



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES September 7, 2010

### PRESENT:

Tina Helm, Chair, Board of Selectmen  
Mark Kaplan, Selectman  
Peter Bianchi, Selectman  
Jessie Levine, Town Administrator

### ALSO PRESENT:

Linda Hardy, Town Clerk/Tax Collector  
Geoffrey Daley, Part-Time Police Officer  
David Seastrand, Police Chief  
Ed Andersen, Police Sergeant  
Chris Currier, Detective  
Tom Anderson, Detective  
Jodi Bailey, Patrol Officer  
Richard Lee, Public Works Director  
Jack and Pat Sheehan, New London residents  
Susan & Richard Little, New London residents  
John & Rosa Vernalia, New London residents  
Bob & DJ Lavoie, New London residents  
David Gunn, New London resident  
Bill Andrews, New London resident  
Tory Lambert, New London resident  
John White, New London resident  
K.C. Fischer, New London resident  
R.H. Scott, New London resident  
Molly MacNaughton, New London resident  
David Beardsley, New London resident  
Dennis Aufranc, New London resident  
Renate Kannler, New London resident  
Bruce Hudson, New London resident  
Carolyn Marshall, New London resident  
Tom Cottrill, New London resident  
Michael Doheny, New London resident  
Celeste Cook, New London resident  
Liz Klingler, New London resident  
Pat Trader, *Intertown Record*

Chair Helm called the meeting to order at 6 PM.

Swearing In Ceremony: Chair Helm announced that the first item of business, not listed on the agenda, was a swearing-in ceremony for Geoffrey Daley, the newest part-time member of the New London Police Department. She introduced Mr. Daley and welcomed his friends and family members who were present.

Chair Helm then invited Town Clerk Linda Hardy to administer the swearing-in ceremony. Chair Helm congratulated Mr. Daley and gave him his badges, and thanked the police officers present for their work and dedication to the town.

Public Hearing – Speed Limit on Newport Road: Chair Helm opened the public hearing on the speed limit on Newport Road, and asked Ms. Levine to set the stage. Ms. Levine said that there had been a citizen petition to change the speed limit on Newport Road from 50 mph to 40 mph, and given the number of people that this change would impact, she felt it appropriate to have a public hearing. Ms. Levine explained that if the Board of Selectmen decided that lowering the speed limit would be advantageous, they would have to petition the State of New Hampshire Department of Transportation to request the change. Chair Helm opened the floor up to those residents who wished to be heard.

Sue Little from Spruce Lane asked if there had been any discussion about starting the new speed limit at the Post Office instead of South Cove Road. Ms. Levine said that the speed is already 30 mph from the Post Office until South Cove Road. Mrs. Little said that people go very fast down the hill and that the speed limit was not posted. Ms. Levine said that it may be a matter of relocating or adding a 30 mph sign, but that the speed limit was already 30 mph. Mrs. Little said that it is frightening to walk on the road between the Post Office and South Cove Road, as drivers are going too fast. Chair Helm felt the issue could be helped by relocating signs as opposed to lowering the speed limit in that area.

Richard Little added that the last time they went through this hearing on the speed limit in that area, he was told that as soon as the 50 mph sign is visible, a driver can go that speed. He felt that the 50 mph sign could be seen for quite a ways and perhaps it should be moved. Chief Seastrand responded that at the time this was brought up in the past, Judge McSwiney had let speeders off who claimed they were going the posted speed when they could see the sign. That said, the Chief said that the sign was not visible until going around the corner beyond Spruce Lane. He added that the previous judge didn't want to rule on anything under 10 mph over the posted limit if the conditions allowed for such speeds. People leaving town was such an instance. Mr. Little asked whether it was legal to be passed on the left while making a right-hand turn. Chief Seastrand said that it is a violation to cross over the double yellow line.

