

**BOARD OF SELECTMEN
MEETING MINUTES**

JANUARY 30, 2006

PRESENT:

Mark Kaplan, Chair, Board of Selectmen
Douglas W. Lyon, Selectman
Ruth I. Clough, Selectman
Jessie Levine, Town Administrator

OTHERS PRESENT:

Bob and DJ Lavoie, New London residents
Richard Lee, Road Agent
David Seastrand, Chief of Police
Carolyn Fraley, Finance Officer
Carolyn Dube, Argus Champion
Debbie Cross, Intertown Record

Chair Kaplan called the meeting to order at 8:03 AM.

Meeting Minutes: Mr. Lyon moved to approve the minutes of January 23, 2006. Second Ms. Clough and approved 3-0.

Reduced Winter Maintenance: Ms. Levine reported on the State Department of Transportation's public hearing of January 26, 2006, on the town's request to reduce winter maintenance on Route 114 and Little Sunapee Road around Little Sunapee. Ms. Levine said that District 2 Engineer Alan Hanscom presented the State's winter maintenance policies and procedures, and then invited Jack Sheehan of the Little Sunapee Protective Association to present the protective association's concerns about water quality. He then opened the floor to questions about reduced winter maintenance, and no one expressed opposition to the proposal. Ms. Levine said that Mr. Hanscom will issue a decision in 7-10 days, after it has been reviewed by his boss, but it appeared that he was leaning towards granting the request. Ms. Levine said that he asked the protective association to increase monitoring of conductivity and of the level of silt in the lake (the latter because the use of sand instead of salt may also have a negative effect on water quality). Ms. Levine said that the roads will also be monitored for safety, and if there are accidents or other issues the policy will be revisited.

Ms. Levine said that when she announced the public hearing about a month ago, a resident observed that the state had already begun using sand instead of salt on the back side of the lake. Although Mr. Hanscom denied it at the time, he informed Ms. Levine on Thursday night that in fact his staff had switched to sand on the less traveled Little Sunapee Road. Ms. Levine said she was surprised by the DOT's variance from its own policy, which requires a public hearing and installation of signs prior to making the change.

Ms. Levine said that no one at the public hearing raised the question of the State DOT's plans for its maintenance garage off Old Dump Road. Ms. Levine said that the DOT is working on a plan to add a brine plant to its property, which will allow the state to mix salt and water for application to roads at the beginning of a storm. The DOT has also proposed adding a fuel depot to the property, which causes her more concern because it would be available to public agencies at all levels: state, county, and local. She said this could add an unknown amount of traffic to the road, which is particularly alarming due to the proximity of Bucklin Beach. More information is needed from the State. The DOT will have to present its plans to the Planning Board prior to any changes, although Ms. Clough pointed out that the state

agency does not have to comply with Town regulations, so the Planning Board and Board of Selectmen have no authority. Ms. Levine said that the DOT has been cooperative with the Town in the past, and she hopes they would continue that approach. Mr. Lyon said that the DOT faces the same issues that we do with our own operations: how to protect trucks, store salt, etc.

Landfill Repair: Ms. Levine said that Richard Lee has spoken to the State Department of Environmental Services, and an engineers stamp is required on any plans to repair the slipped landfill. However, the design work should be shortened since the Town has the benefit of previous designs that can be recreated. She hopes that the cost of repairing the landfill will be reduced by about \$50,000, but she does not yet have a revised figure from the engineer.

Newport/County Road Intersection: Ms. Levine said that the Town's engineer, Rob Faulkner of Clough, Harbour & Associates, held three information sessions for abutters and "stakeholders" on Thursday, January 26, 2006. The first was held at Hilltop Place and had 13 attendees, and the remaining sessions were at 1:00 PM and 3:30 PM and were attended by representatives of Jake's Market, Ledyard Bank, New London Hospital, Great Pines, Sugar River Savings and abutter Tomie diPaola. Mr. Lyon and Carolyn Dube also attended the 1:00 session. The presentation was designed to seek feedback and share information about the options of a signalized intersection or roundabout.

