



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES May 26, 2009

PRESENT:

Larry Ballin, Chair
Mark Kaplan, Selectman
Tina Helm, Selectman
Jessie Levine, Town Administrator

ALSO PRESENT:

Linda Hardy, Town Clerk/Tax Collector
John Wilson, New London resident (Pleasant Lake Protective Association)
Dick Clayton, New London resident (Pleasant Lake Protective Association)
Terri Bingham, New London resident (Messer Pond Protective Association)
Bob & DJ Lavoie, New London residents

Chair Ballin called the meeting to order at 8:02 AM.

Meeting Minutes: Larry Ballin and Tina Helm made minor editorial corrections to the draft minutes. . . Mr. Kaplan moved to approve the minutes as amended, seconded by Tina Helm and approved 3-0.

Linda Hardy, Town Clerk/Tax Collector: Linda Hardy reported that there are four properties eligible for property tax deeding this year, which means that two years ago a lien was placed on the property for non-payment of 2006 property taxes and those taxes remain unpaid. After two years and a day, the properties become eligible for deeding to the Town. She explained that the Board of Selectmen has the right to refuse to accept a property, but her duty is to notify the taxpayers and their mortgagees and proceed with the full process until the point that the Selectmen make a decision whether or not to deed. Ms. Hardy set the deeding date for August 14 so she will send out the statutory notices by June 15.

Tina Helm asked if that means these people have until August 14 to pay their 2006 taxes and Linda Hardy confirmed that as correct. She said that at 4:00 PM on August 14, if any of these taxes remain unpaid, then the property is transferred to the ownership of the Town for the unpaid taxes (basically, the Town pays the tax collector for the unpaid taxes). A letter is then sent to the taxpayer offering them the chance to buy back the property for the amount of taxes plus costs and fees, and if they do not respond or do not make payment within a certain period of time, then the Selectmen can sell the property or use it as they see fit. Any profit made on the property over and above the unpaid taxes and the town's reasonable costs gets turned over to the former property owner, so the Town does not make money on it. Ms. Hardy explained that in the past, towns could make money on a tax deed sale, but that was changed in the legislature to allow excess money to be returned to the property owner.

Larry Ballin said that there does not seem to be a substantial increase in the number of properties being deeded. Linda Hardy said that there is one more than there usually are at this point in the process. She noted that these four properties all have outstanding taxes in 2007, 2008 and 2009 as well. If the property is taken by the Town, the taxpayer has to pay all taxes in order to reclaim the property. Tina Helm asked

if interest is charged as well, and Ms. Hardy said that currently the interest rate of 18% is charged. That interest rate changes once the property has been deeded.

Mr. Kaplan asked if there are other liens on these properties and Linda Hardy said that the banks have liens on at least three of these (the bank usually pays off the balance before deeding), but she does not know if there are other liens in place. She explained that a tax collector lien supersedes a mortgage, so if we deeded a property the mortgage holder would not get paid. This is usually incentive for the banks to make the tax payment.

DJ Lavoie asked what happens if the Town acquires a property. Ms. Hardy said that the Town has very rarely acquired anything of value. Last year the Town took a lot that could be considered a building lot, but once the Town acquires it, it has to be offered to the property owner first, and if the owner does not want it or cannot pay, then the Town can sell it or do something else. Larry Ballin asked Linda Hardy for an update on the property that we did take last year. Ms. Hardy explained that she contacted the homeowner with the certified letter, and the letter was received and there was no response and the time has lapsed. The Town owns that property outright and can proceed to a sale if it wanted to.

Ms. Hardy said that she would keep the Selectmen updated on the current batch of tax deeds and will meet with them in mid-July to give them the opportunity not to deed a property. If the Selectmen decline to deed a property, then the lien would come up every year. She advised that it is probably not a good precedent to set without a good reason.

Ms. Hardy departed at 8:17 AM.

Milfoil Funds: Larry Ballin referred to the three requests for milfoil funds from the three lake associations (Pleasant Lake Protective Association for \$7000, Little Sunapee Protective Association for \$7,913, and Messer Pond Protective Association for \$4,000). Jessie Levine explained the process that was established in 2002: applications are due in early spring and are first reviewed by the Conservation Commission, which makes a recommendation to the Board of Selectmen, who make the final decision. Ms. Levine said that an application from the Lake Sunapee Protective Association for \$5,000 came in this past weekend, so the total of all four requests is \$23,913. She said there is \$43,000 in the account right now, and if all requests are approved, there would not be enough money in the funds to appropriate again next year without an additional deposit into the funds. She said that the Conservation Commission did not have the LSPA application at the time it considered the other three requests, and their recommendation was to reduce the Little Sunapee request to \$7,500 so as to meet the budgeted amount of \$18,500.