Dennis Aufranc, who owns the Maple Hill Farm Inn at the end of Newport Road, said he didn't think the speed limit was the issue. He said it was up to Chief Seastrand and the other officers to enforce it. If the judge wasn't going to make the convictions stick, it wasn't worth giving tickets. Mr. Aufranc said that he has a hard time getting out of his driveway, as people have been using the breakdown lane to make a right-hand turn. He has been there for 28 years and people never slow down. Chief Seastrand said that if the speed limit was changed to 40, at 55 mph they could get a conviction. When posted at 50 mph, they'd have to wait until 65 mph to be certain of a conviction. He added that they might have better success in the different court, now that they are in Newport. Mr. Aufranc asked if passing on the right was illegal in New Hampshire. Chief Seastrand said it was legal unless it was at an intersection.

Chief Seastrand said that as a result of the last meeting when this issue was discussed, they have increased their enforcement on Newport Road. They have had numerous directed patrols and are aggressively patrolling the area. Unfortunately there are other parts of town that need attention as well, so they cannot always be there. Chief Seastrand shared that a woman who was speeding on Newport Road tried to outrun an officer and went into Spruce Lane and was arrested. He said that they have a lot of speeding problems in town and the police are doing their best to enforce them with current staff levels.

Chair Helm asked how many radar guns they have available to them. Chief Seastrand said that there were four: one in each cruiser and one hand-hand.

Pat Sheehan said that since she presented the petition and circulated it, she felt she should also invite any of the Board of Selectmen to come to their roads, which include Murray Pond Road, High Pine Lane, and Checkerberry Lane, and see how hard it is to get up to 50 mph when pulling out of the roads. The problem they face is that the cars behind them who have been coming from the interstate don't know that they just pulled onto the road, so they tailgate, honk their horns and flash their lights. Chair Helm said she actually did drive in and out of those roads recently, and she understands exactly what Mrs. Sheehan is talking about. She questioned whether they should monitor this with more and more enforcement or whether lowering the speed limit was the answer.

Michael Doheny said he also did a test run using these roads and actually did it on both approaches. He said he tried it at different speeds. It was his conclusion that this was a more localized issue that could be solved with more enforcement.

David Gunn spoke in opposition to the reduction of speed in that area. He explained that the State of New Hampshire establishes speed limits based on data. They established the area to be posted at 50 mph. Mr. Gunn noted that in other states he visits frequently, that the stretch of road they are referring to would be a 55 mph zone. He wondered if they would only be accommodating a small amount of people when dealing with this problem. Mr. Gunn opined that changing the speed limit without adding more enforcement was not going to help. He sympathized with the police department, which has to patrol many roads with speeding issues. Mr. Gunn added that he has not heard any data that warrants the change in speed limit and those opinions that were shared were not enough to convince him that the change should be made. He explained that he lives on the corner on Little Sunapee Road, which poses a challenge to get out of the driveway and is dangerous to walk across to the lake. They adjusted to this fact and trained the kids when they were young to adjust to the circumstances. He felt that enforcement could help, but that people chose to live in a place and they have to adjust to the circumstances.

John Vernalia, who lives at 566 Newport Road, has lived there for about 20 years. He said the last time the State came through and changed the signage, it was a big help. Cars used to pass him going down the hill. He felt further signage would help even more. Mr. Vernalia added that the demographics of the neighborhood have changed. He agreed with Mrs. Sheehan that it was difficult to get out of their driveway and reach 50 mph before the speed limit changed, and disagreed with Mr. Gunn, saying people actually drive 55-65 mph on that road. Now that the new pavement is in, it is designed that a car can't go off the road easily in some places. He has to park his car with a boat behind it right on the road because he can't get off to get into his driveway. Mr. Vernalia said he has a problem with people coming down the hill, and trying to stay at 30 mph to turn into his driveway requires quite a bit of planning. He offered that even his car wants to go faster than 30 mph in the 30 mph zone. Mr. Vernalia realizes that these stories were purely anecdotal, but believes that there is no way to slow the drivers down. He summarized by saying he strongly recommended changing the 50 mph zone to a 40 mph zone until just beyond Checkerberry Lane.

