

**BOARD OF SELECTMEN
MEETING MINUTES**

June 13, 2005

PRESENT:

Mark Kaplan, Chair, Board of Selectmen
Ruth I. Clough, Selectman
Douglas W. Lyon, Selectman
Jessie Levine, Town Administrator

OTHERS PRESENT:

Denise Andrews, New London resident
Jeff Andrews, New London resident
Peter Angus, New London resident
Beth Cahill, New London resident
Joseph Cahill, New London resident
Carolyn Ellison, New London resident
Pam Green, New London resident
Mark Green, New London resident
Robert and DJ Lavoie, New London residents
Kit Ross, New London resident
Britt Ross, New London resident
David Seastrand, Chief of Police
Peter Stanley, Zoning Administrator
Harry Snow, New London resident
Michael Feeney, attorney for Harry Snow
David Cole, attorney for Harry Snow
Drew Wilkins, New London resident
Debbie Cross, Intertown Record
Carolyn Dube, Argus Champion

Chair Kaplan called the meeting to order at 7:00 PM and opened the public hearing on the proposed skateboard ordinance. He explained to those present that there were two handouts: one was the original proposed skateboard ordinance for which this public hearing is being held, and the second is an alternative ordinance for consideration. Ms. Levine explained that the first proposed draft allowed skateboarding on sidewalks under certain conditions, but the Board of Selectmen had received feedback from residents concerned that the use of skateboards on sidewalks would conflict with pedestrian use, so Ms. Levine had drafted a second ordinance prohibiting skateboards from using the sidewalks and also from using certain streets, which had been the primary goal of the Police Department.

Chair Kaplan read aloud the original proposed ordinance:

Pursuant to the authority conferred under the provisions of RSA 41:11 and RSA 41:11-a, and following a properly noticed public hearing on June 13, 2005, the Board of Selectmen of the Town of New London enacts the following ordinance regulating the use of wheeled skates, scooters, skateboards, or other similar devices on public sidewalks,

public buildings parking lots, streets, public ways, or any Town or State of New Hampshire property within the Town of New London.

For the purpose of this Ordinance, "Skateboard" shall mean any wheeled skates or wheeled vehicle of any material, with or without power, with wheels attached to the underside, intended and designed to be propelled by at least one foot on the vehicle at the time of initial propulsion. This definition does not include bicycles or roller-skis. "Skateboarders" shall mean the users of any such wheeled skates or wheeled vehicles.

It shall be unlawful for any person to ride on or propel Skateboards on or in public buildings, parking lots, streets or public ways within the Town of New London. The use of Skateboards is allowed on public sidewalks and shall be subject to the following regulations:

- A. Skateboards may be used on public sidewalks within the Town of New London only between the hours of 1/2 hour after sunrise and 1/2 hour before sunset.
- B. When using Skateboards on public sidewalks, Skateboarders shall stay to the side furthest from the roadway as is practicable and shall yield the right of way to all pedestrians.
- C. When approaching a street or public way, Skateboarders shall come to complete stop, dismount and pick-up the Skateboard, and carry it across and/or along the street or public way until the Skateboarder has returned to a public sidewalk. This section shall not apply to wheeled skates such as roller-skates or roller-blades that cannot be easily removed or dismounted.
- D. Skateboarders may not attach, connect to, be towed or in any way propel or be propelled by any vehicle, bicycle, or other transportation, motorized or non-motorized, including other Skateboards or Skateboarders.
- E. Skateboarders shall not operate, ride on or propel any Skateboard at a speed greater than is reasonable or prudent under the conditions then existing or in such a manner that may endanger any person or damage any property.
- F. Skateboards shall not be used to carry more than one person at one time.
- G. Ramps, props, incline devices, or other peripheral equipment may not be used on public sidewalks.

The penalty for such violation of this ordinance shall be \$25.00 per occurrence; such penalty shall be punished as prescribed by RSA 31:39 for each offense. Dated this ___ of June, 2005.