Ms. Levine said Mr. Faulkner began every presentation by explaining the terminology and design parameters involved. The "design year" for the intersection is 2027, meaning that the engineers do not design the intersection for the present year – which would not allow for growth – but for a future year. The "design vehicle" is the largest vehicle that the intersection design will accommodate; in this case, the intersection will be designed for the WB67 (large tractor trailer). Mr. Faulkner also explained the level of service (LOS), which is calculated based on the wait time at the intersection. The engineers conducted traffic counts in December, and during the peak hour (3:30-4:30), the intersection handled 1100 vehicles and the LOS was D on a scale of A-F. That means that with the current design of the intersection, the LOS is a D; state and federal regulations will not allow a new design to be a LOS D in the design year, let alone the current year. That means that leaving the intersection as-is, or designing a four-way stop, is not an option that will be acceptable to state and federal officials (Ms. Levine said public safety personnel also agree that the intersection should not be left as-is). At the presentations, Mr. Faulkner explained that a signalized intersection would perform at a LOS B with today's traffic and a LOS C in 2027. A roundabout would perform at a LOS A today and a LOS B in 2027. Both calculations take into account with the projected increase in traffic in the year 2027 and the projected increase of traffic during the summer months.

Ms. Levine said that some of the attendees of the afternoon session suggested that Mr. Faulkner and Ms. Levine were slanting the presentation towards the roundabout. Ms. Levine said that seemed to be true, primarily because the roundabout is a newer concept and there is more to talk about. Ms. Levine added that what she has read so far supports a roundabout as a safer design for motorists and pedestrians, is more efficient from a traffic flow standpoint, better for emissions and noise, and is more aesthetically pleasing. When people ask questions comparing the two, studies support a roundabout design. Ms. Levine said that attendees requested more information about the two options, so Ms. Levine prepared a packet of reading material that was sent to attendees and some who could not attend. Mr. Lyon said the roundabout is the more expensive option due to its more complicated design and construction, but is shown to have a better level of service because it is designed not to stop traffic but to slow it down. He said there is a fair amount of data that support looking closely at the roundabout option. He noted that Claudette Duhamel of Ledyard Bank spoke very strongly in favor of a roundabout; she had not supported it until she spent two weeks in Europe and came back convinced that they were the better option.

Ms. Levine said the engineer will meet on February 7 at 2:00 PM with department heads and stakeholders who missed the January 26 sessions, and is scheduled to meet with the Board of Selectmen at their meeting of February 13 at 10:00 AM. There will be a town-wide public forum on the intersection options on February 27 at 7:00 PM. She hopes that these sessions will lead to a strong recommendation for Town Meeting, when the Town will ask for funds for the final design.

Transfer Station Update: At 8:30 AM, the Selectmen were joined by Road Agent Richard Lee. Richard Lee passed out a memorandum and spreadsheet that he had put together showing the amount of trash and recycling that the Town has generated over the past few years. He said that he realized the recycling figures were off in November and the tonnage being hauled to Claremont had increased, resulting in the need for him to take a closer look at what was happening. He said that in 2003, the Town sent 3150.41 tons of trash to the Claremont incinerator. The number dropped to 3049.12 in 2004 but increased by over 130 tons to 3181.24 in 2005. The amount of tonnage has increased by 232 tons since 2001. He walked the Selectmen through a graph showing the residential trash brought to Claremont and the tonnage hauled by private haulers Naughton and Gobin, which pick up commercial dumpsters, including the College and Hospital. He also showed the Selectmen this year's recycling figures, which increased by about 75 tons (not including scrap metal).

Richard Lee said that since 2003, 121 new homes were built in New London between 2001-2004. Using an estimate of 3 bags of trash per week per home, at 25 pounds per bag, he estimated that every home generates 1.95 tons of trash per year, which would account for 235 tons of new trash since 2001. He said that after he had done this calculation, he found statistics saying that the average home generates two bags of trash per week at 20 pounds per bag, which would still account for the increase. Richard Lee pointed out that trash has increased 232 tons since 2001, while recycling has increased 52 tons, for a total of 284 tons.

Note: following the meeting, Jessie Levine put together the spreadsheet showing the estimated trash generated by every new home since 2001, assuming the home is occupied the year following the building permit (2 bags x 20 lbs. x 52 weeks x number of new homes / 2000):

Year	New Homes	2001	2002	2003	2004	2005	Total estimated since 2001
2001	17		17.7	17.7	17.7	17.7	70.7
2002	28			29.1	29.1	29.1	87.4
2003	33				34.3	34.3	68.6
2004	<u>43</u>					<u>44.7</u>	<u>44.7</u>
Total	121		17.7	46.8	81.12	125.84	271.4 tons

Richard Lee said the recycling of glass remains high, bringing in 150 ton this year compared to 137 ton in 2004. He hopes to use the proposed recycling revolving fund to promote recycling and increase opportunities. For instance, people have complained that the paper bags at Hannaford are not as easy to use as the bags with handles that Cricenti's used. He would like to purchase bundles of the handled bags and give them out or sell them at the Transfer Station. He said that with 10-12 pounds of paper per bag, the bags will pay for themselves. He said there is also an opportunity for businesses to sponsor the bags by advertising. Richard Lee noted that cardboard recycling figures went down in 2005, while paper went up. This could be because of the popularity of the mixed paper program.

