



# TOWN OF NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

## BOARD OF SELECTMEN MEETING MINUTES January 5, 2009

### PRESENT:

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

### ALSO PRESENT:

Sandra Balogh, New London Resident  
Alice Sprickman, New London Resident  
Wanda Lembo, New London Resident  
Adele Warren, New London Resident  
Bill Ross, New London Resident  
Noel Weinstein, New London Resident  
Bud Dick, New London Resident and Owner, Screwie Leweicz  
Jay Lyon, Fire Chief  
Dave Seastrand, Police Chief  
Debbie Cross, Intertown Record  
Lauren Gifford, Valley News

Chair Kaplan called the meeting to order at 8:00 AM.

### Application for Building Permit:

- Hilltop Place Community Association, 19 Hilltop Place (Map & Lot 144-001-019) build new garage on site of old garage – Permit #08-154 - Approved

### Other:

- Disbursement voucher week of 1-5-09 - Approved.
- Intent to Cut Wood or Timber – Pauline Hollinger, 45 Meadow Brook Road (Map & Lot 133-007-000) – Approved.
- Stanley Farm Association Conservation Easement Deed – Approved.

**MEETING MINUTES:** The Minutes of the December 29, 2008 meeting were amended as follows by Mr. Ballin:

- Page 2 of 8, line 7, Mr. Ballard should be Mr. Ballin.
- Page 8 of 8, Larry Ballin asked to add reference to the conversation regarding the Supreme Court decision on Lakeside Lodge.

With those two changes, the Minutes were approved as amended.

**NEW BUSINESS:**

Public Comment about Ice Storm: Chair Kaplan opened the meeting at 8:00 AM and welcomed those who had come to the public forum regarding the Town's response to the recent ice storm. He introduced the topic by stating that he thought that the Emergency Management Committee (EMC) had done an outstanding job assisting those who were most severely affected. However, the Board also wanted public comment on the Town's response and input into the ways that this response might be improved in the future. Sandra Balogh, a resident of Bittersweet for several years, said that while she appreciated the help she received, she was offended by the manner and tone in which it was offered. She also said that she did not understand why there was a mandatory evacuation order in place when there did not appear to be any immediate danger. Although the individual apartments were without power, she commented that the hallways were heated and lighted as well as the common room. By either opening their individual apartment doors or going to the common room, the residents were able to be comfortably warm. She also said that hot water was available as well and she and others had the ability to cook. When the evacuation team came, she was rudely told she had 10 minutes to leave. She was not given enough time to make accommodations for her pet and was told that once she left she would not be able to return until the evacuation order was lifted.

Alice Sprickman, also a resident of Bittersweet, said she had already written to the Board of Selectmen, but wanted to comment specifically about the mandatory evacuation. She wondered if it were possible to have sub-categories for mandatory evacuation so that once the mandatory evacuation order was given there could be a structure in place that prioritizes those to be evacuated immediately, those in an hour, two hours, etc. She thought this would assist those doing the evacuation as well as those being evacuated. She said that when she was in her apartment listening to a battery powered radio, the door was thrown open and she was told she had 10 minutes to get out. This was very upsetting to her. The next day, she was told she could not leave the shelter to go home and feed her cat unless she was under the supervision of a volunteer. She did not understand why this was needed and was offended and insulted by this approach.

Ms. Levine responded to both Ms. Balogh and Ms. Sprickman. She commented that she had spoken to Ms. Balogh on Christmas Eve and told her that she intended to have a meeting with the residents of Bittersweet to review their concerns once she had a meeting with the Town's EMC to evaluate the Town's response at Bittersweet. That internal meeting is scheduled for 12:30 this afternoon. Once this evaluation is concluded, she intended to have a meeting with the residents of Bittersweet to share her findings and gather further comments from them. Ms. Levine further commented to Ms. Sprickman that she had sent her an e-mail message earlier explaining that neither she nor Peter Berthiaume was at the shelter on Sunday morning when the decision was made to escort shelter guests back to Bittersweet. When she got there later in the day she had heard that residents were being taken back to their apartments to care for pets and she thought that was a great idea. She did not know about the conditions imposed on the residents and is not sure who put those in place, but she apologized for this and said she was sure this topic would be discussed at the EMC meeting later today. She said that shelter residents are free to come and go as they please and she apologized for the appearance of control over their whereabouts. Ms. Sprickman wanted to add that the organization within the shelter was very good.