Chair Kaplan asked Police Chief David Seastrand to explain why he had asked for a skateboard ordinance. Chief Seastrand said that he had proposed the ordinance as a result of the numerous complaints about skateboarders received by the Police Department, 15 of which he brought with him. Many of the complaints were about skateboarders on Main Street, Route 103A, and the large longer hills in New London. He said that he wants to get the boards off the streets but not curtail their use altogether. He had thought that the sidewalk would be a safer place for skateboarders, but in hindsight can see that the sidewalk is not particularly safe either. His goal is to get people off of public streets and public buildings, where damage has been occurring, while also keeping them safe. He said that he has not

wanted to arrest skateboarders using the criminal statutes so he had asked for a town ordinance with a less severe fine.

Chair Kaplan then invited comments from the public, asking speakers to identify themselves for the record. Peter Angus spoke first, and said that he is curious about whether the Town has performed any public education or outreach prior to proposing this ordinance, which is rather restrictive. He said that in the past, there had been educational efforts promoting bicycle safety and the use of bike helmets. He asked what kind of public education had been provided to kids prior to instituting a penalty, and suggested that punishment should not be thrown out without education. He said that many kids would see this ordinance as a restriction on their personal rights and freedoms, and the resulting behavior might get worse before it gets better, as kids might make bad choices.

Denise Andrews said that she has the same concerns and suggested that the Town hold a skateboarder safety class. She said that the Police Department had bicycle safety programs when her kids were little, and said that skateboarding is another model of transportation and should be treated the same way. She said that sometimes she has ridden in the middle of the road on her bike and no one has complained.

Chair Kaplan said that he has no objection to holding safety classes. He said that it would make sense to have the ordinance and then teach skateboarders how to be safe within the ordinance. Ms. Andrews asked the Selectmen who this ordinance attempted to protect: the children? The Selectmen concurred. Ms. Andrews asked why then the ordinance was only focusing on skateboarding and not other activities, such as bicycling.

Chief Seastrand said that the Police Department has not issued summonses or arrested anyone but has attempted to educate them on where they can safely skateboard. He said that the officers are trying to educate users when they speak to them and ask them to be careful. However, he said that bicycles have brakes and skateboards do not, and when they have asked skateboarders about brakes, some kids showed that they intended to use gloves from Clarke's Hardware to slow down and thought that reflectors on their backpacks were enough. He said that those items are not adequate when users are going down hill, and there have been instances of skateboards (not boarders) flying out in front of cars.

Matt Green said that he has ridden skateboards since he can remember, and he has talked with Chief Seastrand in the past. When Mr. Green was in the 7th grade, he was taken home for riding down the center of the road at night. He said that some of the burden of education is on the skateboarders, because people who don't skateboard do not realize that there is stopping ability. He said that skateboarding is still so new that many people don't understand that what looks like turning in the road and taking up the whole road is actually a method of slowing down. He said that he has spoken to many people and some tell him to keep riding, including on hills. He said that it is common courtesy for skateboarders to smile and wave and get out of the way. He said that if someone is speeding [in their car], we don't ban driving altogether. He acknowledged that some kids have had problems but others have not. He said that longboarders prefer the roads and do not deface property or chip railings. He thinks longboarding is just too new for people and needs an adjustment period.

Pam Green, Matt Green's mother, said that this discussion reminds her of a few years ago when snowboarding was introduced and skiers did not like it. She said that she could see it coming with skateboarders. There are some very skilled skateboarders and they should not all be lumped together. Some are very much in control and are very polite. She reiterated that this is a mode of transportation for kids.

Ms. Clough asked if there is still a bike safety program at the school. Chief Seastrand said that there has been no big interest recently but that the Police Department has the materials and capability. Ms. Clough

said that it sounds like we need education on both sides of this issue. Mr. Green said that he would be willing to help. Ms. Clough said that her concern had been safety on the roads and interaction with vehicles. She said that Matt Green may be in control but the drivers may not know that and do not know how to deal with skateboarders.