Chair Ballin said that given the financial constraint, he thinks that the Selectmen should not exceed what was appropriated at Town Meeting, and should wait to see what the Conservation Commission thinks about the LSPA application before proceeding. Mr. Kaplan suggested that we should advise the four lake associations that the Town is running out of funds, so it is up to them to make arrangements or do whatever else is necessary. For instance, he said, if we have \$43,000, we should spend a maximum of \$21,500 this year and \$21,500 the following year and leave it up to the lake associations to pick up the balance.

Bob Lavoie asked if the cost increases are explained in the lake associations' applications and Ms. Levine said that the applications are rather detailed. Bob Lavoie asked if the other towns contribute as well and Ms. Levine said that all three towns contribute to Lake Sunapee Protective Association but the other towns do not contribute to the other lakes in their boundaries.

Richard Clayton said that the Pleasant Lake Protective Association's request is level funded from last year but the State is ratcheting down its contributions and the NH Lakes Association can no longer fund the cash flow up front, so the lake associations are being asked to advance the cash this year. So the timing of the receipt of the funds is more important to the lakes this year than in the past. He said there are pressures on all sides, and Larry Ballin noted that there are pressures on the Town's side as well. He is troubled by the idea of spending the cumulative amount and suggested that we divvy up the \$18,500 between the lake associations.

Tina Helm said that the good news is that these programs seem to be working and seem to have support from the lake associations. She does not see this as a time to increase funding.

Terri Bingham said that there is a large difference in the financial abilities of the different lake associations. Some have a lot more money at their disposal than others to fund themselves. The MPPA is small but very vulnerable because the pond is shallow and is popular with fishermen. As a result, there are a lot of fishermen and those are the people who frequently bring in the milfoil and other bad stuff. She urged the Selectmen to look at the different financial capabilities of the associations in determining how to allocate the funds. She said that all associations knew this was happening and that LSPA was late in their request. She reiterated that the NH Lakes Association is no longer going to frontload the payments and a further delay could impact the lake host program at Messer Pond.

Jessie Levine recommended that the full amount requested be approved this year and the lake associations be given a year to plan in advance for the reduction of funds next year, when there is less money in the fund. She said that she did not think it was fair to change the rules in the middle of the game this year after the lake associations had already done their planning.

John Wilson made a plug to level fund the PLPA request. He said that PLPA inspected 1321 boats last year and is handling the same number of boats as LSPA. Dick Clayton said their anticipated cost is \$14,000, of which \$7000 would come from New London, \$2000 from the State, and \$5000 from PLPA's coffers.

Tina Helm asked how long the Town can keep picking up the slack from other agencies and organizations and the State. She acknowledged that the State is going to withhold some revenue that the Town has been accustomed to receiving and said that it seems prudent at our level, where we can have some control, to start restricting requests for increases. She noted that these are great programs and the good news is that all three lakes have benefitted from a great core of volunteers who will continue to be very committed. Dick Clayton said that is true but the problem has not changed. If there is an infestation with exotic weeds, it becomes a losing battle and gets progressively worse. Terri Bingham agreed that it becomes containment mode at that point and the costs increase.

Dick Clayton said that the huge lakes in the Northeast with problems are spending millions of dollars to contain it. Larry Ballin said he is aware of it and has family on Lake Chautauqua in New York.

Chair Ballin said that it sounds like the Selectmen's choice is to approve the requests approved by the Conservation Commission and let LSPA fall where it may. John Wilson said that the Selectmen's budgetary concerns should be brought to the Conservation Commission's next meeting.

Larry Ballin asked John Wilson to speak to this subject as Budget Committee chair. John Wilson said that his feeling is that the Budget Committee had recommended staying at the \$18,500 level because the feeling was that there would be two years left in the fund.

Larry Ballin asked if it would be possible for the Conservation Commission to meet sooner than its June 17 meeting to consider the LSPA request, and he will attend to communicate the Selectmen's position on the overall budget picture. Tina Helm asked if the Selectmen should approve what is before them now and Mr. Kaplan suggested waiting until all four requests could be considered at the same time.

Jessie Levine noted that when the milfoil fund was created, it was a function of the Budget Committee and Board of Selectmen and the Conservation Commission was selected to be another board reviewing the applications. That is, this is not a Conservation Commission-driven project but they have helped out in the review of the applications so that more than one board is involved in the process.