Tom Cottrill spoke in opposition to the speed change. He believes that the Town has overregulated some of the roads in this area. On Route 11/Newport Road people have a way of driving and feeling comfortable at certain speeds. Sometimes people complain that the roads are full of potholes, so Richard Lee and the Public Works Department come and repair the roads. Then, people complain that cars are going too fast because the road feels better. He wasn't sure that a sign from 50 mph to 40 mph would help that much. He mentioned his own street, which has a 25 mph zone. He said he can't drive 25 mph without working hard at it, and people speed on his road all the time. Mr. Cottrill shared that Route 11 in Wilmot is 55 mph zone and Danbury is 50 mph. If people are going too fast or are on his tail, he pulls over and lets them go by. He suggested that there were other ways to combat this problem. To create a 40 mph zone when it is truly a 50-55 mph zone wouldn't be good for the approach to the Town of New London.

Mr. Cottrill felt that the speed limit sign should be at the top of the hill, but believed that people would still speed.

Bill Andrews said he was in favor of dropping the speed limit. There was quite a population that lives there, which he felt was the key reason to drop the speed. Mr. Andrews opined that one of the best things the town could do would be to put a sign at the Transfer Station that says "Welcome to New London, Please Drive Carefully." He felt that this would alert the drivers that they were entering a community.

Chief Seastrand suggested that perhaps more speed data is needed, and suggested that it could be collected by the DOT, who has counters that tell how fast cars are going. The Town of Hanover has their own counter, which has been offered to New London. He would check with the State first and if they wouldn't put a counter out, he would ask permission to use the one from Hanover. That would give some data on date/time and type of vehicle and how fast it was going. They could put it in a bunch of places to get accurate data, but they would need to decide on this soon. Ms. Levine said that the last time the Board of Selectmen requested a speed limit change, the State did a study to get the data.

Ms. Levine said there were some emails that had come in for and against the speed change. For the record, she said that Steve Ensign and Cotton Cleveland opposed the change, and Christopher Jensen, John Rogers, and Cliff Coy had e-mailed in favor.

Mr. Kaplan said that he is not ready to make a decision yet and would need to get more data. Mr. Bianchi said he was sympathetic to the petitioners, but he thinks people would still speed if it was posted at 40 mph. People who drive improperly are not going to abide by the new speed limit. He is in favor of getting the information that Chief Seastrand was referring to. Mr. Bianchi said he does go on those roads off Newport Road throughout the year and recognizes the challenges raised but would still like more information. Chair Helm asked Chief Seastrand if the Police Department has increased the number of folks they've had to stop for speeding in this area. Chief Seastrand said that they have. They have purposely set out to stop people who are speeding, as with increased presence comes increased summons and increased awareness.

Chair Helm said that in Sunapee it was her understanding that they have achieved their success with keeping speeders at bay by being very attentive to enforcement. Chief Seastrand said that Sunapee has an advantage, as they have just the one main road leading into town to monitor. Chair Helm said that to her, it was interesting that if they focus on one part of town and people remember to be careful there because of increased enforcement, they can then move on to other areas in town to do the same. There are a number of places that are problem areas for speeding in New London. The locals will get the message and slow down, and visitors should go slower as well. Chief Seastrand said he would like to spend more time on Newport Road, but asked residents to be mindful that they do have other places in town to patrol.

Chair Helm noted that New London had just one electronic sign at this point. She had suggested earlier that Ms. Levine look into cost-sharing with the neighboring towns to see if they would be able to purchase more electronic signs together. Ms. Levine said that Sunapee does not have a sign, as it was stolen in Plainfield during the Ed Brown controversy. Newbury has one, but there was not a lot of agreement that a sign would be a good joint purchase.

Jack Sheehan said that while it is true that the State does set the speed limit due, it is also true that this speed limit was set 35-40 years ago. He questioned when the last time the State checked the demographics on that road to see if it still met current standards.

Robert Scott from South Cove Road asked the Board of Selectmen to ignore what practices may be followed in New York and California and do what is appropriate for the good people of New London.

Tory Lambert of the Murray Pond Association agreed with Mr. Sheehan that the demographics in their area have changed. More families, bikers and walkers seem to justify a change in speed limit. A speed limit posted at 40 mph would still decrease speed better than a posted 50 mph. It may not result in everyone complying, but he felt it would lower the overall speed.

Chair Helm said she was empathic to those living off of those roads and assured them that they would make the best decision they could.

