood up at Town Meeting and voiced their opinions/concerns at that time.

Paul Beaudin commented that he feels there is a bit of confusion; the warrant article did ask for \$4M to purchase the land; originally, the Town of Lincoln was going to purchase the land and there was no mention of any developers at that time, although discussions were had of what they would like to see done. Paul further explained that the night prior to Town Meeting (3/11/24) the Selectmen met and discussed (in non-public) the current option that is being discussed now, but no one else knew about it until the night of Town Meeting. Paul feels that at some point the board will have to abide by **RSA 41:14-a** (Acquisition or Sale of Land, Buildings, or Both) if they sell off town land which will require a Town Meeting vote, and they could then discuss what the town is going to do with the land. Paul feels that many people voted for this article because they thought it was going to be reimbursed (through land sales) and not cost taxpayers any money.

Tammy Ham would be in favor of *not* coming up with a plan until the Selectmen receive town-wide public input on what to do with this property on Thursday, April 18th.

Blaise Duguay commented that they are still waiting to hear about prices (for roads/bridge/infrastructure) from the previous public input discussion... Carina responded that she had begun this process and it was virtually impossible to obtain soft cost estimates on infrastructure without knowing how many miles of roadway there are, or detailed land specific information in order to determine exactly how much of this land is going to be developable.

OJ discussed the town's "planned goals," and the importance of these goals being conveyed to any potential developers, so that the developers in turn can present proposals that will align with the town's goals, priorities and restrictions. There was a brief discussion about HOA's and how some people have expressed discontent with HOA's being part of any proposed development, however, at this time there is nothing

saying there must/must not be HOA involvement because they haven't received proposals that mention HOA's.

Tammy Gionet-Dutilly summarized some of the bridge discussion that was had during the February 20th meeting, and noted it was her understanding that the town was *not* looking to take on the responsibility/costs associated with building a bridge, but rather the developers would. Tammy hopes that if the town partners with developers and receives 20+ acres of land in lieu of selling the land, that the land is quality land that can be developed.

Paul commented that he does not feel the previously discussed potential water pressure issues on the higher elevations of the land are really going to be an issue (booster pumps could be installed). Paul feels that all parties involved will have to "compromise" during this process, and he hasn't heard anyone mention compromising since this discussion began (the Board agreed).

OJ requested that the April 18th public input session notice be posted town wide in all of the regular posting sites (Website, Town Hall, Post Office), as well as emails sent to all of the Budget Committee, Planning Board, ZBA members, and e-scribed out through the town website (sent to all subscriber's emails who regularly request BOS agenda notifications). OJ would like consistent messaging that is clear being conveyed to the public (i.e., RFP's, the Town being the developer, partnering with a developer who will be building the "non-Lincoln units", etc.). Paul agreed and feels that this is what needs to happen, as it appears that the residents at Town Meeting were confused about exactly what they were voting for, and there needs to be clarification and another vote so that everyone understands and is on the same page. The following topics were discussed to be put on the April 18th public input session agenda:

- Town development opportunities
- Potential public/private partnerships
- Request for Proposals (RFP) – Goals & Objectives

Paul suggested Moderator Robert Wetherell be invited to moderate this meeting due to the large amount of people that will possibly show up from different sides and points of view. Tammy Ham commented that OJ had been a Moderator for years, and is quite capable of running a meeting. OJ suggested establishing a pre-determined time limit for everyone to speak who would like to share their thoughts on this matter.

Carina asked the Board if they wanted to discuss making a decision tonight regarding the bond (\$4M bond) and which bank they would like to go with, particularly because they signed the P&S tonight. They had received two (2) proposals (Citizens Bank declined). Union Bank submitted the following:

- 1) \$4,000,000.00 General Obligation Bond (12-month note at 5.75% fixed interest rate) with the whole principal and interest due one (1) year from the date of the note (or refinanced).
- 2) \$4,000,000.00 General Obligation Bond (10-year term) with annual payments of \$400,000.00 towards principal, plus accrued interest on this amount at a rate of 5.55% fixed interest rate for the 10-year term of the loan (First year's payment = \$621,000.00 & last year's payment will be \$422,000.00 which could change). There is an option to pay the accrued interest annually or semi-annually at the town's discretion, and there is no pre-payment penalty (the town typically pays semi-annually on bonds if the funds are available).