Mark Kaplan suggested going with \$21,500 and splitting the funds between the two years. Larry Ballin suggested leaving it at \$18,500. The Selectmen did not come to a decision and referred the proposals back to the Conservation Commission and asked Ms. Levine to contact the Conservation Commission to schedule a meeting as soon as possible.

Beach Ordinance Draft: Larry Ballin said that he has heard lots of compliments on this draft ordinance and he hopes the positive feedback continues. He did have a phone call last week from a resident concerned that Gordon Research visitors would not be allowed at the beaches. Ms. Levine said that Gordon Researchers have always been allowed to use the beaches, as temporary residents of the College or any of our hotels can receive temporary passes or use the beaches if they walk there.

DJ Lavoie asked if there is anyone who goes to work before 8:00 AM who might want to swim before 7:00 AM. Mark Kaplan said that he brought that up earlier in this process and the audience insisted that the beaches not open before 7:00 AM. DJ Lavoie asked if there are people in town who might want to swim before they go to work. Mark Kaplan said that so far, he is the only one who said that it should be open at 6:00 AM and others said that they wanted it to be open at 7:00 AM. John Wilson said that he takes issue with Mr. Kaplan's statement because he made a suggestion that between 6:00-8:00 AM could be "unsupervised swimming" and that suggestion was not included in the draft ordinance.

Jessie Levine read from an e-mail from Bruce Bottomley on this subject that she received over the weekend:

I probably haven't lived here long enough to understand how sacred the beaches are, but I really think that the proposed ordinance ties the Selectmen's hands a bit too tightly regarding the operating hours. The various restrictions and penalties are all welcome and appropriate, but there's no need for the hours to be enshrined in law. Too immutable. Hours are a horse of a different color from the rest of the stuff there. We've already seen what something restrictive like this did to us, and how much work it is to get out of it.

As proposed, the selectmen would have the authority to reduce the hours ("emergency"), but they couldn't expand them. It wouldn't take much of a change to section II-C to give them a bit more wiggle room to go in either direction to allow for some sort of significant event, not limited to emergencies, that just can't take place between 9AM and 7PM. Eclipse of the sun, conjunction of the planets, UFO landing in Pleasant Lake? Who knows! We trust the Selectmen with much more momentous decisions on our behalf. Why not this one as well?

My preference: Take the hours out completely, or at least allow the Selectmen enough discretion to untie their hands in the matter of operating hours.

Larry Ballin said that the ordinance does allow the Town to post other hours in an emergency. Tina Helm said that this was a compromise that was reached in what she felt was a civil exchange. In an ideal world, probably 6:00 AM would work, but she was happy with this compromise. Larry Ballin said that far more people go swimming after 9:00 at night than before 7:00 in the morning. Mark Kaplan said that it does not shut the door forever – if there is a demand and that group that wants to swim earlier in the morning comes to the Board of Selectmen, the Board could respond to that demand at a later time.

Bob Lavoie asked if the ordinance could be changed by the Selectmen and Ms. Levine said that it could, following a public hearing with proper notice such as the one that will be held next week. Chair Ballin noted that the public hearing on the ordinance is next Tuesday, June 2 at 6:00 PM. Jessie Levine said that the hearing will be webcast by Paul Bradicich.

John Wilson asked if webcasting will be used more and more. Larry Ballin said that will be done as long as someone has interest in providing that service and as the Town is not charged for it. John Wilson noted that the town in Maine with which he is involved has everything on TV and it becomes very orchestrated and all of the real business takes place off screen. The meetings turn into shows, not meetings. Larry Ballin said that the Selectmen have resisted attempts to get public access funded by the Town and will continue to do so. On that subject, Jessie Levine noted receipt of an anonymous voicemail message this weekend speaking in favor of the cable access.

Economic Development Committee: Larry Ballin said that the EDC has not met since the last Selectmen's meeting. The person who has been suggested to add to the Board is Janet Hutchens. He has not heard if she has accepted. The EDC would consist of Gary Markoff, Michael Doheny, Janet Hutchens, Rob Bryant (Chamber of Commerce), and Larry Ballin (representative as Board of Selectmen). At Ms. Helm's request, Larry Ballin explained Ms. Hutchens's marketing and design background. Tina Helm said that when this comes to the Selectmen for a vote, she would like more of a biography on the proposed members. Mark Kaplan suggested that the Selectmen meet now with the EDC prior to making final appointments to encourage communication between the Selectmen and the EDC. Larry Ballin said that he would relay that information to the Board at their next meeting. Jessie Levine asked for a meeting schedule to post the meetings on the public calendar and said that now that the EDC has been formally authorized by the Board, all of their meetings are subject to the right-to-know laws, even if only four members meet to discuss other nominees.