Ms. Balogh wanted to know why the decision was made to treat the evacuation like a fire and why was the evacuation conducted in that manner. She thought that the evacuation could have been conducted with more understanding and sensitivity, especially since this was not an emergency. She asked why the Police Chief made the decision to evacuate. Ms. Levine responded by saying that the Police Chief did not make the decision and was not present that day; it was her decision to evacuate Bittersweet. She said that she had been informed on Friday that Bittersweet was under generator power, but on Saturday a concerned citizen had come and in told her that the only power available was in the hallways and

common room and suggested that the Town check on the residents there. The reason that the firemen who came to Bittersweet to conduct the evaluation were in full fire gear was that they had just come from chimney fire at Birch Acres. She said that the measures that the residents of Bittersweet had taken to stay warm were actually of some concern to the Fire Department. If there were a fire, the open doors would enable the fire to spread more rapidly throughout the building. The use of multiple candles by many residents also heightened the possibility of fire and the level of safety concerns. Ms. Sprickman said that probably many people in the town were using candles and wondered if the residents were being held to a different standard because they are over 65 years of age. Ms. Levine said this was not true, but noted that at Bittersweet there are far more lives at risk than in an individual home, and less means of entrance and egress making escape more difficult should a fire occur. Ms. Sprickman wanted to be sure the Selectmen understood that Bittersweet is not assisted living nor are most people there infirm. People there are intelligent and capable of knowing when they are in danger.

Ms. Warren commented that she thought the residents were treated by some members of the evacuation team as if they were somewhat “retarded.” She understands the responsibility of the police and fire departments and the apparent necessity for evacuations but the question remains: “why was it necessary for them to behave in such a callous manner?” She said that she was not sure the Selectmen knew how appalling the actions of the individuals conducting the evaluation were and that was why she and the others were here. Their attitude added to the terror of the situation. She did, however, want to commend B.J. Hardy. She said he was the only officer who was considerate and treated her “as a decent, cognitive human being.”

Chief Lyon responded that prior to going into the fire service, he was in customer service, and he keeps that in mind in his current position. Regardless of the situation, residents are the “customers” of the fire department and need to be treated appropriately. He explained that he showed up late at Bittersweet, and the top floor and half of the second floor had already been cleared. With regard to Bittersweet, he said his concern was that it is a large building, with wood truss construction and very little compartmentalization. (He noted that the owner understands this hazard and has agreed to install a sprinkler system but it is not yet installed.) He explained that there are residents there who are somewhat limited in their mobility and also individuals who are smokers, with evidence of burn marks on carpets and countertops. Some of the candles that were being used were tall and were sitting under the kitchen cabinets or pass throughs, with the potential to catch fire above the candle. The issue, he said is that fire doubles in size every 30 seconds so no fire starts small. Further, he apologized if the residents felt mistreated. He reassured them that it was not an issue of trying to rush the residents out, it was more a need of “being ready to go to the next call” during this evolving situation. He said that the evacuation team helped people to the elementary school in vans and helped carry their bags in many cases, but then they needed to assist other residents (i.e. Hilltop), where the declining temperature in those homes was becoming a real factor. He again apologized to the residents and said that this was a learning experience for him and his team and they will use the input received to determine what will be done in the future in these types of situations. Ms. Balogh said the threat of carbon monoxide poisoning is a real concern and thought that people needed more information provided by the fire department on this possible danger. She concluded by saying she was reassured and thanked the Selectmen for the opportunity to voice her concerns.