The Bank of NH submitted the following proposal:

- 1) \$4,000,000.00 (5-year note at 5.85%)

OJ noted that Union Bank has lower interest rates on both of their bond proposals. After a brief discussion about going with the either a one-year or ten-year loan, the following motion was made:

MOTION: “To go with Union Bank for Option 2: \$4,000,000.00 General Obligation Bond (10-year term) with annual payments of \$400,000.00 towards principal, plus accrued interest on this amount at a rate of 5.55% fixed interest rate for the 10-year term of the loan.”

Motion: Jack Daly

Second: Tamra Ham

All in favor.

VI. OLD/NEW BUSINESS

Town Manager’s Report:

Vermont Rail/Recycle Road Access:

Representatives from Vermont Rail will be meeting onsite (Transfer Station) with Public Works Director, Nate Hadaway & Solid Waste Facility Supervisor, John Mackay next week. Vermont Rail will be bringing along one of their tractor trailer trucks to discuss the logistics at the Transfer Station (entering facility site/ where the road will go/radius, etc.). Vermont Rail has no issues with entering into a formal Road Maintenance Agreement with the Town (due to weights of loaded tractor trailers), however, they did want to discuss gate access (gates are closed at the transfer station when facility is closed) because rail trucking pickup is not the same as ordinary trucking, and there may be times that trucks need access to the transfer station to pick up loads when it is closed (Wednesdays/holidays). Jack voiced his concern that Vermont Rail should not be accessing the transfer station property without a town employee being present, and any expenses relative to this should be Vermont Rail’s responsibility. [Note: All loading, unloading, and storage of materials will take place on D.O.T. property, and town property is only for Vermont Rail to access their land.]

Blaise Duguay questioned how this will affect the snowmobile trails during the winter months (only access out of town)? Carina will find out if this is going to be a 12-month operation, and how this would affect the snowmobile trails.

HB 1583 Amendment:

This bill proposes changes to the funding of education in the state by increasing the base annual cost per pupil for providing an adequate education and establishing new forms of aid for municipalities. This amendment would increase the SWEPT (Statewide Education Property Tax) money from \$29M to \$88.4M a year. Lincoln’s contribution would go from a little over \$1M to \$4.7M. This amendment is currently at the sub-committee level, and there is a public hearing scheduled for the coming week. Carina will keep the Board up to date as this amendment process progresses.

South Peak Water Tank:

Civil designs are nearing completion and will be used for the permit submissions. Sam Kenney of Weston & Sampson (W&S) is looking into minimizing any potential holdup(s) with the DES permitting process, and he has expressed some concerns with grading and wetland impact aspects. One idea is to change the direction of the road from north of the Water Treatment Plant, and to bring this road further west before it becomes a curvy/winding road (switchbacks) in an effort to minimize the amount of wetlands that will be disturbed during the construction of the roadway. W&S is hoping to have the AoT permit submitted to DES by the end of next week, and the wetlands permit will be submitted once the road is decided upon and finalized. Carina noted that this brings the town outside of the current temporary easement that the town has with South Peak, although a South Peak Rep. did not see this being an issue (current easement will have to be amended). OJ questioned where the location will be to the proposed entrance to the access road (will be west of the water treatment plant).

New Police Station:

The exterior colors (blue) have been selected for the new Police Station. The wall construction began last week, and most of the walls have been built. Carina spoke earlier today with Bill Johnstone of the NH Electric Coop (NHEC), and he will be coming to pick up the final easement that they've been waiting for. Carina further explained that NHEC has not been able to tell the town what is going on with the transformer that they need to purchase for Police Station (has it been ordered? what step in the process are they? etc.). Carina is expecting the draft contract from Mr. Johnstone tomorrow when he comes to pick up the easement.