Ms. Levine asked why Naughton's hauling figures dropped in half between 2003 and 2004 and stayed down in 2005. Gobin's figures have not changed much since 2003. Richard Lee said this could be because Colby-Sawyer College is recycling more than ever, as is the Hospital. Most of Gobin's hauling is New London Hospital, while most of Naughton's is the College. These organizations and other

businesses bring their paper directly to the Highway shed property, and the Town sells 5 ton of paper every three weeks.

Richard Lee said if the Town changes to a pay-per-bag (or pay-as-you-throw) program, Transfer Station users would buy bags to use to throw away their trash. If users get 20 lbs. of trash in every bag, the bags will cover the cost of trash disposal at the incinerator. This program has been successful in other towns, particularly for encouraging recycling since recycling is free while trash disposal costs the amount of the bag. It also means that one taxpayer is not subsidizing another's trash; people would pay for only what they dispose, which is more fair to part-time residents and to the single and elderly, who generate lower amounts of trash. Ms. Levine said pay-as-you-throw is a great program, and asked if the Town had the fortitude to make the change. Richard Lee said that it is good because it takes trash disposal off the tax rate, but is problematic in towns such as ours that handle commercial waste. If we went to pay-as-you-throw, we would most likely tell commercial users to handle the disposition of their trash on their own. Ms. Levine said it would be interesting to look at the commercial property value and determine whether residential taxpayers were subsidizing commercially-generated trash. She wondered if the cost of trash is offset by the value of commercial property. Mr. Lyon said as we approach the expiration of the solid waste contract with Wheelabrator in 2007, the Town will have to look at various alternatives, and this is one of them. If the volume of trash is related to residential development, then the Town's costs will continue to increase.

Richard Lee said that in August 2005, the Town exceeded 300 ton of monthly trash for the first time. He said this summer the Transfer Station was hauling as much as 60 tons per week to Claremont; the figures went up in July and stayed up. Ms. Levine said this discussion is a good segue into the enforcement of permits at the Transfer Station and the grief that Transfer Station employees have taken from users who do not have permits. She said that Richard Lee came up with an "infraction form" for the Transfer Station employees to use; the employees will ask for a permit but if the driver cannot produce one, the employees will fill out the form with the license plate number rather than confront the driver at that time.

Richard Lee said that the first weekend that the form was used, the Transfer Station completed all 20 copies of the form. About ten more have been completed since that time. He said the drivers give excuses ranging from blaming the Town Clerk's office to "it's my wife's car" to "I've been here for 30 years and never needed a permit before." Ms. Levine said she is preparing a letter to go to the owners of the cars alerting them to the Transfer Station requirements and to the fines for dumping without a permit. Richard Lee said that there are 400-600 cars through the Transfer Station per day, and after seven or eight encounters with a disgruntled dump user, the employees might not be as personable as at the beginning of the day. He hopes that the complaint form will take some of the strain off the employees.

Ms. Levine asked the Board of Selectmen how they wanted to handle the people who do not have permits. She said that the Transfer Station regulations contain a \$1000 fine for dumping illegally. Ms. Clough said that fine is rather steep, although Chair Kaplan said "it's a nice round number." Mr. Lyon said he questions why the Transfer Station employees should have to make a judgment at all; if a car has a sticker, the driver can dump. If it doesn't have a sticker, they cannot use the facilities. DJ Lavoie asked if the Transfer Station signage refers to the \$1000 fine, and Richard Lee replies it does not. A discussion ensued about improved signage at the Transfer Station alerting drivers to the permit requirement and the potential penalties. Ms. Clough said she would rather the Transfer Station employees not be put in the position of enforcement; they can ask for a sticker but she agrees with the idea of recording people who are not permitted. Ms. Clough added that correspondence from the Town, such as letters regarding car renewals or the next *Quicklink*, should have reminders about the regulations. Richard Lee said many people complain that they weren't given a sticker, but if the car is registered in New London they are always given a new sticker, even if the registration takes place by mail. Ms. Levine said that the Town Clerks have also sent stickers to out-of-state property owners who want a permanent sticker.