Ms. Lembo said that she was a new resident of Bittersweet who returned home after the evacuation had occurred. She had gone to bed and was abruptly awakened by three people shining flashlights in her face asking her what she was doing there. This scared her a great deal. They then escorted her to the elementary school. She thought that in the future perhaps there should be obvious signs posted throughout the buildings to inform people once an evacuation has occurred to insure everyone has proper notice. Ms. Levine agreed that should be done.

Ms. Levine said she liked Ms. Sprickman's idea of a graded mandatory evacuation and said she would like to research more the levels of safe temperatures for being at home. She was concerned about the temperatures dropping late at night; if it was 30-40 degrees in those apartments at the end of the day, it would get much colder as the evening progress. She also wanted to make sure that all evacuations occur in daylight if possible. She said that when the EMC team went door to door later in the week, they had written forms with instructions for residents to follow. The evacuation of Bittersweet occurred early in the event before the memos were prepared.

Mr. Weinstein asked if there was a policy in the Town that if residents were to leave their homes in an emergency they had to leave their animals behind? Ms. Levine said that there was not such a policy. She said that by the third night the Town found space in the Middle School to create an animal shelter for dogs and that Nancy Smith from Country Cats had made her cat boarding place available at no cost for the remainder of the storm, but this was not lined up ahead of time. This is another issue that the EMC will address in their planning for future events.

Mr. Ballin said that there were volunteers at the shelter who were willing and able to go back to peoples' homes to feed the pets left behind, but it was not perfect. He said, however, that this was an evolving story and we have learned a good deal from this meeting and will continue to do so in subsequent debriefing meetings.

Chief Lyon felt confident that the next time this situation occurs things will go much better. This has been a learning experience. He said that the other thing that was difficult was that initially on Friday, the Town was notified by PSNH that the outage would be about 24-48 hours, but it took much longer than that, making planning problematic.

Mr. Ballin emphasized that any decisions that were made with regard to the evacuation of Bittersweet were done with the safety of the residents in mind. It was a busy time for both the police and fire departments and will be a learning experience for everyone involved. He noted that there is a lot of work ahead to set up protocols to make sure that plans are in place for the future. Ms. Helm thanked the group for coming. She said she had pushed to have this open dialogue to give the residents an opportunity to express their concerns. Although it takes time she thinks it is important. She also wanted to respond to a question regarding what gave that concerned citizen license to speak to Ms. Levine regarding his concerns for the residents at Bittersweet. She said that New London is a town of caring citizens, and clearly this gentleman cared about the residents and that is why he spoke to Ms. Levine. She also wanted to say that she knew many of the residents of Bittersweet and did not want any of them to think they were "second class citizens." The Town had only their safety in mind in any decisions that were made.

Mr. Dick, who is the owner of Screwie Lewiesz, asked that in planning for emergencies that the fire and police chief look at population density in the community and that Bittersweet is certainly on of those places. He also said that those in the business community would have happily provided services had they been asked. A visit or request for food or services would have been honored if they were asked.

Ms. Levine responded that she appreciates his offer, but no food or services were needed in this instance. Since the Colby-Sawyer students had been sent home they had over a weeks worth of food and staff available and they were preparing meals every day for the shelter.

Ms. Levine said that one of things the EMC meeting was going to discuss this afternoon what how to pre-advertise the plans that will be put in place should a similar situation occur in the future. Ms. Sprickman suggested a mass mailing to inform residents of any plans that are in place should this occur again. She also wondered if there was any consideration of a regional approach to this type of situation. Ms. Levine said that there was and that although Sunapee's shelter was originally opened overnight, and once New London opened its shelter Sunapee sent their volunteers to New London to help staff our shelter and they

then were only open during the day. She said that the shelter was regional, housing residents from Newbury and Sutton as well as new London.

Mr. Ross said he had served as a volunteer in the shelter and had opportunities to interact with police and fire department members and volunteers and he thought that despite the lack of sleep these individuals performs admirably and that he was proud to be a member of this community.

Mr. Dick thought that as the Town moves forward with planning, businesses and churches could be called upon to assist in the future.

