

**BOARD OF SELECTMEN  
MEETING MINUTES**

**February 21, 2006**

**PRESENT:**

Douglas W. Lyon, Selectman  
Ruth I. Clough, Selectman  
Jessie Levine, Town Administrator

**ABSENT:**

Mark Kaplan, Chair, Board of Selectmen

**OTHERS PRESENT:**

Bob and DJ Lavoie, New London residents  
Debbie Cross, Intertown Record

Doug Lyon called the meeting to order at 8:00 AM.

Meeting Minutes: Ms. Clough moved to approve the minutes of February 13, 2006. Second Mr. Lyon and approved 2-0.

Warrant: The Board of Selectmen reviewed the Town Meeting warrant. Ms. Levine noted that articles 3 and 4 asked for two-thirds voter approval for bonding, and noted that these required ballot votes. Ms. Levine said that Articles 15 and 16 are new, based on the suggestion of Town Moderator Cotton Cleveland to create sweep articles that will ask for approval to expend from capital reserve funds in one article as opposed to a number of separate articles. Mr. Lyon pointed out that even though the purchases are combined into one article, they can be discussed and/or amended individually on the floor of Town Meeting. He said that the rationale for combining the items into one warrant article is to possibly shorten Town Meeting while not discouraging discussion. It will be interesting to see how it is received.

Ms. Levine said that Article 23 seeks to establish a revolving fund for recycling that will return most of the unspent funds to surplus at the end of the year. Article 25 sets up a fund for the restoration of the Town Clock at First Baptist Church.

Article 26 seeks to give up a portion of Maple Lane and relinquish it to the Homans, whose property surrounds that part of the road. Currently, the Town maintains that portion of the road that only serves the Homans' house. Mr. Lyon asked for information on the history of the driveway, and Ms. Levine said she would review the files. Mr. Lavoie asked what the cost was for the Town to maintain that portion of the road and the value of that land. Ms. Levine said the land only has value to the Homans, as on its own it has little value and adds cost and time to the Town to maintain and plow. Ms. Clough said that she is in favor of this article because it is one more step towards erasing the Town's years-ago policy of plowing private driveways. Ms. Levine said the only similar situation now is that the Town still maintains Whipple Court, which serves Woodcrest.

Ms. Levine said Article 27 is new and arises from the discussions at the end of the week with representatives of the buyer of the Mesa property in Elkins, who is interested in gifting the dam to the Town. Ms. Levine said this does not finalize the gift itself but enables the Selectmen to negotiate the gift. Mr. Lavoie asked if the gift means that there would be improvements to the building too, and Ms. Levine said that the Town will not touch the building, which will be renovated by the new owner. Ms. Clough said the repaired dam would likely be of benefit to the value of the Mesa property. Mr. Lavoie clarified that any work to repair the dam would have to be the subject of another warrant article in the future, which Ms. Levine confirmed. Mr. Lyon said this warrant article makes it clear that the Selectmen would

have to bring a plan back to the voters. Mr. Lavoie commented that the Selectmen would be known as the "dam Selectmen."

After brief discussion, the Selectmen signed the warrant for the 2006 Town Meeting.

Noise Complaint: Ms. Levine said she had received another complaint from neighbors of a property on Main Street whose residents drive ATVs in their backyard, disturbing the peace in the neighborhood. Ms. Levine said the complainant wants the Town to pass an ordinance prohibiting the noise, which the Selectmen had discussed in November. Ms. Levine said that she polled other towns and learned that the Town cannot control the use of private ATVs on private property, as long as it is not for commercial use. In addition, all of the samples of noise ordinances from other towns show that noise is controlled at night, between 10 or 11:00 PM and 6 or 7:00 AM. She said that the ATV use in New London happens during the day, so these noise ordinances would not prevent the disturbance. Ms. Levine said she had spoken to the Hanover Police Chief regarding one of the sample ordinances, and he had suggested asking the police to enforce the disorderly conduct statute at RSA 644:2 III, which says that a person is guilty of disorderly conduct when:

- III. He purposely causes a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, by:
  - (a) Making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities; or
  - (b) Disrupting the orderly conduct of business in any public or governmental facility; or
  - (c) Disrupting any lawful assembly or meeting of persons without lawful authority.

Mr. Lavoie asked if this is a state law, and Ms. Clough said that it is and therefore it relates to all citizens. The Selectmen briefly discussed the disorderly conduct statute and concluded that the Police Department should be called to respond to these complaints and a Town ordinance was not appropriate.