Chair Kaplan said that he wanted to back up a bit, because the proposed ordinance confines boarders to sidewalks. He asked the other two Selectmen if they were in agreement that skateboarders should not be confined to sidewalks and that the Selectmen should not pass this ordinance. The other two Selectmen agreed. Ms. Andrews said that if skateboards were going to be confined to the sidewalks, then the Town should be prepared to spend some money because there are not a lot of sidewalks and the ones we have are not even good enough to walk on in some cases. Chair Kaplan agreed that sidewalks are not the place for skateboarding.

Pam Green said that there needs to be education of drivers as well. She said that on Main Street, the sidewalk may be the appropriate place for skateboarding, but on the remaining roads the skilled kids respect the drivers and drivers should respect the kids. She asked Chief Seastrand what the complaints consisted of: were they loud or dangerous, or were people just complaining that the skateboards were being used?

Chief Seastrand said that some of the complaints related to skateboard use on business properties, while others came from use on Route 103A or Knights Hill Road and County Road. He said that there are concerns when the skateboarders are taking up the whole road and both lanes of traffic. He then listed the complaints received: Gould Road (riding in the middle of the road); Clarke's Hardware; Parkside Road (weaving in and out of traffic); County Road (dark clothing at 5:00 PM in November); South Pleasant/Main Street (2 complaints about skateboarding in traffic); Town Office building (skating down the stairs and on the rails) and on the Bandstand; Main Street (warning given); and Pleasant Street (someone reported that he had almost hit a skateboarder).

Matt Green said that it sounds like there have been a lot of complaints from unhappy people who don't like to see kids having fun. He said that on Gould Road, someone near the bottom of the hill yelled and swore at him and his friends. He said that person was more rude and disrespectful than any of the skateboarders, and he added that people are in too much of a rush and need to slow down and enjoy life. Pam Green said that on Gould Road, people can see from the top to the bottom, and there is opportunity for drivers to slow down so skateboarders could pull over.

Carolyn Ellison said that she lives on Gould Road and has been close to filing a complaint a few times, particularly when Colby-Sawyer College is in session. She said that the road gets hectic and dangerous, but sees no reason why skateboarders could not share the road as long as everyone recognizes that they are using it. Matt Green said that 75% of the longboarders he skates with are from Colby-Sawyer. Ms. Clough asked Ms. Ellison how she would suggest educating the kids and public. Ms. Ellison said that education begins at home; kids should be taught to go to the side of the road, wear proper safety equipment and not to wear dark clothes. She said most of it is common sense. She also suggested that skateboarders should not use Gould Road during the busiest times. Colby-Sawyer kids are sporadic and sometimes come through at 2:30 PM, when school is getting out, or during lunchtime. She said that most children are not on the roads at that point. She said that she does not want to encourage skateboarding on the road, but also doesn't want to see it go. She said that Colby-Sawyer students have been seen grabbing a bumper for a ride back up the hill; she thinks the college students are the issue.

Chair Kaplan said that when the Selectmen discussed the proposed ordinance with the Citizen's Advisory Committee, someone mentioned the idea of designating certain streets or times of the day so that people knew when the skateboarding would be happening. Kit Ross said that she lives on Knights Hill Road,

and her son's primary means of transportation is his skateboard. She said that if some roads are prohibited, then that leaves no way for her son to get anywhere. She said that her son was hit on his bike near the Fire Station and feels much safer on a skateboard because he can jump off a skateboard faster than he could jump off a bike. She added that she would rather see some skateboarders on the roads than some of the drivers she's seen. She sometimes intentionally walks her dog in the road so that people will slow down when they approach.

Ms. Andrews said that she has been thinking during the course of this meeting, and asked if everyone is simply looking out for the safety of the kids. If that is the case, then the kids know what they are doing; most are operating safely, and it's their lives. She said that she would love to say to her kids that they shouldn't drive or ride a bike and should just walk, but most kids know what they're doing and are as safe as they can be.