Chair Kaplan thanked everyone for coming. Ms. Levine wanted included in the meeting minutes that she had shared with the Selectmen two e-mails that she had received from residents Scott Slogic and Mike Bramley. Both focused on the need for better communication and will be discussed at the EMC meeting later today.

Review of Proposed Zoning Amendments: Peter Stanley, Zoning Administrator, presented nine proposed zoning amendments that are to be reviewed and discussed at the public hearing at 7:00 PM on January 6, 2009. In summary, the Planning Board proposes the following amendments:

- Amendment 1- to add a new **ARTICLE XXV Small Wind Energy Systems Ordinance** to comply with the new State legislation that encourages Small Wind Energy Systems and mandates that ordinances adopted by towns to regulate the installation and operation of Small Energy Systems shall not unreasonably limit such installation or unreasonably hinder the performance of such installations.
- Amendment 2- to change **ARTICLE XVI Shore Land Overlay District** to comply with the new State legislation revising the State Comprehensive Shoreland Protection Act.
- Amendment 3- to add a new **ARTICLE XXVI Workforce Housing Overlay District** to the Zoning Ordinance. This proposed amendment is to comply with new State legislation that mandates communities to provide reasonable and realistic opportunities for the development of Workforce Housing including rental apartments. The new legislation mandates Workforce Housing must be allowed in a majority of the land zoned to permit residential uses. Mr. Kaplan asked if the Town were not in compliance with this, would there be a penalty fee charged. Mr. Stanley said that there would not. Given that NL's land values are very high in relation to other towns, Mr. Stanley did not expect many of developers to apply for a conditional use permit to build these developments. However, without this amendment, if someone gave land for the development of affordable housing that would then point to the need to have some sort of mechanism to allow it and if we did not have it, we could have a problem.
- Amendment 4- to amend **ARTICLE VII Commercial District** to add Multi-Family Dwelling(s) and Mixed Use as a permitted use and amend **ARTICLE III Definition** to add a definition of Mixed Use.
- Amendment 5- to amend the Zoning Ordinance to implement the changes to the zoning boundary lines as recommended by the Zoning Boundary Study undertaken on behalf of the Planning Board by the Upper Lake Sunapee Regional Planning Commission.
- Amendment 6- to amend **ARTICLE II General Provisions**, Section 10. Sign Regulations to allow one for sale sign or one open house sign in common areas of Cluster or Planned Unit Development.
- Amendment 7- to add "Forestry" as a permitted use in the Residential Districts.
- Amendment 8- to amend and rename **ARTICLE II General Provisions**, Section 14. Temporary Ancillary Sales as Section 14. Temporary Events.
- Amendment 9 – to amend **ARTICLE III Definitions** to add a definition "Seasonal Use".

Mr. Stanley said that some of the changes in the amendments also then change the definitions for the entire article. He also said that some of these amendments, as in the case of Amendment 2, provide for compliance with State legislation. Ms. Levine said that there is usually a reaction by residents to more

zoning amendments bringing more regulation, but that actually all these amendments allow something to happen, or reduce the Town's control over certain things within the guidelines of the Planning Board. Many of these changes are in response to state regulations that are pushed off on the towns to enforce.

**OLD BUSINESS:**

Review Proposed 2009 Budget. A discussion of this topic was postponed until the next meeting.

Whipple Hall Project Update. Ms. Levine met with Jim Bruss and Peter Swislosky of Bruss Construction last week. They had revised their original bid for this project, bringing the Whipple Project down to nuts and bolts. They chose some less costly different materials and made some recommendations as to how we could save money in the project. As a result they carved out some areas that the police department could do themselves, like framing, cleaning, painting, noting that some of the tasks did not actually have to be done by the contractor. She said that the revised bid for police space which will eventually be the animal shelter is \$157,331. The original bid was about \$320,000. Ms. Levine highlighted some of the changes from the original contract. These changes include:

- Division 1-019 eliminates the cost of the Clean-up in Process and Clean-up End. These will be done by Town labor.
- Division 2-013 eliminates the exterior work to the building (fixing roof, gutters and walls, and the grounds) and building maintenance. These exterior finishing tasks will now be done by Town labor.
- Division 6-010 indicates that most of the framing will now be done by Town labor. She will have to check this figure since she thought it might actually be lower.
- Division 1-020 Overhead and Profit. Bruss came down on their overhead profit, originally asking for \$17,000, now quoting \$14,694.
- Division 8-010 recommends less costly windows, interior doors and hardware.
- Division 9-010 final coat of painting will be done by Town labor.
- Division 15-010 allows for plumbing only, no fixtures. The kitchen and bathrooms will be finished at another time.

Ms. Levine explained that there is currently about \$120,000 in the Whipple Basement Capital Project Fund. She is recommending that the Budget Committee be asked to appropriate the balance needed for this project. The hope is that this will be reimbursed by FEMA funds sometime in 2009, but there is not a guarantee to this, so the additional \$37,000 would then affect the tax rate. She would like to craft the Warrant Article for this project so that the Town could spend the additional FEMA funds, up to a point, on this project, as well as including other items that will be reimbursed to the Town, or that will allow the Town to purchase some other storm related needs. She thought the Town should be aware that there are things that they would spend the FEMA funds on, rather than take it in as general funds. She noted that not included in this new bid was the cost of replacing the three remaining cell doors which she would like to have done at the same time. This would be about another \$25,000, at \$6,500 each, plus installation. This won't be covered by insurance but could potentially be covered by FEMA. There should be about \$10,000 remaining in the general fund left after the painting. Another \$40,000 or so has been appropriated into the budget for this year. She said that the final cost to the trap room repair was about \$16,000 with \$12,000 being covered by insurance.

She explained that she thought the Bruss revised proposal was good. It might be possible to do it for less but that would probably mean that there would be no general oversight manager for the project. She thought it would be better to have someone in this capacity, whether it is Bruss or another contractor. Mr. Kaplan asked if this included the entire basement. She responded it is not the original entire project but it does include the entire basement, noting that the kitchen and bathrooms will be plumbed for future completion but no counters or fixtures would be installed at this time. This version does not include the

ramp, tables, chairs, or AV equipment, but does include finished flooring. The bid is just for the basement to be used for police training space. This space is not open to the public.

Chief Seastrand commented that this project will also improve the heating system, eliminating the current waste for the inefficient heating system currently in use in the building and will also allow the Town to get rid of the rented trailer which is currently used for storage. These two items will reduce the costs to the Town. Ms. Levine noted that this project has been on the project list since 2004. She noted that the Police Department has been very patient and is willing to contribute their own labor to bring this project to fruition and she stated again that she thought it was likely the Town will get some FEMA funds but was not sure of when.

Mr. Kaplan asked if this project was likely to get through the Budget Committee. Ms. Levine said she did not know but was asking for the support of the Selectmen in this process. Mr. Kaplan asked if she knew how much the money from FEMA was likely to be. Ms. Levine said she was not sure. New London estimated high that the damages would be about \$150,000. About 75% of this would come from FEMA, and about 12.5 % from the State. She said that the Town got about \$80,000 in reimbursement for the May 2006 storm. She commented that the FEMA process takes months to start, then months to do the actual review. She thought the money will come in 2009, she just could not predict when.

Ms. Helm commented that the Town needs to be aware that this project is a priority. It has been on the books since 2004, and they need to know that the Selectmen have moved or postponed other projects that they thought needed to get done, in order give priority to the completion of this particular project.

Mr. Kaplan commended Ms. Levine and Chief Seastrand on the great job of getting these costs down. He, Mr. Ballin and Ms. Helm thought this was a project worth going for. The Selectmen agreed to support this project.