Joint Boards of Selectmen: Ms. Levine said the Warner Selectmen planned to host the Joint Boards of Selectmen meeting on March 1, which will be at 6:30 instead of 7:00. She asked the Selectmen if she should suggest any topics for the agenda, other than a review of the middle school question. Mr. Lyon said the meeting was originally scheduled to give people an opportunity to hear presentations on both sides of the school location issue, but he was not sure that was warranted at this point. Ms. Levine suggested updating those present on the fiber optics plan, and Mr. Lavoie suggested that a regional discussion on recycling and assessing might be appropriate. He also suggested an update on Exit 9 and the Town's roundabout proposal. Ms. Clough agreed that the agenda should contain more than one item so that the seven towns look toward the future as a region.

Ms. Clough asked whether there had been a discussion in Sutton regarding the affect of the middle school on town services. Ms. Levine said Tom Brennan had indicated that school representatives had met with the Board of Selectmen and various department heads. She pointed out that the Sutton Fire Department had requested a separate emergency exit from the property. Mr. Lavoie asked about the potential for the old middle school property in New London. Ms. Levine said that the school board is open to discussing the possible use for a community center, although that discussion will wait until the vote because of the desire to remain neutral on the outcome of the vote. Mr. Lavoie said the Town should be part of the discussion to address the future use of the New London property, and Ms. Levine agreed.

Mr. Lyon said his concern about the Joint Boards of Selectmen meeting is that it might be used to thumb the nose at the New London site, but if the meeting can be used to discuss other items of regional interest than it will be more worthwhile. Ms. Clough suggested the discussion include the effects of growth at

Mount Sunapee and the lakes. Mr. Lavoie suggested bringing up the question of larviciding and regional public health.

In response to a question from Ms. Lavoie, Ms. Levine said that the meeting is a public meeting.

Deputy Health Officer: The Board of Selectmen noted with regret and appreciation the resignation of Elizabeth Meller as Deputy Health Officer.

Parking Ordinances: Ms. Levine said that Chief Seastrand has requested adopting a no parking zone behind Colonial Pharmacy on County Road, due to traffic safety. This was also recommended by the engineers following their review of circulation in that intersection. She asked the Selectmen when a public hearing should be held. Mr. Lyon suggested holding the hearing after Town Meeting, due to the number of issues on the plate right now.

Newport/County Road Intersection: Ms. Levine reminded the Selectmen of the public forum on Monday, February 27 at 7:00 PM regarding the Newport/County Road intersection. The Selectmen discussed the forum and roundabout safety.

HB 653: Ms. Levine said that she planned to testify that afternoon before the Senate's Energy and Economic Development Committee regarding HB 653, which would enable towns without broadband service to bond to install the infrastructure. She said it appears that Senator Odell, who is the chair of the committee, is favorable to the bill. Mr. Lyon said he has been surprised by the level of support for fiber optics in New London.

**Building Permits:**

- Harry Snow, Westside Drive (Map 055, Lot 012-002), permit amendment for partial finish of unfinished basement area and kids' playroom – Approved (Permit 05-057)
- Judy Curtis, 385 Seaman's Road (Map 086, Lot 002), permit to extend shed dormer to gable end of house combining two second floor bedrooms to make master bedroom and replace eight second floor windows – Approved (Permit 06-005)
- Anne Cushman and Katharine Fischer, 81 Knights Hill Road (Map 082, Lot 039), permit for various additions and renovations – Approved (Permit 06-006)
- Tom Cunningham, 9 Aspen Lane (Map 074, Lot 041), permit for various additions and renovations – Approved (Permit 06-007)
- Aristotle and George Souliotis, 384 Main Street (Map 084, Lot 002), permit for additions and renovations – Approved (Permit 06-008)

**Sign Permit Applications:**

- NONE

**Other Items for Signature:**

- Disbursement and Payroll Voucher for the week of February 21, 2006 – Approved
- Application for the use of the Town Office Sydney L. Crook Conference Room by Kearsarge Adult Diploma Program for Saturday, March 25, 2006 from 1:00 p.m. to 4:30 p.m. – Approved
- Maintenance Contract for 2006 from Cartographic Associates, Inc. – Approved
- Abatement Recommendations:

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Charles and Sharon Hubbell, Lakeshore Drive (Map 037, Lot 005) – Approved  
New Hampshire Land Management Investment (Map 070, Lot 015) – Approved  
Edythe Anderson, 71 Pillars Lane (Map 094, Lot 021) – Approved

There being no further public business, Mr. Lyon moved to go into non-public session to discuss personnel matters, pursuant to RSA 91:A-3 II (a). Roll call: Lyon – yes; Clough –yes.

Upon returning to public session, the Selectmen adjourned the meeting at 10:00 AM.

Respectfully submitted,

Jessie W. Levine  
Town Administrator