Route 3 Water Main Replacement Project:

The town received the 50% design comments from DOT back in February, and Weston & Sampson (W&S) submitted the 75% design to DOT on March 12th. W&S was able to incorporate most of the items that DOT had addressed in the prior version of the designs, and the one major item that was previously discussed was the crossing of the Exit 34 overpass, and whether or not the town will have to do directional borings. DOT is expected to respond to the 75% design in the coming weeks, and the town can then focus on what the Exit 34 overpass is going to be. This project is still on track to go out to bid this spring, and construction will be during the summer/fall months.

Public Works Department Crew:

Carina gave kudos to the Highway Crew who was out last weekend plowing throughout the entire snow event. Carina also received emails from the community giving thanks to the Highway Dept.

NEW BUSINESS:

Weekend Traffic:

Jack commented that the traffic was horrendous over the weekend, in part because Loon Mountain had not gotten around to plowing out their parking lots and people were being turned away at the bridge to park elsewhere. Visitors ended up parking at Price Chopper, on Main Street, the school and wherever they could find a parking space in town, and a lot of people were very unhappy regarding how this was handled. Blaise Duguay questioned if someone could ask Loon to do something different on the weekends (other than stopping people at the bridge and turning traffic around) because this also happens to him occasionally on Saturday mornings when he is on his way to work in the area, and they are stopping and turning people around at the bridge and redirecting traffic to park elsewhere, which adds an additional ½ hour of travel time for him. Jack noted that last year Loon had borrowed a DOT message board to redirect traffic that appeared to work well, and Loon will be purchasing their own electronic sign board that will redirect traffic to alternate parking during busy times.

OJ noted that last year the town had a year-end meeting with Loon Mountain to discuss the traffic situation, and changes were made resulting from this discussion that really helped make a difference. OJ feels that they need to have another meeting again this year, and suggested inviting the Police Dept. and Loon Mountain to have this parking discussion in hopes of working together to come up with solutions that work for everyone, just like last year.

Paul Beaudin commented that this situation has been going on with Loon Mountain for years, and Loon Mountain has continually not handled their traffic situations well (this past weekend was a culmination of it all). Paul feels that Loon Mountain is quite capable, but not willing to put safeguards in place to ensure that these traffic problems don't continually happen, and it has negatively impacted the town. Paul also feels that the town is turning a blind eye to this, and Loon Mountain leadership has continually failed to handle the quantity of people they have during and after a snow storm, and suggested that the town take this to the top (Loon Mountain Corporation) and explain to them that the town is having a problem with the current management up at Loon Mountain and their inability to handle the influx of their customers.

OJ does not feel going to Corporate is the first step, however, the Board will meet with the management to engage in a follow-up discussion to address the traffic issues.

Public Participation:

Wayne Baltzer commented that for decades people were able to go to Loon Mt. and park their vehicles wherever people wanted to. At the time that Jay Scambio became the General Manager, concerns grew over vehicles blocking in other vehicles and they couldn't get out, so Loon subsequently installed a "parking management concept" where all parking has been supervised for the past 3-4 years. Wayne noted that Loon is aware they have a parking problem, and their parking management concept has slowed the entire parking process down, but questioned that there must be a compromise somewhere.

VII. NON-PUBLIC Session Pursuant to RSA 91-A:3:(III) (c) Personnel Issue

MOTION: "To go into Non-public session pursuant to RSA 91-A:3 (III) (c) to discuss a personnel issue."

Motion: OJ Robinson Second: Tamra Ham All in favor.

The BOS went into Non-public session at 8:00 p.m.

MOTION: "To re-enter public session."

Motion: OJ Robinson Second: Tamra Ham All in favor.

The Board reconvened public session at 8:50 p.m.

VIII. ADJOURNMENT

With no further business to attend to, the Board made the following motion:

MOTION: "To adjourn."

Motion: OJ Robinson Second: Jack Daly All in favor.

The meeting adjourned at 8:50 p.m.


Respectfully Submitted,
Jane Leslie

Approval Date: April 22, 2024


Chairman O.J. Robinson


Tamra Ham


Jack Daly