Mr. Lyon said all of these suggestions amount to enabling bad behavior and won't stop people who are not inclined to follow the rules. The Town and its employees should not be spending time on the 10% of the population that won't abide by the rules. The regulations require a permit on the vehicle in order to use the Transfer Station; if someone is driving without license plates or an inspection sticker, the police would not accept an excuse, and why do we? Richard Lee said he is trying to be nice to the taxpayer, but it is getting to the point of being a contest. If Transfer Station employees get riled, a taxpayer complains to the Town Offices. Some of the complaints are warranted, and some are not. Mr. Lyon said the Transfer Station employees should not be in the enforcement business, and the Selectmen should ask the Police Department to make periodic visits instead. Richard Lee said that if he or Ms. Levine were enforcing stickers, they would get a different response from taxpayers than the responses given to Transfer Station employees. He worked at the Transfer Station prior to becoming Road Agent, and there is a different level of respect for the employees who work there every day. People do not like being directed by a Transfer Station employee.

Mr. Lyon said the reason the Selectmen asked for more enforcement is that citizens complained about cars at the Transfer Station without stickers. We should be concerned about the needs of the taxpayers and not those who will not cooperate. Richard Lee said that one illegal user could add one ton of trash per year, and even though that is only \$91, why should that be borne by New London's taxpayers? He said that Glenn Carey, the Transfer Station supervisor, had spoken to someone the other day who had moved to Newbury but still had the New London sticker. If the staff could spend less time enforcing the stickers, they would have more time to work on the recycling program and monitor what is being dropped into the hopper.

Ms. Clough said she agrees that there should be a fine for not having a sticker and at some point we have to stop excusing repeat offenders. Ms. Levine asked if the Selectmen would approve the use of police officers at the Transfer Station, and the Selectmen were unanimous in their agreement. Debbie Cross asked if Saturdays were the worst day, and Richard Lee replied that they tend to be the busiest but he'd suggest having an officer at different times. Ms. Levine asked if the Selectmen would impose a small fine the first time but give the car owners a chance to appeal. Mr. Lyon said that a warning for the first offense doesn't make sense because it will be difficult to track warnings and with 4-600 cars per day, that could amount to a lot of warnings. He said it's simple: if you don't have the sticker on the car, then you won't get into the Transfer Station. Richard Lee said some car owners don't like to put stickers on their car, and they fish around in their glove compartment when asked for the permit. Mr. Lyon said this destroys productivity and leads to complaints that the Transfer Station employees are standing around and not working. Richard Lee said when he first started checking stickers, he stood inside the gate and had difficulty even getting drivers to stop their cars. Mr. Lyon said that is exactly why a police officer makes better sense.

Ms. Levine asked if there should be a graduated fine. Chair Kaplan said he would like to send out the letters communicating with people who have been caught in violation. Mr. Lyon said the Selectmen should require the sticker to be visible on the car so that cars can move more smoothly through the Transfer Station and free up employees for other tasks. Richard Lee said stickers are required for other places, such as DHMC, Colby-Sawyer College, and Eastman. Owners are not given the option of not displaying their stickers. He wants to get the confrontation away from his employees; there are three good employees at the Transfer Station and he does not want to lose them due to arguments over 15 cent stickers. Mr. Lyon agreed and said if the Selectmen are not willing to bite the bullet, then the Selectmen are putting the employees in that position.

Mr. Lyon made a motion to adopt a policy that requires the Transfer Station permit to be on the car or the car will not be permitted into the Transfer Station. Ms. Clough seconded the motion and it was passed 3-0. This led to a discussion about the recommended location of the sticker; Ms. Levine said the new

stickers should go on the inside of the front windshield on the passenger's side. Ms. Levine said she would revive the ad that the Town ran a few years ago alerting people to the regulations and the Town's enforcement plans. Mr. Lyon suggested having a note to hand out to people without stickers alerting them to the Selectmen's decision.

At 9:30 AM, Police Chief David Seastrand and Finance Officer Carol Fraley joined the meeting, and Chair Kaplan updated Chief Seastrand on the conversation regarding Transfer Station enforcement. He asked if an officer could be present at the Transfer Station periodically, such as every other day or a few Saturdays. Ms. Clough said there should be someone occasionally in the summer as well. Chief Seastrand said that as long as he is given time to re-work the schedule, he can build in those hours. He said he had asked Glenn Carey to call him if he ever ran into a problem and that hasn't happened. Ms. Levine asked Chief Seastrand if he could release the names associated with the license plates of people who did not have permits, and Chief Seastrand said that under state regulations he cannot, but he could send letters to those car owners on behalf of the Town.