Joseph Cahill said that he lives near Rowell Hill Road and frequently skates on the side of Deacon Hill Road. He said that at the bottom of the hill the road goes back uphill again. He said that he and his friend were yelled at by someone who lived nearby. Matt Green said that some of the responsibility rests with the drivers. He said that some skateboarders might stay on one hill for a while and then leave. Just the same, not every driver is going fast, and if he called the Police Department every time there was a fast driver... He said that there are no distractions on skateboards, so they can pay attention to the road. There is no radio, they're not drinking coffee, not looking in the rear view mirror or talking on the cell phone. Boarders can see the entire road in both directions and don't have a blind spot. He said "I'm more aware of where cars are than cars are aware of other cars."

Ms. Clough asked whether parents and kids would approve of reflective clothing such as orange vests. Kit Ross said her kids wouldn't wear them, and in any event she is not in favor of skateboarding after dark. Ms. Clough said that the purpose would be to ensure that people saw them. Ms. Ross said in that case, it should be required for runners, bikers, and everyone else who uses the road. It would be restrictive to apply just to skateboarders. Ms. Andrews said that skateboarding at night is not prevalent and should not be done at all.

Chair Kaplan said that it sounds like putting skateboarders on sidewalks is not going to work. Mr. Lyon agreed that sounds like a fair statement and that was what the Citizen's Advisory Committee said as well. He said that part of this process is getting the reaction from residents, and in general the Selectmen are hearing that residents prefer to leave it as is for now and if skateboarders are injured, those are the breaks. He said that the difficulty is that there are skateboarders who operate reasonably and those who do not. The Police Department's concerns are that without an ordinance, they have no choice but to make arrests, which is extreme. He asked whether the group would support a less restrictive ordinance that allows skateboarders to operate but allows the Police Department to issue fines for operating in an unsafe manner.

Matt Green said that he agrees that there should be laws, structure and rules in order for society to function. He said that it would be understandable to have a fine for someone who really deserves it. Ms. Ross said that the Town also needs to make clear what defines an unsafe manner for both the youth and the police. Ms. Clough suggested that a committee be formed to work with the Police Department to negotiate between people who ride, the parents, and the police. Pam Green said that the driving public needs to understand as well and suggested that they be included in the discussion.

Beth Cahill said that within the umbrella of skateboarding, there are two groups: longboarders, who want the open road, and shortboarders, who want ramps and rails. The ultimate solution needs to include both parts. Ms. Clough said that Bob Andrews, Recreation Director, has been investigating skate parks. Ms.

Levine noted that Joseph Cahill had sent a letter to the editor offering to participate on a committee working on a skate park.

Mr. Lyon said that the first draft of the ordinance was a non-starter, and there would be at least one more public hearing if another ordinance is developed. He said that Ms. Levine and Bob Andrews had sent listserv e-mails to other towns, and they intend to collect ideas. Chair Kaplan asked people in the room to sign up if they were interested in working together to advise and inform the Selectmen. He thanked everyone for coming out tonight and giving their feedback. Matt Green said that he is willing to help with a skate park or giving lessons. He said that part of the learning process is to start small and not go straight to the black diamond course.

Chair Kaplan called the public hearing to a close at 7:50 PM.

Meeting Minutes: Ms. Clough moved to approve the Selectmen's meeting minutes of June 6. Mr. Lyon seconded the motion. Ms. Clough said that she noted one correction: on the first page, the Board of Selectmen approved the road "Snow Lane," not "Snow Hill." Ms. Levine said that she also corrected Amy Rankins's title from Land Use and Assessing Clerk to Land Use and Assessing Coordinator. The minutes were approved as amended 3-0.

Newport/County Road Sidewalk Project: Ms. Levine said that in preparing for the 2005 Town Meeting, she did not realize that the State of NH Fiscal Year 2006 actually started in October 2005, and that therefore the grant funds for the Newport/County Road intersection and sidewalk project would be available this year. She said that Town Meeting approved the expenditure of \$22,000 for the public design process, and due to the availability of funds the Town can recover 80% of the \$22,000 and the remainder of funds could be held to spend in 2006 or 2007. She said that the use of state funds will require a formal "Request for Qualifications," and she has received verbal approval from the State to have a three-part process. The first RFQ will go out for the design and public hearing phase; the second RFQ will go out for the actual design and engineering of the intersection and sidewalk (in 2006), and the third phase will be for the construction bids, which will most likely take place in 2007.