Norm Bernaiche – Assessing Update: Chief Assessor Normand Bernaiche was present to discuss where the statistical update stood with regards to a completion date and what he has found in the field so far. He distributed a handout listing the sale properties and showing his analysis of those properties that sold.

The first page of his handout listed some common definitions they use in the assessing field, which he thought might be useful during the discussion. The second page summarized property sales in New London from 4/1/2009 to 8/4/2010, about 16 months. There were 87 sales that they used to establish their analysis. The goal was to have a median assessment-to-sales ratio of about 95-96%. Mr. Bernaiche said that the good news was that the COD (Coefficient of Dispersion), which is an important measure of fairness, is below 8. Zero is the best score, and the State standard is 20. They are in good shape in New London, which means that different types of properties are assessed fairly and proportionally. He offered that the more sales they have, the better the analysis can be. Rural towns with fewer sales tend to have a higher COD.

The third page shows sales back to 4/1/2008, which adds another 50 sales to their analysis. He said it is useful to go back farther in time because the analysis did not fall apart when looking at 2.5 years' worth of sales. The fourth page showed the sales analysis by category of land use, such as residential, commercial, condos, or vacant land. Mr. Bernaiche explained that they shoot for an average, as the market is not perfect. Ms. Levine said the goal is to get properties that sold and then to adjust those figures to bring them into the parameters that are required by the State, and then use those adjustments as a model to expand to town-wide properties as a whole. She cautioned that this is still preliminary at this point, so any assessment figures in this report may change before they are finalized. Mr. Bernaiche said they are going to view neighborhoods again. He gave one example of highway noise being something that affected the sale prices of some homes.

The fifth page summarized sales by building style. Some types of homes did not have many sales, so those averages are not as reliable as those that many of the style had sold. The sixth page summarized sales by the age of the home and measures depreciation in the market for what people pay for newer/older homes. It is studied in 10-year increments. Subsequent pages listed summaries by sale price, lot size, building size, sale date, condominium complex, and land neighborhood.

Mr. Bernaiche explained that building larger costs less per square foot. It is the basic economic theory that holds true. The smaller the buildings get, the more per square foot they will cost. Mr. Bernaiche said that some homes do not belong to a neighborhood as they do not belong to a similar area or similar construction type. Neighborhoods are generally houses among others that were built around the same time, are similar in design and in size.

Mr. Bernaiche said that with respect to the grade of residential properties, they determine what qualities are present and what grade of materials were used. He and the assistant assessor look at the sales and

determine the grades and design appeal and apply that to the field. If residents' values change it could have been because of the grade they received. Mr. Bernaiche said that they are in the process of a full field review to look at least at the exterior of every property.

Mr. Bernaiche referred to a spreadsheet he generated that showed the net result of \$16,400 of adjustments made to the sale properties. Some values went up, some went down, and some stayed the same. Ms. Levine asked what kind of conclusion this revealed. Mr. Bernaiche said the net result at the end when they apply the model to the total population of properties that haven't sold, should be a net zero gain town-wide. He said that the grand list will not change much, but some neighborhoods and types of properties will change a lot and some will change a little.

Renata Kannler asked how they figure that a house that was once evaluated for \$326,000 is now evaluated at \$478,000, when nothing has changed. Mr. Bernaiche said the neighborhood she is talking about -- Great Pines -- had been assessed based on sales from 2005. Those homes were always assessed at less than what they had been selling for. Hilltop, on the other hand, has been over-valued when looking at sales from the last couple of years. Mr. Bernaiche said that if someone has an issue with their individual assessment, they are welcome to contact the assessors to discuss it. He encouraged people to talk to them with any concerns.

Ms. Levine said that the project timeline is to bring the final assessment to the Board of Selectmen on September 20 and then send change in value letters to the community later that week, with old and new values, along with information on how to contact the assessors for informal hearings. Because the values have to be filed with the State by early October, there would have to be a drop dead date for any changes until after the tax bills go out, and then they could file for abatement until March 1 of next year.

Mr. Bianchi asked if they'd have to re-do their update if every house sold in New London for less than the assessment. Mr. Bernaiche said no, if they all sold across the board at that level, because it would still be proportionate. Lowering assessments in that manner would have the result of increasing the tax rate.

