

Town of New London  
Board of Selectmen  
Meeting Minutes-February 20, 2007

PRESENT:

Mark Kaplan, Selectman  
Ruth I. Clough, Selectman  
Jessie Levine, Town Administrator

ABSENT:

Douglas W. Lyon, Selectman

OTHERS PRESENT:

Sandra Licks, Tracy Memorial Library Director  
Bob Lavoie, Sewer Commissioner  
DJ Lavoie, New London resident

Mark Kaplan called the meeting to order at 8 a.m. The Selectmen addressed eight areas of business in addition to holding the scheduled Public Hearing on the two bond issues that will be presented to voters on March 14.

1. Minutes-February 12, 2007—Acceptance of minutes was tabled until a quorum of Selectmen who had attended the February 12 meeting is present.

Sue Clough referred to email correspondence from Bob Lavoie relevant to the minutes, and asked if he would like to present those comments at this meeting. Bob Lavoie suggested a change in wording in the fourth paragraph under section 8 on page six, pointing out that it was not really a proposal that was being reviewed, but the Selectmen's response to the Sewer Commission's suggestion regarding the hiring of an engineer.

2. Pending legislation with potential impact on cost to Towns for solid waste disposal—Jessie Levine called the Selectmen's attention to three House Bills which would increase the tipping fees for solid waste:

- o HB 201, if passed, would increase the tipping fee by \$1 per ton, surcharge to be collected by facility owners/operators and remitted to the "department," for purpose of training solid waste facility operators in recycling, in maintaining accurate records and information, providing programs and assistance to Towns.
- o HB 503, if passed, would assess a surcharge on the disposal of solid waste in the amount of \$2.50 per ton to be assessed against the facility, up to 40% of which shall be deposited into a solid waste management fund for solid waste management including technical assistance, permitting etc., and up to 60% of which shall be deposited into the fund for recycling, solid waste reduction, hazardous waste collection, etc.
- o HB540, if passed, would increase the tipping fee by \$1 per ton, and 50% of those revenues shall be available to (recycling) organizations registered with the secretary of state as nonprofit organizations, and 50% shall go to the department for training, administration, programs.

Jessie Levine noted that apparently the State has not met its 40% recycling goal, and these bills are designed to encourage towns to increase recycling. The ultimate goal is to reduce the waste stream. The

sponsors and supporters of the bills argue that 100% of these surcharges will be returned to the towns in the form of grants for recycling programs—though it appears that the revenues will really be used largely to cover costs of expanded services provided by DES staff hired to assist Towns with recycling.

She pointed out that these are unfunded mandates, and the argument of the 100% return to Towns is flawed. The bills could increase New London's tipping fees by \$3,000 to \$10,000, and it is unlikely the Town would recover an equivalent sum through grants. She and the Selectmen also noted that the owners/operators of the facilities who will be charged with collecting and remitting said fees to the State, along with accompanying paperwork, will be allowed to retain 1% of fees collected, and it is unlikely that those owners/operators will find the additional work worth that small amount. Nothing is said in the written material about how this will be administered or about any oversight.

Mark Kaplan asked if these surcharges are in addition to or in replacement of existing fees. Jessie Levine referred to NHMA's February 16 Legislative Bulletin which states that 503 and 540 will "increase the solid waste tipping fee," and the wording "those are in addition to 201FN which would also increase the tipping fee." She will clarify that by next week. Potentially, the bills could add \$4.50 to the tipping fee.

She pointed out that in-town landfills are exempt, and ash from landfills is exempt. That raised the question about a town like Claremont which does not own its facility (Wheelabrator does). Also, what about Massachusetts towns that bring their trash to New Hampshire for disposal and vice versa. Jessie Levine suggested that owners as Wheelabrator would still be charged for the tonnage and would probably pass the surcharges down to the customers.

She and the Selectmen noted also that New London is a member of the Northeastern Resource Recovery Association and New Hampshire the Beautiful, and those non-profits get a portion of the Town's recycling revenue. They questioned the fairness of applying the additional tipping fees to towns like New London that already belong, and contribute to a recycling non-profit organization. Perhaps towns already participating in a recycling cooperative ought to be exempt from the additional tipping fees. What would happen to NERRA if Towns drop out once they are forced by the State to pay these additional fees?