Harry Snow: At 8:00 PM, the Board of Selectmen were joined by Harry Snow and his attorneys, Michael Feeney and David Cole. Mr. Cole identified himself as an attorney from Hanover who is a litigator; he does not do land transactions, etc. He said that he speaks bluntly and lays all of his cards on the table. He and Harry Snow had met with Peter Stanley and Jessie Levine a few weeks ago and discussed the letter that his client had received from the Town. He said that the letter was sent to his client and copied to Lake Sunapee Bank, First Financial Escrow, and Harry's customers, people who have purchased homes from him. He said that the letter was designed to have an impact on his business. He said that there are four issues involved:

The first, for illegal burning without a permit, is a "no brainer." He said that there was an unpermitted fire and they are dealing with that.

The second is that the Town has found a violation for building materials stored on common land. He said that material belongs to Harry Snow for use on personal projects and on his personal home and has been removed. He said that a simple phone call could have had the same result. He said that he is sure that Ms. Clough, who owns her own business, could store extra things on different properties, but he'll leave that argument to another day. In any event, everything has been moved.

Third, Peter Stanley and Jessie Levine were incorrect in asserting that the two subdivisions were tied in together so that Harry Snow's use of one piece of property infected the other entire subdivision. He said that the accusation was made with no research and a reading of the covenants would have explained that lots 1-6 were subject to the [Colonial Operating] covenants but that the seventh lot was not. The

covenants in the [Snowcrest] subdivision explained that the rights to the common land would be assigned to one single lot within the subdivision, which is a matter of record. He said that if a property owner wanted ownership of the common land, it could be bargained for. If it is not assigned, then the property owner does not have the rights. He said that Mr. Stanley could have spoken to Michael Feeney about this question, and gave the Selectmen copies of Michael Feeney's letter regarding the ownership of the common land. He said that Mr. Feeney's letter clearly explained that there is no relationship between the subdivisions until that lot is sold and that has not been done yet.

Mr. Cole asked Ms. Levine if she had discussed Mr. Feeney's letter with Town Counsel. Ms. Levine said that Peter Stanley had met with counsel last week and could respond to that point. Chair Kaplan asked who owned the 31 acres. Harry Snow replied that it is part of Snowcrest. Mr. Feeney said that 31 acres is not where the fire took place and is not part of the subdivision per se and is backland that is not subject to the provisions of the subdivision. Chair Kaplan repeated his question, asking who owns the property. Mr. Feeney said that the developer owns it. Ms. Levine said that the 31-acre piece was part of the Snowcrest subdivision and was used as common land used to provide density for the subdivision. She said that it is not owned solely by the developer but is owned in common by the property owners in Snowcrest, which include the developer. This led to a clarification of the two subdivisions that are being discussed.

Chair Kaplan asked Peter Stanley to share what he had discussed with town counsel. Mr. Stanley said that in Matt Upton's opinion, there are two parcels in the Snowcrest subdivision that were created out of the 31-acre parcel. The assignation of a share of the Colonial Operating common land should go to one of those two parcels and those property owners should be aware of that possibility. If, as Mr. Snow's lawyers believe, the ownership of the common land could be assigned to any property owner in Snowcrest, then there is nothing wrong with notification from the Town. Furthermore, the letter is public information. Mr. Stanley said that the lots in Snowcrest have been sold without ownership interest in the Colonial Operating common lot, but the ownership could be assigned at a later time.

