

Town of New London
Board of Selectmen
Meeting Minutes – July 30, 2007

PRESENT:

Sue Clough, Chairman Board of Selectman
Mark Kaplan, Selectman
Larry Ballin, Selectman
Jessie Levine, Town Administrator

ALSO PRESENT:

D. J. Lavoie, Resident
Lois Marshall, President, New London Bandstand Committee
Barbara Green, Treasurer, New London Bandstand Committee
Frank Sherman, New London Bandstand Committee
Debbie Cross, *Inter Town Record*
Philip Stake, *Argus Champion*

Sue Clough opened the meeting at 8 AM.

Minutes – July 16, 2007 – Mark Kaplan moved to accept, Larry Ballin seconded. No further discussion. Motion unanimously approved.

Piano – Jessie Levine reported that the New London Barn Playhouse would like to move their piano to Whipple Town Hall so that it will be available there during their rehearsals, and ultimately donate that piano to the Town (so that it would remain at Whipple for other groups such as KAT to use). They estimate the piano's worth to be \$950, thus it will require a public hearing to accept it. Public hearings are required to accept gifts over \$500.

Sue Clough clarified that these are two separate requests, and the Board agreed without discussion to permit the move of the piano to Whipple for the Barn Players to use during rehearsals. Sue Clough then moved to schedule a public hearing for the acceptance of this as a gift. Selectmen noted that having it there would benefit some community groups, rather than the Town as a whole, and Jessie Levine did not know the cost of moving it. D. J. Lavoie asked about the piano currently in Whipple. Can that be donated to someone? Jessie Levine said that piano has been described as “firewood” and recent tuning did not improve matters. Selectmen agreed to schedule the public hearing to accept the gift of the piano.

Sewer Department Flow Study – Jessie Levine reported that the smoke testing phase should be completed this week. So far they have found no illegal connections that would result major inflow during storms. On August 6, engineers will begin the door-to-door phase of the study, as well as dye testing in the roof drains (flat roofs such as the Hospital or Colonial building).

D. J. Lavoie asked if people can refuse to let the engineers in to perform the study. Jessie Levine said that the Sewer Department regulations and State law permit the Town to enter a building for this purpose, but they will not force their way into anyplace where someone is reluctant to allow it. There are legal routes that can be taken if required.

She said that by using Vision's maps, they have been able to eliminate those condos that are on slabs. Sue Clough asked about gutters. Jessie Levine said they are not worried about those. It's the flat roof drains that may be a problem. Otherwise, any source of illegal or excessive inflow should be readily evident upon inspection.

She and Richard Lee are meeting with people from the College on Tuesday regarding initiating a student project for GPS mapping the Town's entire sewer system.

Sue Clough asked about a complaint received regarding an odor at Job's Creek. Jessie Levine said New London and Sunapee agreed to inspect their respective (potential) sources of that odor, and New London has replaced the chemical filters around the one man-hole it has in that area, though they do not think that is the source of the odor. She assumes Sunapee is doing its part by looking at the Dewey Beach pump station.

D. J. Lavoie asked to confirm that results of the flow study will all be public record. Yes, as soon as those results are ready. She also noted that there was no section for CIP funding on the sewer bills. Jessie Levine said that will appear on the second sewer bill, and users will receive advance notice of it. Sue Clough confirmed that Lyon Brook's question regarding its sewer bill has been addressed.

Volunteer Appointments – Two positions on the Zoning Board remain to be filled – an alternate and a regular, and three candidates have expressed interest.

Mark Kaplan said that he has reviewed the interview notes, and feels that all three are good candidates, but he would nominate Doug Lyon to the regular member position and Sue Andrews to the alternate.

Larry Ballin agreed that all three candidates are more than qualified, but he reiterated his own feeling and that expressed by residents – that change is good. He said there is a real concern about getting some new blood on the boards. He would nominate the current alternate Jeff Horten to the regular member position, and Sue Andrews to the alternate position.