#### **UPCOMING SPECIAL EVENTS/MEETINGS:**

Budget Committee- Thursday, January 8 at 7:00P.M. Ms. Levine said there was nothing new to discuss but she wanted to re-focus the Board on this important upcoming meeting. She was aware that Dr. Wilson was gathering his independent investigation and that Carol Fraley is also polling business and towns in the area asking what their cost of living raises are so all that information will be available Thursday night. Ms. Levine said that one of her frustrations is not being sure of what is the goal of the Budget Committee is in this process. In the budget she delivered this week, the bottom line is 2% less than last year, but the actual operating cost is 4% lower than last year. The tax rate projection is down 30 cents even without the use of any surplus. She thinks all of this is very aggressive but she thinks Dr. Wilson would still like to see more, especially in terms of employee compensation. She wondered at what point you are trying to help the taxpayers at the expense of the employee thereby possibly causing morale problems.

Mr. Kaplan asked about the employee retirement. He noted there were two percentage figures. Ms. Levine said the retirement figures were different for each employee class, noting that there are three employee classes. The percent of retirement contribution is the percent of salary for each of these employee classes and these rates change on July 1, 2009, which is why there are two sets of figures in the budget. The estimated salary figures used were for current salaries plus cost of living.

There was then a discussion of the State employee retirement costs which are set by the NH Retirement System Board of Trustees. Ms. Levine said that this Board sets the rate and noted that they were underfunded by about \$2.6 million before the declining economy struck. Mr. Kaplan said that he thought any discussion of an employee's wages package should include the benefit amount of the retirement package.

He said that if the Selectmen are given the responsibility to guide the Town, they should also have the ability to go through every single item and determine what it is and if it is appropriately set. With the way things are set up now, the Town has no input or determination. Ms. Levine said that is why the Town contributed towards the lawsuit against the State for an unfunded mandate which is what this retirement issue really is. This money is being held in escrow by NHMA. She said that she did not think the legislature was acting fiscally responsibly and the Board of Retirement Trustees was even worse and the taxpayers end up paying for this. Mr. Ballin said that he and Ms. Levine spent a great deal of time in Concord last summer and fall trying to address this issue, unsuccessfully. He said that the unions come out in force to support the current system and it is very difficult to change it. This affects any public employee covered by the State retirement system. In response to a question from Mr. Kaplan, Ms. Levine said that all employee retirement dollars go into a general fund. It is a defined benefit plan so that when an employee retires they will get a certain amount in retirement based on years of employment and salary. It is not like a 401K where she would get to invest these dollars. Ms. Levine added that this is why she believed it was advisable to keep the Town fire department as a volunteer department. It is much more economical for the Town.

Ms. Levine said that another bill that labor managed to get through the legislature was an evergreen clause, which allows provisions of a union contract to stay in effect while the contract is being re-negotiated. This is a disincentive for unions to agree to a contract. If contract negotiations are opened, the wages in the contract stay in effect until a new contract is signed.

Sunapee Sewer Committee, Wednesday, January 7 at 5:30P.M. Ms. Helm said she would like to propose a dialogue with sewer users sooner rather than later to have them be a part of the discussion. This should include the major users such as the hospital, the college, public schools, businesses, restaurants, Hilltop Place, Bittersweet, etc. Ms. Levine referenced the agenda for the Wednesday night meeting and the 2009 draft Sewer Treatment Plant Budget distributed to the Selectmen. She said that New London really doesn't have much to say about this budget except other than in one line where it stipulates that Sunapee's expenses are subject to approval by New London. This is the only area that says we have any input into their operating budget. Mr. Kaplan said that in 2008 the operating budget was \$541,000 and they expended \$528,000 this year and in 2009 the operating budget is \$608,000. This is more than a 10% increase. He wondered how they could justify this. Ms. Levine said that the actual figures for 2008 were not yet complete and were likely to be higher.

Budget Committee Thursday January 8 at 7:00P.M.

KRSD Deliberative Session: Saturday January 10 at 9:00 AM at the high school. Ms. Levine, Mr. Ballin and Mr. Kaplan will be unable to attend. Ms Helm will attend.

There being no other business, the meeting was adjourned at 9:55A.M.

Respectfully submitted,

Kathleen K. Colby  
Recording secretary