In conclusion, Selectmen feel that increased recycling is a noble concept, but these bills have not been well thought out. Education, particularly in larger towns and cities that do little in the way of recycling now, mandated recycling, and pay-as-you-throw programs are keys to reduction of the waste stream. The increased fees proposed by these bills would be applied to all Towns including those who already are active in recycling efforts, rather than to those large towns and cities which do little recycling now.

3. Other pending legislation with potential financial impact to Towns—Jessie Levine said that HB 674 would extend the veterans' property tax credit to all veterans who have been honorably discharged from service. (Currently, some time frames, and requirements relevant to combat duty, apply.) Also, she referred to the bill sponsored by Dave Kidder that would eliminate retirement accounts from the asset limitation for the elderly tax exemption. (Currently, the Town can set the income and asset limitation for this exemption.) That bill would exclude IRAs, pension plans, annuities from being counted in the assets limitation (though the *income* from those would still be counted). The result would be that the elderly tax exemption would be almost totally age-driven. She said that the NHMA has not yet calculated the tax shift that would result, but is likely to oppose both bills.

Also, HB 487 would give a property tax credit to those 65 or older, who have not been convicted of a felony.

HB 912 would impose an education property tax of \$7.50 per \$1000 valuation with an exemption for the first \$200,000 of valuation. At this meeting, Selectmen expressed some concern about educational funding oriented toward second homes. Sue Clough observed that 50% of New London's property taxes are paid by non-resident tax-payers.

Bob Lavoie suggested that the complex wording of these bills could be simplified, and that the impact to Towns should be made clear. None of these financial bills are out of committee yet, but Selectmen noted that a letter of concern could be submitted to legislators regarding them.

Jessie Levine said that the Governor's budget addressed funding for LCHIP, road improvements, the State's contribution to the retirement plan, distribution of meals and rooms tax revenues to Towns. She noted that the budget does not mention anything about sunseting the current Medicaid county/state payment arrangement as was mentioned by J.D. Colcord at last week's Selectmen's meeting.

4. Planning Board Recap—Sue Clough reported that the Public Hearing on *Harborview*, Jonathan Feins' subdivision, has been continued. There remain unresolved issues relevant to the intersection of Stonehouse Road and King Hill Road, specifically, the water discharge from the multiple culverts. She said that the applicants have stated that there will be no increase in runoff as a result of the intersection improvement. Mark Kaplan observed that only about 1500 feet or 3/10<sup>th</sup> of a mile of that road is in New London, and that is the only part of the project that New London has any say in. Sue Clough agreed, and said that the 37-home subdivision is actually in Sutton, and New London is requiring that that road be paved (the Feins have agreed to pave only up to 150-feet before the town line). Sutton is also considering whether to require paving of the road, and the New London Planning Board is not involved in Sutton's decision. But, she added that the portion of the road that is in New London and the intersection will involve fifteen closed culverts. The question is, do applicants need permission from owners whose land will be impacted. The New London Planning Board has heard several strong statements from landowners along there that do not want changes to their property. She noted that the applicants and the Planning Board have worked diligently toward resolution, and the Planning Board's engineer, Lou Caron, does not feel there will be significant impact as a result of the current plans. The Planning Board's concern is the increased impervious surface and the catch basins. Jessie Levine pointed out that even though the subdivision is in Sutton, the intersection and portion of that road in New London will be the primary access for those 37 new houses. New London does want the developer to pave the road, and if it is done now, the developer will pay for that. With 37 houses using that intersection, it will have to be paved eventually, and the Town does not want to be faced with doing that itself later on.

Sue Clough said bond issues were also discussed at the hearing. The applicants feels there should be some cost sharing among other landowners along that road, should they (the other landowners) decide to subdivide in the future.

She reported that the Planning Board continues to work on revisions of Site Plan Review Regulations.

Also, she reported that the Pauls who own two lots on Sunset Shores have proposed a change to the private road there so that it loops away from the house and the lake. The questions raised include the ownership of the land under the existing road, and the right of travel to Poor Road. Everyone agreed that realigning that road would benefit the lake. The owners would need a special exception from the ZBA. In response to Jessie Levine's question, Sue Clough said the tennis court is no longer in the plan.

PUBLIC BOND HEARING:

(A) proposed bond raising \$160,000 for the purpose of design and construction of repairs to Tracy Memorial Library building, including but no limited to roof repairs, furnace replacement and installation of cooling units.

(B) proposed bond raising \$300,000 for the purpose of purchasing land from the New London Inn consisting of approximately one half-acre, the front portion of which supports the skating rink and warming hut and will remain undeveloped (with the exception of the warming hut), and the back portion of which will remain undeveloped other than the future construction of a municipal parking lot.