Sue Clough expressed concern that a number of experienced people have left the Zoning Board recently, and she feels Sue Andrews is someone who could be up and running on that Board in a short period of time. She referred to Sue Andrews' extensive experience on the Planning Board, her expertise and familiarity with the Town and State regulations. Her knowledge of how the Boards work is excellent, and she (Sue Clough) feels it is reasonable to keep someone on who is anxious to continue serving the Town. Sue Clough said she understands the position expressed by Larry Ballin, but reminded Selectmen that they'd received several strong letters of support for keeping both Karen Ebel and Sue Andrews on the Planning Board.

She also reminded Selectmen that one of their purposes in appointing alternates is that those positions can be used as training ground. Jeff Horten is an alternate now, and has not yet had a great deal of opportunity to work with the Zoning Board.

Mark Kaplan reminded the Board also that they have already appointed two new members to that Board (including new alternate Jeff Horten), so there has been change there, Jessie Levine confirmed that at this point, of the four current Zoning Board members, only Bill Green has been on the Board for more than one term. Mark Kaplan went on to say that he feels the two remaining positions should go to Sue Andrews and Doug Lyon. He is impressed with both those candidates, but feels that Doug Lyon is very good at examining problems, and filtering through them to get to the heart of the matter. He said that the Zoning Board needs someone who can see all sides of a problem.

Larry Ballin agreed with that assessment of the Zoning Board's needs, but added that the Board needs a fresh viewpoint to do that. He observed that Selectmen did offer Sue Andrews an alternate position on the Planning Board and she declined. Sue Clough said that fact should not change someone's eligibility

for other boards, and she reminded Selectmen that at the time they met with Sue Andrews, the latter did express an interest in the Zoning Board as well. She (Sue Clough) added that she feels strongly that serving on one board should not prevent someone from serving on another board.

She asked if Selectmen should re-interview the three candidates. Jessie Levine reviewed the upcoming Selectmen's schedule and asked when they could fit that in. Larry Ballin said he felt that would not be necessary and would be an imposition on the volunteer candidates. He suggested Selectmen review the applications and the notes again.

Jessie Levine reminded Selectmen that a decision must be made soon. Russ Cooper's seat will remain vacant until a new regular member is appointed. (State law prohibits alternates from being appointed to fill a vacant seat.) The Zoning Board can get by with four regular members at a hearing, if applicants agree to that, but they should have a full Board of five regular members. Mark Kaplan said he also feels that they do not need to do additional interviews, but they could review the information they already have. Jessie Levine said that nothing precludes Selectmen from calling the candidates and having conversations with them

Miller Park at Elkins – Larry Ballin referred to the suggestion made at the last meeting that the Town's memorial to Anna Parks include naming that park after the family, but at this meeting he reported that he has been informed that the park is already named Miller Park, and there is a plaque with that name in the grove of trees behind and to the left of the post office. Jessie Levine said she has spoken with the Parks family, and they are happy with the idea of a plaque on the rock in front of the post office.

As a side bar, Selectmen observed that the Miller family should be included in any deliberations for possible changes to the Elkins beach area, though they acknowledged that those changes are quite far down the road at this point.

Committee Reports

Selectmen briefly reviewed Saturday's CAC meeting, during which the question of whether or not Selectmen can obtain firm bids on a project (such as the roundabout or the Library renovations) prior to Town Meeting. At Saturday's CAC meeting, there was the general opinion that voter approval to raise the money was required before a project could go out to bid. However, at today's Selectmen's meeting, Jessie Levine clarified that Selectmen can do whatever they want as far as timing for getting bids, but cannot enter into a contract before it has been approved.

Larry Ballin reported that the Planning Board subcommittee will meet again on Thursday, August 2nd to go over paperwork relative to the Snow subdivision on Messer Pond. The Planning Board has heard concerns from residents regarding the use of floating docks not connected to the beach. The Board has learned that those fall under the purview of the State of NH, and cannot be regulated by the Planning Board.