Chair Kaplan said that to clarify, according to the covenants, someone in the Snowcrest subdivision could wind up with 1/7th interest in the Colonial Operating common land. Mr. Feeney said that the interest would be assigned to a future owner. Chair Kaplan said then from the Town's point-of-view, it's common knowledge or should be common knowledge and should be in the public domain. Mr. Feeney asked what that had to do with notifying the property owners and publishing the information in the newspaper. He said that there is a 1/7th interest that does not belong to an individual owner and may stay with his client forever. He said that the Town does not need to notify the universe because everyone could buy a lot. Mr. Cole said that with all due respect, if public notice is due to any buyer who could purchase a lot, then why were those citizens in particular chosen? Ms. Levine said that the notice of violation went to the owners of the common land on which the violation occurred, and that her understanding is that ownership of the common land is shared by the other five owners in the Colonial Operating subdivision and by the owners in the Snowcrest subdivision, because the 1/7th share belongs to the common land in the Snowcrest subdivision.

Mr. Cole said that the Town was wrong in its assumption. Mr. Lyon said that it sounds like we disagree. Ms. Clough asked if the Town still maintains that there is a relationship between the two subdivisions. Mr. Stanley said that according to town counsel, until the 1/7th share is assigned, it could be assigned to anyone within the Snowcrest subdivision, including those who have already purchased property. Mr. Feeney asked if anything had been put in writing from town counsel. Ms. Levine said she will ask town counsel to put his opinion in writing and she will send it to Mr. Feeney and Mr. Cole. Mr. Cole said that the fourth issue to address is the accusation that Mr. Snow had misused wetlands. He said that no research had been conducted by the Town except reviewing aerial photos. He distributed the resume of Peter Schauer, a wetlands scientist, and then distributed his written findings. Mr. Schauer said that based

on soil samples in the study area, no wetlands had been filled. Mr. Snow said that the history of that property is important. It had been a borrow pit during the construction of I89 and had been scraped down to ledge. He said that when he first bought the property, there was a ravine still present but it was just starting to take vegetation. He said that since then the property has grown up and wetlands were created over time and that is the area that we're talking about. He said that he was surprised when Mr. Stanley alleged that wetlands had been filled. Mr. Stanley said that the letter purposely said that wetlands *may* have been filled, not that they definitely had been, and that substantial disturbance of the borrow pit had occurred. Mr. Cole said that a simple phone call would have avoided these problems, and now they have submitted a report from a certified scientist.

Mr. Cole said that Harry Snow's business and reputation have been damaged as a result of these accusations. He said that Mr. Stanley had been quoted in the paper, and he asked why Mr. Stanley had spoken to the reporters. Ms. Levine said that no one has spoken to reporters other than what has been said at Board of Selectmen's meetings. Mr. Snow said that he received the notice on Friday and it was discussed at a Selectmen's meeting the following Monday. He said that there had been talk among contractors before that point.

Mr. Cole said that before he had been an attorney he was in retail, and if someone had a complaint he would much rather hear it in a phone call than in a letter. He said to Mr. Lyon that he assumes the same would go for college operation. He said that he would now like to get into the vendetta or personal grudge that has Mr. Stanley for Harry Snow. Mr. Stanley said that Harry Snow is the one who lit the fire, or his kids did, and he was on the property purely by circumstance. He said that if the fire had not been lit, he would never have gone there. He said that he is not going out and trying to find violations.

Mr. Cole said that whatever Mr. Stanley has against Mr. Snow, no one is disputing his right to respond to a fire and no one disputes that he had a right to be there. He said that there was a small fire left and Mr. Snow's son was there with a bucket loader and a pile of earth and water nearby, and the fire was not out of control. Chair Kaplan said that he had received a note from Ms. Levine after the meeting with Harry Snow, and that Mr. Snow had said that he did not get burn permits because it was such a darn "hassle." He asked Mr. Snow if he had said that, and Mr. Snow said that he had not.

Mr. Cole said that another example is that Mr. Stanley came to Mr. Snow and said that the survey at Snowcrest appeared to be wrong and the houses were too close together. Mr. Cole said that Mr. Stanley had taken a reading with his compass and determined that the survey was wrong. Mr. Stanley said that he called Harry Snow because a new house appeared to be on the property line. Mr. Snow showed him the boundary on the back side and Mr. Stanley talked to Pierre Bedard, the surveyor. Normally, Mr. Bedard's surveys use magnetic north, which is what Mr. Stanley's compass points to. However, this time the survey uses true north, and that explained the difference between the located bounds and the compass. Mr. Feeney said that generally speaking, he would like to point out that a Board of Selectmen has great authority and great responsibility, and it easily gets lost how much authority and power they have.