Mark Kaplan opened the public hearing at 9 a.m., and asked for comments or questions on (A) the library bond.

Sue Clough asked Sandra Licks if the library anticipates completion of these projects in 2007. Sandra Licks said that would be her hope, but Jessie Levine clarified that that has not been promised. The bond will give them time to work out all the details as necessary, and the agreement is that the Library will return to the Budget Committee with detailed plans before going forward with construction. Sue Clough reiterated that the Town will only pay interest on the amount it draws out of the bond, as it is drawn down.

D.J. Lavoie asked if the library has obtained any more recent information that would indicate that \$160,000 might not be enough. Sandra Licks said no. Chris Lizotte has completed the preliminary design drawings, and the trustees feel they can go out for bids with those, though it is understood that they will need more detailed construction drawings later on. As far as the furnace goes, she said the library has been told that whether they go with oil or gas will not make a difference in cost.

In response to Jessie Levine's question, she said the drawings offer two options for the main part of the roof: a tapered one of high tech materials or a standing seam metal roof. The advantage of the latter would be its longevity, and it would offer some additional storage space beneath it. She said the section that is flat now, will have to remain flat (with slight tapering) because of the particular geometry of the building there, but the new (flat) roof will be better designed with proper drainage.

Sue Clough asked if the roof replacement will take care of the mold issue. Sandra Licks said they hope so, they will not really know that until after work begins in spring. Jessie Levine recommended that they not spend any of the money on HVAC until they find out about the mold situation, and whether or not they will have to deal with a worst case scenario. Sandra Licks agreed, and added that they do still have some money in the capital reserve.

Bob Lavoie asked about scheduling. Sandra Licks said start of the work will depend a lot on the weather. They are hoping that Chris Lizotte will oversee all of that.

Selectmen recommended, and Sandra Licks agreed, that only one roof design should be presented to voters with the bond at Town Meeting. She said the Trustees will look at both and vote on one. As soon as they do that, Jessie Levine will arrange a meeting with the Budget Committee Subcommittee to discuss that.

Sandra Licks suggested, and Selectmen agreed, that the trustees should be prepared to speak about the proposed construction at Town Meeting. Jessie Levine suggested he could have some drawings on easels at Town Meeting, and prior to Town Meeting those could be displayed in the Library itself. A PDF file could go on the web site.

Hearing no further comments or questions on the library bond, Mark Kaplan opened the floor for comments and questions on (B) the bond for the New London Inn land.

Jessie Levine reported that the owner's bank has agreed to this sale, and there remain no other outstanding issues. She said that Bridget LeRoy has received some questions from people, and she (Bridget) will write some letters to editors of local papers explaining her reason for selling that half-acre to the town—preservation from development

D.J. Lavoie asked who the parking will be for. Jessie Levine said it will be a public parking lot similar to the municipal lot across from the library now. Inn people can use it, as well as people from St. Andrews and the Town Office.

D.J. Lavoie asked if Bridget will still be able to use the half-acre for Inn events such as weddings. Jessie Levine said it will become public land, and subject to the same rules that the Commons Committee has established for other Town properties. It may still be used for non-profit events as Hospital Days and the St. Andrews Fair, but if it is used for a commercial purpose, it would become taxable. The Inn would have to petition the Town for receive permission to use it for a commercial purpose, but the Town would have to carefully consider the precedent that would set for all Town properties. Again, if commercially used, the land would become taxable and fees would have to be negotiated. Sue Clough clarified that the Town will continue to have the skating rink there in winter.

D.J. Lavoie asked about the possibility that this bond might not pass at Town Meeting. Could the land still be sold? Jessie Levine said this is in the commercial zone, so there is no limitation on size as long as the size supports the proposed use. It could be subdivided off the main Inn property and issues as access would have to be addressed by the Planning Board. The Inn could grant an easement for access to it, or a buyer/applicant could request an easement from the Town to access it. In sum, it could be sold if there is a willing buyer and seller.

D.J. Lavoie suggested that the question of how many appraisals have been obtained will be raised at Town Meeting. She asked if there have been comparisons made. For example, how much did the Palmers sell the Shell station property to the Souliotis' for? Sue Clough reminded everyone that people on both the CAC and the Budget Committee, including those in the real estate profession, have said that \$300,000 is a modest price for this. Jessie Levine said they only got the one appraisal, and he did make a study of price comparisons, though she has not yet received his written report. The seller did agree to this price.