He reported that the Planning Board continues to review the subdivision and site plan review regulations. It has hired a consultant to review the LID component of the former, to assure that all is worded correctly, particularly those sections dealing with surface/ground water flow. With those in place, New London will be on the cutting edge in NH (for implementing low impact development regulations). He added that the cost of this review does fall within the Planning Board's budget.

Sue Clough said that DES is revising shoreland protection regulations as well, and those will go into effect next April, Peter Stanley is looking at those to see that New London's regulations conform.

DJ Lavoie asked for an update on the Master Plan work. Larry Ballin said they have had one Visioning committee meeting, and are looking at dates in October for the first organizational meeting. They are looking for facilitators for the various subcommittees that will be formed to work on components of the Master Plan. Jessie Levine said this will be a subject of discussion at the September 8th CAC meeting and Larry Ballin said the CAC maybe a good place to find the group facilitators. The Planning Board would like people other than Planning Board, Zoning Board or Board of Selectmen members to lead these topic groups. DJ Lavoie asked if they will put ads out. Larry Ballin said yes, as they move forward, and as is necessary.

Jessie Levine reminded him that she still has a list of names of persons interested in working on the Master Plan subcommittees, and she asked if these should be included in the Visioning Committee. Is the Visioning Committee the core group? Larry Ballin said the three-person Visioning Committee is creating the process, and will stay with the process from start to end. Ultimately, the Planning Board members will be the signatories on the Master Plan.

DJ Lavoie asked who can be on the Visioning Committee? Can it be expanded? Larry Ballin said the Visioning Committee is composed of Planning Board members Dale Conly, Jeff Hollinger and himself. He explained that this committee deals mostly with the logistics – scheduling, reserving meeting places, placing ads, etc.

Larry Ballin reported on the last Personnel Subcommittee meeting, during which members agreed that COLA is appropriate across the Board, and agreed to look at different matrix for wage increases. They are looking at giving more latitude to department heads; that is, setting a budget constraint and allowing them to use that number (for raises) as they see fit.

Jessie Levine reported that there was also discussion regarding the leave policy, specifically accrual of leave time. They have no proposal as yet.

She reported that the Public Works Subcommittee of the Budget Committee has also met, and learned that the six-wheel dump truck budgeted at \$91,000 (includes truck and sander) in the Capital Improvements Plan, has risen in cost to \$139,000. This increase is due to the price of steel, and the new diesel engines and emission systems. She said that Richard Lee is looking at pushing out the purchase date. In the Wastewater Department, Richard Lee recommended replacing the outgoing 4-wheel drive ¾-ton pickup truck with a smaller, two-wheel drive pickup (the truck is scheduled for replacement in 2008). The small amount of plowing required at the pump stations can be done by the plow truck on that route or with the highway pickup truck. This will save the Wastewater Department about \$4,000 in vehicle purchase costs. Richard Lee also recommends keeping in service the existing highway pickup truck, when the new one is purchased. The truck can be used for local activities such as carrying signs and cones, and also for longer-distance travel when the Public Works Director's truck is being used. Larry Ballin said that Richard Lee is very cognizant of the need to keep costs down.

The Fire Department subcommittee will meet Thursday at 2:00 in the Fire Station. There are no changes to the Police Department's CIP this year, so that subcommittee need not meet before the next Budget Committee meeting. The Administrative Subcommittee will meet on August 4 at 5pm.

Other: DJ Lavoie asked where the Town is on the roundabout. The project will go out to bid again on October 1. She asked if the proposal will be the same as last time, or will it be a scaled down version. Jessie Levine said it will be the same. That is, the Town will seek a base bid plus bids for the "alternates." Alternates include landscaping, trees, stamping the sidewalks, grinding and paving a section

of County Road that is outside the main scope of the project, extending the sidewalk as far as the Hospital. In response to further question, she explained that the work on the water line is a separate base bid altogether.

Sue Clough mentioned that there had been some discussion opened by Bill Clough at Saturday's CAC meeting regarding the idea of getting grants for the library renovations.