Projects & Priorities: Jessie Levine said that a number of projects have come up and she asked for guidance from the Selectmen on how she and her staff should spend this year.

Larry Ballin said that GASB 34 should be high on the list and looks like it will be completed this year. Ms. Levine agreed that with the assistance of Sheri Rockburn, that should be in good shape by the end of the year but will not be completed for year end 12/31/08. Chair Ballin said that the Budget Committee has indicated interest in the fiscal year change and Mark Kaplan agreed that could be the project that would bear the most fruit. Mark Kaplan said that he would like to know what the audit report is going to say once GASB is completed, and hopes that this is not money wasted. Tina Helm said that she takes issue with Mr. Kaplan's position and noted that this has been a loose end for a while and she would like to see it completed. Ms. Levine said she will seek a sample audit letter from a Town that has completed GASB compliance.

With respect to fiscal year, Jessie Levine said the direction from the Budget Committee was to prepare a presentation to the Selectmen & Budget Committee. Tina Helm said that she thinks that is first priority and Chair Ballin agreed. Ms. Levine said she will target a date this summer for that presentation.

Jessie Levine asked about the pay-as-you-throw and Elkins projects, as well as town code/ordinances. Chair Ballin said that Elkins is a mid-range priority; if we can apply for a grant for the village this year and have our engineer take a broad look at sewer capacity and capability, that would be good. He thinks the urban renewal is a long ways away but sewer would help.

As far as pay-as-you-throw, Chair Ballin thinks that we need to get the Solid Waste Committee re-formed and active and see some momentum from the public on this one. He suggested advertising for a Solid Waste Committee again to see if there is more interest (Jessie Levine noted that no one wanted to be chair and that was part of the problem). Tina Helm suggested that the goal for 2009 should be to form a Solid Waste Committee and see where it goes from there.

With respect to Main Street, Mark Kaplan said that an acquaintance recently told him that she had just spent \$2700 to fix her car due to a bump on Main Street. He explained to her that it was a state-owned road and the State is ignoring our pleas for help and we have nowhere to go. Jessie Levine noted that there is a federal grant application to repair Main Street but she does not know where that will go. Larry Ballin asked if Lisa Levine from Congressman Hodes's office could come to a Selectmen's meeting. Bob Lavoie suggested a citizen's petition to the State. Jessie Levine said that she had applied for a grant specific to the Main and Pleasant Street intersection a few years ago, but that was turned down. Larry Ballin said that if we are applying for a grant, he would rather see the grant money go to Elkins than to the intersection of Main and Pleasant Street.

Larry Ballin said that he does not see the road acceptance process as a high priority at this point.

Jessie Levine said that another priority is to review a sewer rate structure in advance of the sewer bond and to revisit the pro rata share with the Town of Sunapee. All agreed that this should be addressed prior to going to Town Meeting to seek approval for a bond for the treatment plant repairs.

Sunapee Sewer Commission: Larry Ballin summarized that Bart Mayer will be asked to review the contract with Wright-Pierce, and if that is fine, we will proceed with the engineering design of the wastewater treatment plant. Jessie Levine was also authorized to negotiate a lower rate for the contract.

Other Business: Larry Ballin visited the Whipple Town Hall basement in the middle of last week and it looked like the job was done ahead of schedule. Ms. Levine will meet with Bruss on Wednesday to review the final bill, but it does look like the project will be on budget.

Memorial Day Service: Larry Ballin said he attended the Memorial Day service and it was very nicely done.

Gnus: Larry Ballin said that the gnus are out and the tourists will probably come to Town to see it. Tina Helm asked for clarification on the purpose of the gnus. Larry Ballin said that there will be an auction of the gnus in October at the Historical Society and the beneficiary will be what is currently known as the Kearsarge Community Center (more information will become available within the next few weeks).

Application for Building Permits: NONE

Application for use of Sydney Crook Room: NONE

Application for use of New London Inn Common:

- New London Farmers' Market – Friday evenings 3:30-7:00 – July 3,10,17,31 – August 14, 21, 28 – September 4, 11, 18, 25 – Approved.

Application for Temporary Sign Permits: NONE

Other:

- Disbursement & payroll voucher week of 5-25-09 - Approved.
- Warrant Yield Tax Levy – in the amount of \$1,368.24 (3 pages) – Approved.

There being no further business, the meeting adjourned at 9:35 AM.

Respectfully submitted,

Jessie W. Levine
Town Administrator