Chair Helm said that Mr. Bernaiche had said in a previous meeting that at best, the market was imperfect. Mr. Bernaiche cautioned the Selectmen that when the results come out, there will be people complaining about their assessments, and he asked the Selectmen to let the process run its course. He felt strongly that everything could be fixed and emphasized his intention to assist property owners.

Bob Lavoie asked what category of houses was going up in value. Mr. Bernaiche said he hadn't looked at that information to draw any conclusions.

Chair Helm said she looked forward to the assessor's final report on September 20. Mr. Bernaiche thanked the Board of Selectmen.

Utilities Chapter: Ms. Levine said that the Planning Board would be discussing the Utilities Chapter of the Master Plan at their meeting on September 14. Ms. Levine thought that the recommendations section of the chapter should include the Board of Selectmen's recommendations to the Planning Board, which is why she put this on the agenda for tonight's meeting.

Mr. Bianchi said he didn't know if they should or could make a lot of comments on the recommendations because some of the data in the chapter was way off. He was uncomfortable making any decisions with some of the figures being incorrect. In particular, Mr. Bianchi was concerned with the figures Ken McWilliams came up with for the number of new dwellings that would be created in the future. He felt the numbers were way off.

Mr. Kaplan agreed that the information was incorrect and referenced page 20, where the 2020 Colby-Sawyer College student population was referenced as being 1,100 students. Mr. Kaplan noted that it is 2010 and the student population is already over 1,100.

Ms. Levine said that she would ask Ken McWilliams to review the data, but that the Board of Selectmen could still talk about whether and how the sewer system should expand in town and also whether they should expand to portions of Little Lake Sunapee, Elkins, etc. Ms. Levine said that a recommendation could be to examine the capacity of the sewer plant. Mr. Lee said that eventually they may reach capacity and maybe it was time to talk about what they would do if they reach capacity within ten years. Mr. Bianchi said that he has brought up this point in the past. Chair Helm asked how far they were from capacity at present time. Ms. Levine said that the wastewater treatment plant is permitted to receive 620,000 gallons per day, and New London is allotted 65% of that, or 403,000 gallons. Currently New London sends an average of 380,000 gallons. Ms. Levine said that their contribution to the sewer is getting lower as they tighten up the system.

Ms. Levine asked if the Board of Selectmen was okay with the chapter recommendations as written. She wanted to make sure that they had a chance to chime in before it went to the Planning Board. She added that some expansions that can happen within the system could actually save money for the users, as operating costs are split among the users. More people on the system gives an environmental benefit as well. Mr. Lavoie suggested they do a preliminary design study on what areas would be appropriate for expansion, and how they could make such expansions work. Ms. Levine said that this was envisioned in the second recommendation, as it suggests setting up a task force to address these issues. Mr. Lavoie suggested listing the things the task force would do. Ms. Levine read aloud the recommendation about the task force and explained that it shows just this request for study of the future of the system.

Chair Helm asked for clarification about recommendation #5, which referred to a "Utility Service Area." Ms. Levine said that Mr. McWilliams came up with this recommendation and she did not know the genesis of it. Mr. Lee said that he thought it was to set up something similar to the Water Precinct, which has boundaries that could not expand. Mr. McWilliams was looking at where the boundaries exist now, but also to re-draw the boundaries for the utilities. Mr. Lee thought this couldn't be done until recommendation number two is done. Ms. Levine said that it seemed that the implication was to look at ways to expand the sewer without the user-pay approach.

Mr. Bianchi and Chair Helm both said that they had no problem with the way the recommendations were written. Mr. Bianchi said that they should make every effort to have the information as accurate and reasonable as possible as it is the document they will reference for the next 10 years.

Mr. Lee said that he had nothing to add and said that he and Ms. Levine had made changes previously. He said that some of the numbers that were from Mr. McWilliams seemed off, but he did not know how they were figured. One thought was that he was getting information from State projections, which in his prior experience are not generally valid. Chair Helm said that they will need to make sure the information is relevant to New London and not just the State of New Hampshire.