Bandstand Committee – Jessie Levine explained that the Bandstand Committee asked to meet with the Selectmen to discuss the possibility of the Town taking over the operation of the bandstand. Lois Marshall went on to say that the membership of the Committee is dwindling and remaining members would like to be relieved of their responsibilities, yet feel the concerts in New London should continue. Missy Owen might be willing to continue her work on programming, but would like a stipend.

Much of the Bandstand's funding comes from Steve Mendelson's bequest, and he felt the Committee should be composed of New London people. This is the 18th year of the New London bandstand giving concerts, and she noted that in order to accept the Steve Mendelson gift, they did become incorporated and get non-profit status. They are "The Town of New London Bandstand Committee, Inc."

She and Barbara Green went on to say that the Bandstand has two trust funds: a restricted fund (end of 2006 balance: \$105,338.94 from which only income can be spent, not the \$100,000 principle) and an unrestricted fund (end of 2006 balance: \$385,584.30). This year, they spent \$10,000 out of those funds for repairs and painting the bandstand, as well as some landscaping and stonework around it. In response to Sue Clough's question, Lois said the Bandstand Committee does give scholarships to KAT Company, as that group was near and dear to Steve Mendelson's heart. She said she would hope that the Town could continue that tradition if it does take over the bandstand. Jessie Levine observed that it would be difficult for the Town to offer a scholarship to one group like KAT, and suggested that if this change were to occur, before the Bandstand Committee dissolves, it should create an endowment for KAT if that is what it wishes to do.

Lois Marshall said that before coming today she checked with other Towns to see how their bandstands are run:

- Sunapee pays Bill Wightman \$5000 a year to handle all operations of the bandstand, and they have nine concerts a year.
- Newbury's bandstand operations fall under the purview of that Town's parks and recreation coordinator and also solicits business sponsorship. They have 12 concerts per year.
- In Newport, operation of the bandstand falls under the purview of the Chamber of Commerce and they also seek sponsorship. Specifically, \$137.50 would pay for a fourth of a concert, \$275 would pay for half, and \$550 pays for a whole concert.
- In Hopkinton, any group can schedule a concert with permission from the Town.
- Wilmot's bandstand operation is similar to New London's.
- In Elkins, Janet MacMichael handles bandstand operations. Elkins does have an endowment. They accept donations, but do not actively solicit them.

Mark Kaplan asked what would happen to Steve's bequest if the Town takes over the bandstand. Jessie Levine said those funds are already held by the Trustees, they are part of the capital reserves. Barbara Green said the Bandstand also has a checking and savings account, and they would have to make sure the funds go to another non-profit. She said the Bandstand Committee would have to un-incorporate itself, and they would have to be careful how they move that checking and savings account.

Sue Clough asked to confirm that the concerts themselves are really self-sustaining, that sponsors cover those costs. Barbara Green and Lois Marshall agreed, but said the sponsors do not cover other operating costs as mikes, flags, etc. They added that the least expensive band they have paid was \$450 and the most expensive was \$900.

Other than programming, chief responsibilities consist mainly of preparations before a Friday night concert, including putting the bunting up, bringing the chairs for the band (currently stored at Bill Green's house) checking the electricity and sound systems, and, if they must move into Whipple, setting up the chairs. There is a small amount of clean up after concerts. They added that these days, most bands bring their own sound systems.

Mark Kaplan asked if this would be similar to the Library with its Board of Trustees. The Town owns the Library building (as it owns the bandstand), and the Library's operations are covered by trust funds, as well as by donations. Jessie Levine was not sure if this would follow the Library model. The Library dissolved its 501(c)3 status when it found it could not have both that, and be a governmental department. Friends of the Library enveloped the Library into a Town department, and they should be holding hearings to accept funds. She noted also that the Library does have a staff to do its work.

Her recommendation is that if the bandstand becomes part of the Town's structure, relevant duties should be spread out among administration, perhaps Highway Department (some Friday night overtime) finance, etc. She would be concerned about asking a one-person Recreation Department to handle all of it. Lois Marshall asked if there is a Recreation commission. Jessie Levine said yes, but they are largely advisory, and the Recreations Director already has a lot of work in summer.