Mr. Lyon asked that if Mr. Stanley was right about the boundary line, wouldn't Mr. Snow want to know? Mr. Feeney said that he wasn't right. Mr. Lyon replied that dozens and dozens of building permits come through Mr. Stanley's office every year, and while he's not perfect, he is usually right. Mr. Snow said that on the subdivision plan, it is very clear where the survey line was, and as they walked the property the line was still there. Mr. Lyon said that part of Mr. Stanley's job when a building permit is submitted is to check the bounds, and sometimes surveys are wrong. Ms. Clough agreed that it is the Zoning Administrator's job to check setbacks and proper boundaries. She said to Mr. Snow, "when he makes a phone call, you're angry, and when he doesn't make a call, you're angry."

Mr. Snow said that another example is that on his building permits, Mr. Stanley is asking for an inspection after the cellar hole is built and the footings are poured and before the forms are set. Ms. Levine said that inspection was added by the Board of Selectmen for all projects, not just Mr. Snow's buildings. Mr. Feeney asked if that wasn't overkill, having all builders stop work in the middle of a project so it could be inspected. He asked if it wasn't the contractor's job to build a project according to the plans. He said that there is no practical application, and that a contractor has to coordinate the forms people, concrete trucks, and Mr. Stanley to show up to make an inspection. He said that this could translate into hundreds of dollars. He said that the Board of Selectmen has the ability to make people work at their own peril, and if they get it in the wrong place, they should move it.

Mr. Lyon said that it is not easy to ask someone to move a house once it's constructed, and it is far more efficient to double-check before the location is final. Mr. Feeney asked how often a building is put in the wrong place, and Mr. Lyon said that one happened in the last year alone. Mr. Stanley said that another property has just been referred to the Zoning Board for an equitable waiver because it was built too close to the boundary line, and that building was built by Mr. Snow. Chair Kaplan said that this Board believes that it is better to do it now than after; another Board may feel differently, but this was a decision by this Board.

Mr. Cole said that when a subcontractor comes to pour concrete, they come immediately with their trucks and are ready to go. Putting a step in between and waiting until Mr. Stanley gets there could add two weeks to the project. Chair Kaplan said that the Board of Selectmen disagrees.

Mr. Snow asked what is wrong with putting a stake in the corners of the dug cellar hole and contacting Mr. Stanley at that point. He said that then there is flexibility while they wait for the footings to be poured. He said that once they set the footings, they are ready to pour and get to the next step of doing the foundation. He asked if an inspection could be made once the foundation is dug and stakes are set. Mr. Stanley said that he has no problem with that proposal, and the Board of Selectmen approved that change as long as there is an opportunity to check prior to the foundation being poured. Mr. Stanley said he doubts the location would change after that point, and the point is to make sure that there is no change. He said that all of the local builders have his cell phone number and have called him any day, including weekends. He said that he generally comes over as soon as he can, and if he were on vacation he would make other arrangements.

Mr. Snow said that he would also like to address the way fees are calculated. He said that he went to the Selectmen's meetings about the building permit fees and agreed that they should be changed to be comparable to other towns. He said that Mr. Stanley's interpretation is that if a basement has a door leading outside, then it is or could be a walkout basement and is living area that is included in the fee calculation. If there is a bulkhead, then it is not included. He said that at best, only 50% of most walkout basements could be used, and he thinks a reasonable solution would be to count 50% of the basement because otherwise people are paying for something they are not getting. Chair Kaplan said that the Selectmen will take that into consideration but made no promises. He added that Mr. Snow includes the cost of the building permit in the house price and is recovering that cost. Mr. Snow agreed, but asked if it was fair for people to pay for something they're not getting. Ms. Clough said that she hopes that Mr. Snow can come back to the Board at another time to discuss building specs and permitting fees; she would like to know what glitches he is encountering.