D.J. Lavoie asked about the cost of the appraisal. The appraisal cost \$1500. D.J. Lavoie asked if a second appraisal should be obtained to support the price. Mark Kaplan said that is moot at this point, as the seller has agreed to the appraisal that has been done.

Bob Lavoie asked to confirm that the bonds will require a 2/3 majority to pass. Selectmen confirmed that, and Sue Clough added that there will be opportunity for discussion on these at Town meeting.

Jessie Levine reminded Selectmen that at past Town Meetings, in the interest of saving time, two bonds have been opened and closed at the same time—that is, people stood up and voted once, but cast two votes (one for each bond) at that one time. She said that Cotton Cleveland is not certain that these two

bonds will go quite so smoothly, and is considering having people get up to vote for each separately, although that will take more time.

Hearing no further comments or questions, Mark Kaplan closed the Public Hearing at 9:30 a.m. The Board of Selectmen voted to proceed with both bond warrant articles.

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5. Draft Warrant—Bob Lavoie asked if the warrant article numbers shown in the most recent (2-7-07) draft are permanent. Jessie Levine said not necessarily, but bond articles must appear first on the warrant.

Mark Kaplan suggested that the library bond article be first of the two, as that is the less controversial. He said that he does not anticipate objection to the purpose of the Inn land purchase, but suggested that there may be some discussion on how to pay for it.

Bob Lavoie asked if the Sewer Commission article will remain as #21. Jessie Levine said that Cotton Cleveland has pointed out that voters will be looking at the Sewer Department budget in article 7 (where it is shown with the Highway Department operating budget) as well as in articles 19 and 20 dealing with Sewer Department capital reserve, and she (Cotton) suggested it might be a good idea to have the article that would dissolve the Sewer Commission earlier than #21. It could be #19. Jessie reminded everyone that that article cannot appear before a regular budget article, but can appear before a capital reserve article. She is not sure whether or not Carol Fraley has sent the draft warrant to the State yet or not, but will know by the Sewer Commission meeting this afternoon whether that article will appear as #19 or #21. She suggested the Sewer Commission may also have some thoughts on that.

She said that Cotton Cleveland has also suggested putting the two solid waste ballot articles earlier, to give the ballot clerks time to count.

#### 6. Other

- o Sue Clough asked Sandra Licks if there might be some room in the library for display of some maps showing the proposed conservation easements that voters will be considering at Town Meeting. It is more difficult to get people to come into this building to look at that type of display. Jessie Levine said there would be two dry mounts and the rest on easels. They would like them displayed between next week and Town meeting. Sandra Licks agreed that that would be a good idea. There is room in the library for that, and displaying the conservation maps there may have the added benefit of increasing foot traffic into the library.

In response to Mark Kaplan's question, Sue Clough clarified that per the Low Plain land swap article the Town would be giving up three or four acres of somewhat less desirable land for 800 feet of what is now privately owned land that includes part of the Town's Davis Trail. The land acquired will include enough for a protective buffer. She noted that the owner is logging there now.

- o Sue Clough and Mark Kaplan will attend the Joint Meeting of Selectmen in Warner tonight. School Superintendent Tom Brennan will speak at that meeting.
- o Jessie Levine reported that at their most recent meeting, the Recreation Commission voted unanimously to support the cross-country ski program next year. The Recreation Commission also made some suggestion that the program include equipment leasing and lessons.

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7. Building Permits:

- o Robert and Laurie Durkin, 485 Old Main Street (Map 121, Lot 005), permit to build a breezeway/entry with an attached 2.5 car garage with bedroom space over it – Denied-does not comply with Article II, Section 5, exceeds 35' height limitation, cupola only. Refer to ZBA for variance.

8. Other Items for Signature:

- o Disbursement & Payroll Vouchers for the week of February 19, 2007 – Approved
- o Notice of Intent to Cut Wood or Timber for Richard and Betty Adams, King Hill Road (Map 131, Lot 001) – Approved
- o Application for the Use of the New London Town Common by the North Country Region Porsche Club of America for Sunday, August 26, 2007 from 7 AM – 5 PM - Approved
- o Tax Abatement Form for Amalia C. Meyers (Map 076, Lot 012), parcel should have been deleted per annexation plan #17806 - Approved

Meeting adjourned at 9:50 a.m.

Respectfully submitted,

Sarah A. Denz  
Recording Secretary