Elkins Dam Update: Ms. Levine said that at the meeting with town counsel last week, the Selectmen decided that they wanted to select an attorney for a second opinion about the dam. Bart Mayer offered three names, but one individual was not sure he would be available. The other two have agreed to give a second opinion but will not otherwise represent the Town in the matter. The first attorney's name is William Dresher, an attorney in Milford, NH who represents towns such as Amherst, Brookline, Milford, and Temple and has been practicing since 1968. The second is Peter Loughlin, who also has a municipal

practice and authored a multi-volume book on New Hampshire municipal law. The third attorney is Walter Mitchell, of Mitchell & Bates Law Firm out of Laconia, NH. Ms. Levine felt that the Board of Selectmen should make a decision on who to hire for the second opinion. She explained that she would send an information packet to the lawyer they chose to get their opinion.

Mr. Kaplan said that he thought that if the recent construction estimate had been closer to Steve Jesseman's estimate in 2005, they would have nothing to discuss now. The difference in numbers was because DES changed the criteria and regulations governing dams, and between the time they passed the resolution at Town Meeting and today, the price changed. He asked Ms. Levine to ask the attorney if the regulatory changes would make a difference in the town's commitment to the owner to take possession of the dam.

Ms. Levine said that she talked to an engineer named Charlie Hirshberg, who has done dam work and other work for the town. She asked him for two things: an estimate to do a peer review and independent analysis of Mill Pond Dam, and an estimate for responding to the Pleasant Lake Dam issues. Ms. Levine said that Mr. Hirshberg felt that there were some solutions that were not in the Clough Harbor report. Mr. Hirshberg's proposal was \$5,000 for the peer review. Mr. Hirshberg would be working with a geotechnical engineer for the peer review and second estimate of the cost.

Mr. Bianchi said that if they spend this \$5,000, they will have spent \$11,000 on a dam the Town doesn't own. Ms. Levine suggested that they wait until after the second legal opinion before spending the \$5,000.

After some discussion, the Board of Selectmen asked Ms. Levine to contact Mr. Loughlin for a second opinion, and if he were not available then contact Mr. Dresher.

Chair Helm distributed a copy of an article sent to her by Karen Ebel about a dam in Swanzeey.

Celeste Cook asked if Ken Miller was the owner of the dam. Mr. Bianchi answered in the affirmative. Mr. Lavoie asked if these were recently upgraded deficiencies. Ms. Levine said that the hazard category was changed in 2007 and the first letter came in December of that year. The second letter came in December 2009. She said that the deficiencies were the same, but the categories were changed, which affected the regulatory requirements.

Ms. Cook said that as an Elkins resident, her concern was what was happening to the community. A house was torn down that day, and another across the street has a large hole in the roof. She felt the community was deplorable and that some attention needed to be paid to that part of New London. Ms. Levine said that one of the purposes of investing in Elkins was to help restore the historic nature of the village. Mr. Bianchi agreed that the dam looks much better with water running over it, but that does not address buildings falling down in town, and he said that it does not make sense to build sidewalks that lead to nowhere. Ms. Levine said that they have to start somewhere, and that often public investment leads to better private investment, such as what happened on Newport Road after the first sidewalk was constructed in 2003.

Non-Public Session: Ms. Levine suggested going into non-public session now to talk about a Police Department employee, and then they could return to public session and Chief Seastrand could leave the meeting.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to enter into non-public session to discuss a personnel matter pursuant to RSA 91-A:3 II (a). THE MOTION WAS APPROVED

UNANIMOUSLY. Bianchi: yes, Kaplan: yes, Helm: yes. Chief Seastrand and Ms. Levine joined the Selectmen in non-public session, and the public departed.

Upon returning to public session, Chair Helm said that they needed to discuss whether or not to eliminate a full-time position within the Police Department that had been vacated. The question came up in non-public session but should be discussed in public.

IT WAS MOVED (Peter Bianchi) to not fill the full-time position vacated by Rob Thorp in the Police Department. The motion was not seconded.

Ms. Levine said that she and Chief Seastrand would come back with a hiring recommendation. Chief Seastrand said that the State has cut back on its training budget and is running two academies per year instead of four. They missed the cut-off for the part-time academy because he didn't get the paperwork in on time. With a new officer going through the training, the best case scenario is new officer on the road in March, 2011.