Mr. Cole said that in closing, there are two issues he'd like to address. First, he appreciates the Selectmen's time tonight and said that phone calls are important. He said that all of this would have been avoided if Mr. Stanley had made a simple phone call. At the same time, research should be done prior first to narrow down what needs to be asked. Ms. Clough said that Mr. Stanley was within his right to

call Mr. Snow about the boundary line. Mr. Lyon agreed with Mr. Cole that all of this could have been avoided with a phone call: Mr. Snow could have called to arrange for a fire permit and the Fire Department never would have had to go to the property. If a fire permit had been obtained we would not be having this meeting

Mr. Cole said that secondly, when he met with Ms. Levine and Mr. Stanley, Ms. Levine agreed to send a letter to the recipients of the first letter if there were no wetlands violation and no cross-liability. Ms. Levine said that she would still send out a letter once she has something from town counsel. Chair Kaplan agreed that this would happen. Mr. Lyon pointed out that we would do that in any instance where new information resulted in a different conclusion.

Mr. Feeney, Mr. Snow, Mr. Cole, and Mr. Stanley departed at 8:55 PM.

NEW BUSINESS:

Main Street Committee: Ms. Levine said that a memo has gone out to people who expressed interest in the Main Street Committee, and a meeting will be scheduled once she receives a response.

OLD BUSINESS:

Joint Board Update: Ms. Levine said that the Joint Board will be meeting tomorrow morning and hopefully will make a decision about hiring the joint assessor.

There being no further public business, Chair Kaplan asked for a motion to go into a non-public session to discuss personnel matters pursuant to RSA 91:A-3 II (a). Motion Lyon, second Clough. Roll call vote: Lyon – yes; Clough – yes; Kaplan – yes.

Upon returning to public session, the Board of Selectmen voted to seal the non-public minutes for one year (motion Lyon, second Clough). The Board of Selectmen then signed the following items:

SIGNATURES:

Building Permits:

- The Register Family Trust dated 3/5/95, Snow Lane (Map 55, Lot 12-6), permit to construct a new 4-bedroom home with front porch, screen porch, 2-car garage and hobby room over garage – Approved (Permit 05-058)
- Harry M. Snow III, Westside Drive (Map 55, Lot 12-2), permit to construct a new 3-bedroom colonial with attached two-car garage and side porch – Approved (Permit 05-057)
- Ross and Pamela Murfin, 79 Sugarhouse Road (Map 35, Lot 5), permit to screen in and put roof over existing deck (reapplication for permit granted in 2003 that expired) – Approved

Sign Permits:

- Sage's Interiors, 210 Main Street, application for permanent sign permit for one 14 SF sign on post outside building and one 4.5 SF sign on building – Approved

Other Items for Signature:

- Disbursement and Payroll Voucher for the week of June 13, 2005
- Yield Tax Warrant in the amount of \$143.81 – Approved

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- Application for Use of New London Town Commons for the Tracey-Marshall Wedding on Saturday, October 15, 2005 from 1-2:00 PM – Approved
- Application for Use of Town Office Conference Rooms by the State of New Hampshire Department of Safety on June 24, 2005 at 9:30 AM for public hearing on petition to designate no-wake area and placement of “no wake zone” buoy at the far eastern end of Herrick Cove on Lake Sunapee – Approved use of conference room
- Application for Use of Town Office Conference Rooms by Adventures in Learning, on Wednesday, June 22, 2005 from noon-2:00 PM – Approved
- Abatement for Marjorie Bregou, 14 Kearsarge Road (Map 75, Lot 6) – Approved
- LETPP All-Hazards Competitive Grant Application of \$46,995 to State of NH Department of Safety from New London Police Department, for AFIX Fingerprinting System – Approved grant application

There being no further business, the Board of Selectmen voted to adjourn the meeting at 10:05 PM.

Respectfully submitted,

Jessie Levine
Town Administrator