Mark Kaplan asked if the flow of funds would be through the Budget Committee. Jessie Levine said nothing goes into the general fund unless the Town Okays it. Basically, the funds would become a budgetary item. Mark Kaplan asked how Steve Mendelson's fund would remain for the bandstand only. Barbara Green clarified that the income from the restricted fund can be used just for the bandstand, but the unrestricted funds may go to any theater and arts related activity.

Jessie Levine asked for a sense of the Selectmen: Are they interested in having the Town take over the bandstand? Larry Ballin opined that an organization as the new formed Kearsarge Sunapee Community Center might be in a better position to take this over. Sue Clough suggested that this should be the topic of a separate meeting to include the Recreation Department, Outing Club, Kearsarge Sunapee Community Center Group. She would like to know what their thoughts are on this. Barbara Green pointed out that the Outing Club and Community Center groups are already non-profits. The Bandstand Committee is asking to change from that. Jessie Levine said this is public land, and public money, she would rather the Town have management of it. But she noted that all of the Town's departments are being used to the max now. Mark Kaplan said he likes the idea of meeting with Department heads on this. Mark Kaplan said he is interested in maintaining the concerts, but recognizes there is a lot of work involved. Larry Ballin said if the Town does take over the New London bandstand, they should also consider the possibility of receiving a similar request for the Elkins Bandstand.

Also, he cautioned Bandstand Committee members that if this were to fall under purview of the Town, the funds would probably be drawn down faster than they are now. He pointed out that businesses are more likely to contribute to a 501(c)3 organization than to a municipality. Accumulating funds would probably become decreasing funds. And he feels it would be unfair for this to become an expense for the taxpayers. Sue Clough added, unless it is voted on at Town Meeting. Jessie Levine pointed out that donations to the Town are deductible. Barbara Green said her only concern would be if the funds are

eventually drawn down to zero. As far as the sponsorships go, it is her feeling that the businesses that sponsor concerts are more interested in the advertising.

In conclusion, Selectmen agreed that this is a new idea, and needs more deliberation. They agreed to discuss this with Department Heads.

Selectmen approved and signed building permits for:

- Paul & Joanne Lazdowski to construct a new garage at 40 Moyahs Lane, Tax Map 103, Lot 015-000.
- Estous Lee Davidson for a new garage and various renovations at 158 Sugar House Road, Tax Map 035, Lot 024-000.
- New London Hospital Association to construct an addition to the Hospital as well as do renovations including site work and parking reconfiguration, at 273 County Road, Tax Map 071, Lots 016-000 and 017-000.
- Richard and Cornelia Leach Trusts to build a 10' by 16' shed at 50 Rowell Hill Road, Tax Map 122, Lot 008.
- David B. and Sue Ellen Andrews, III to replace three fixed windows with the same size awning windows and install an 18"x30" window in the bathroom, at 114 Turkey Hill Run, Tax Map 051, Lot 025-000.
- Delavan and Janet Cate to remodel existing basement with Owens Corning Basement System and to add an egress window in bedrooms to be used as a family room/bedroom, at 765 Route 104A, Tax Map 103, Lot 001-000.
- Also, Selectmen approved and signed tax abatements for Jamie Gould, Michelle Cox, and Lake Sunapee Country Club.
- Permit for the Sunapee-Kearsarge Intercommunity Theater to use Whipple Memorial Hall on August 20 & 27, and September 10 & 17, from 7p.m. to 9p.m. Selectmen also agreed to waive the fee as this is a non profit group.

The building permit application from Walter and Rebecca Partridge to replace and existing garage with a larger one at 384 County Road Tax Map 072, Lot 012, was denied.

At 10 a.m. Selectmen closed the public session of this meeting and per NH RSA 91-A: 3 II (a) entered non-public session to discuss three personnel issues.

At 10:10 a.m., Selectmen reentered public session, and having no further business to address, adjourned.

Respectfully submitted,

Sarah A.Denz
Recording Secretary