Minutes of August 23, 2010: Mr. Bianchi identified two minor typos. IT WAS MOVED (Mark Kaplan) AND SECONDED (Tina Helm) to approve the minutes of August 23, 2010, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

#### New Business

LGC Floor Proposals: Ms. Levine reminded the Selectmen that she would be representing the town at the legislative policy conference on September 17. She referred to floor proposals that had been made since the Selectmen reviewed the previous legislative policy recommendations. The Selectmen authorized Ms. Levine to represent the Town on the floor proposals as well.

#### Old/Pending Business

Cell Tower Lease: Ms. Levine said that she had forwarded the Board of Selectmen Town Counsel's thoughts on language requiring the cell phone tower company to lease to certain vendors. They could ask this of the cell tower company and they would have the option to agree to the lease based on that term. Ms. Levine indicated that the cell tower company has seen all the other corrections to the lease, but are waiting for this last correction before responding.

Mr. Bianchi said that if it goes through and 85% of the users wouldn't be serviced, they'd have egg on their face. Ms. Levine said that Town Meeting approved the tower, and if they want to add language for a penalty for not trying to negotiate with certain constituents, they could do that, but the cell tower company may not agree to it. She noted that at Town Meeting they decided to make this a condition of the lease, and she drafted language that tried to capture Town Meeting's request while allowing some flexibility in the lease. Ms. Levine said that she felt the tower would serve the people in this community as she gets calls from citizens asking about it, as there are many dead spots in this area.

Mr. Bianchi wondered what would happen if they use her language and the tenant agrees, but they don't negotiate with the other carriers. Would they just let them put the tower up? Ms. Levine said the language says that they have to demonstrate that they made their best efforts to negotiate. Ms. Levine said that the Board of Selectmen can modify that paragraph; she had just provided language to get the discussion started. She was just trying to get the lease to reflect what the Board of Selectmen wants for the town and its voters. Ms. Levine said she thought she said at Town Meeting that negotiating with local carriers "could be" a condition of the lease.

After further discussion about the paragraph as written, Ms. Levine said she would review the tape from Town Meeting to confirm what was said to the voters. She said this would put the issue off for another two weeks.

Colby-Sawyer College Generator: Ms. Levine referred to attached documentation and explained that last year the Board of Selectmen authorized \$25,000 of FEMA funds to be contributed to Colby-Sawyer College for a generator. The College is now ready to move forward with the purchase, and since they have revisited some previous decisions, Ms. Levine wanted to make sure this Board of Selectmen still approved of the decision. Ms. Levine noted that they are only contributing towards the purchase and are not purchasing it. The cost is approximately \$70,000 for the generator. The Town owes the College \$12,000 for shelter expenses from the 2008 Ice Storm, but both the College and the Selectmen agreed that the funds should be used for the purchase of the generator.

The three Selectmen agreed they were still on board with this contribution.

#### Town Administrator Report

Single Stream: Ms. Levine said that she had no recommendation ready for this yet. Two proposals have come in; one from the Concord Co-Op, which was their general contract, and one from the Northeast Resource Recovery Association. There has been no final proposal from Best Way.

Community Facilities Chapter: Ms. Levine said that she has finished a draft of the chapter but is still going through some numbers and tweaking it. She asked the Selectboard to take some time to look at it, as it was weak on recommendations with the exception of Library, Recreation and Fire Department. Ms. Levine will put this on the September 20 agenda to finalize.

#### Committee Meetings and Reports

Planning Board, August 24: Mr. Bianchi said that the Planning Board gave Ellie's Café permission to do what they wanted to do with additional seating. There was more than one minor subdivision and they authorized a dead tree to come down.

CIP Meeting, August 30: Mr. Kaplan said that they went over the CIP page by page with few or no changes. The largest was the library, which will bond for 2011- 2013. They decided not to fund the Recreation Capital Reserve Fund. Ms. Levine said that she has sent the final draft out to the committee but hasn't heard anything.

Ms. Levine said that the CIP will now go to the Planning Board and then on to the Budget Committee.

#### Upcoming Meetings & Special Events

Employee BBQ, Wednesday, September 8: Ms. Levine invited the Selectmen to stop by this employee-appreciation event, paid for by money from the Wellness Grant.

Emergency Services Event, September 13: Ms. Levine said that Michael and Dee Doheny organize an annual event around September 11 for emergency services personnel. This year it would be held on September 13 at 4:30-6pm at the Fire House.

CAC, September 11: Ms. Levine asked to confirm that the Selectmen plan to talk about the budget process. Mr. Bianchi said the Mill Pond Dam might come up. Chair Helm said they should just say that they are getting second opinions on legal and engineering estimates.

Election Day – September 14: Mr. Bianchi will cover from 8am – 12:00 noon, Chair Helm from noon – 4:00 pm, and Mr. Kaplan from 4 pm – 7 pm and during the ballot counting.

Planning Board -- Utilities Chapter: Mr. Bianchi will already be there and Chair Helm will join him.

Joint Board of Selectmen: Ms. Levine said that no decision has been made on a meeting date for the joint Boards of Selectmen.

Joint Sewer Meeting, Thursday, September 30: All will attend

There being no further public business, Chair Helm asked to go into non-public session pursuant to RSA 91-A:3 II (a) so the Selectmen can discuss the Town Administrator performance review. Mr. Kaplan moved to go into non-public session, seconded by Mr. Bianchi. Bianchi- yes; Kaplan – yes; Helm – yes. Ms. Levine and Ms. Heath departed the meeting at 9:00 PM.

Application for Building Permits:

- **Extension** - John & Christa Hill, 183 Little Sunapee Road (Map & Lot 059-039-000) more time needed for renovations – Permit #08-093 – Approved.
- **Amendment** – Robert Montagna, Westside Drive (Map & Lot 055-012-004) add 12x16 screen porch to back of house – Permit #10-016 – Approved.
- Pearl Mayman, 456 Main Street (Map & Lot 085-038-000) enclosure/addition for wheelchair lift Permit#10-092 – APPROVED PRIOR TO BOS MEETING, CARD SIGNED BY J. LEVINE
- Brian MacKenzie/IPL Realty, 853 Pleasant Street (Map & Lot 036-002-000) replace barn foundation – Permit #10-093 – Approved.
- Susan & David Reeves, 39 Sargent Road (Map & Lot 086-004-000) interior renovations – Permit #10-094 – Approved.
- Malcolm & Ingrid Wain, 408 Sugarhouse Road (Map & Lot 034-015-000) demolish old house – Permit #10-095 – Approved.
- Francis Haines, 217 Tracy Road (Map & Lot 129-020-000) remove & replace deck – Permit #10-096 – Approved.
- Colby Sawyer College, 541 Main Street (Map & Lot 085-033-000) erect prefab shed – Permit #10-097 – Approved.
- Benjamin & Deborah Barton, 52 Main Street (Map & Lot 073-045-000) replace & enlarge deck – Permit #10-098 – Approved.
- Ilene Wheeler & Jeffrey Blake, 130 Sutton Road (Map & Lot 123-028-000) renovating farmhouse – Permit #10-099 – Approved.
- Michael J. Mahar, Northwood Lane (Map & Lot 104-007-000) new 3 bedroom home – Permit #10-100 – Approved.

Application for Temporary Sign Permit:

- New London Rotary Club, sign at Information Booth for beer & wine tasting & auction – 9/23/2010 @ 5PM – Approved.

Intent to cut applications:

- P. Brian Kim, Jr. – 271 Burnt Hill Road – (Map & Lot 029-007-000) Approved.
- Peter Messer – 997 King Hill Road – (Map & Lot 118-003-000) Approved.
- Marilyn Kidder – 139 Knights Hill Road – (Map & Lot 101-009-000) Approved.

Other:

- Disbursement and payroll voucher -- September 7, 2010 - Approved.
- Appointment card for Geoffrey R. Daley, Patrolman – Approved.

The Board of Selectmen returned to public session at 9:50 PM and adjourned the meeting.

Respectfully Submitted,

Kristy Heath, Recording Secretary  
Town of New London