Mr. Lyon said he likes the idea of taking the enforcement burden off the Transfer Station employees and onto the Police and Selectmen. He said Aristotle said to not enforce a law is to make a mockery of it.

Richard Lee departed at 9:40 AM.

Whipple Town Hall Basement: Ms. Levine said she had met with Brian Carey about the renovation of the basement of Whipple Memorial Town Hall. He had planned to gut the basement prior to finalizing any plans, because it was difficult to determine how much will be involved to renovate without a better sense of the wiring and plumbing. Brian Carey's proposal, including demolition, was about \$145,000, not including handicap access, furniture or audio-visual equipment. Ms. Levine said there is \$66,000 in capital reserves, so it would require an additional \$80,000 in appropriation to accomplish the work this year. Mr. Lyon said that per the approval of Town Meeting last year, it seems like we should go ahead with the demolition this year and develop a renovation plan to bring to voters at next year's Town Meeting. He said that without the demolition and a better study of what the project entails, we cannot be sure that the estimate of \$145,000 will cover all of the necessary work. Ms. Levine said there are contingencies built into the estimate. Mr. Lyon said while he appreciates the efforts Brian Carey has gone through, he would prefer to go to Town Meeting with all of the information in hand, including an understanding of how much of the project could be done with volunteer assistance, bid information, etc.

Ms. Clough asked if the proposal includes volunteer time, and Ms. Levine said that most of the volunteer time would be needed in the beginning to remove the stuff from the basement, which falls into three categories: 1) junk left over from the Police Department's prior use of that space; 2) evidence that must be kept secure; and 3) equipment for re-use, such as gym equipment. The proposal does not include the removal of that stuff and it would cost the town more to pay Brian Carey to remove it.

Chief Seastrand said that his staff has sifted through the evidence and has been able to get rid of some of it to free up space. They have removed all of the junk, and the last step is to bring all of the evidence into one room so that the remainder of the area can be demolished leaving the evidence room intact. He hopes that during the remodeling a large storage area can be created. Chief Seastrand said that his staff did a self-evaluation of the evidence and has now established a more routine system. Mr. Lyon asked what the rules are for keeping evidence, and Chief Seastrand said it depends on the value. Some of the items are left over from the 1980s, some are firearms, some are valuable antiques that cannot be released yet. He has in the past put unclaimed items into the Town's surplus auction, such as a kayak that fell off a car and bikes that turned up and were unclaimed. At some point he plans to advertise to get rid of evidence that can be identified by its rightful owner.

Ms. Levine asked how the police staff would feel about a two-year delay in renovating the space, which was recommended by the Police Department study. Chief Seastrand said the space is not being used now except for the weight room and for periodic checks on the boiler and for flooding. Mr. Lyon said it makes sense to wait and go to the voters with something that we're sure about, and Ms. Levine said it gives time to the police staff to better design how they would propose to use the space. Ms. Fraley said that the Town said it would return to the voters with a proposed use for the space, so it makes sense to develop a plan.

Mr. Lyon said the Selectmen would need time to make a case to the voters as to why the space needs to be recaptured and how it would benefit the town. Ms. Levine said there should be given some thought to whether the meeting room space should be open for general use or limited to town departments. The Sydney Crook Room has experienced such heavy use that it is difficult for town-related meetings to get scheduled time. However, she does not think the Town should tell the public that it can't use the basement of the Town Hall, so some thought needs to be put into the potential uses. It is being designed as a potential emergency shelter with showers and a kitchen. Ms. Clough asked if grant funds would be available to build a shelter, and Ms. Levine said she will look into that idea. The conceptual plan tries to re-use the existing locations for bathroom and the kitchenette to take advantage of the existing plumbing and drains.

Ms. Levine asked Chief Seastrand if the new Police Benevolent Association might be willing to contribute funds to outfit the basement, and he said they had already talked about it. Chief Seastrand asked if the room would be ADA accessible, and Ms. Levine said she is not sure if the slope will comply with ADA requirements but that the previous renovation had allowed for the addition of a chair elevator. Mr. Lyon said that for ADA purposes we tend to think of wheelchair accessibility, when in this town a bigger issue has been the elderly or injured who are using canes or crutches. He suggested putting in the chair lift to meet ADA requirements while also building a ramp for easier access. He said this shows that we need to flesh out the plan prior to Town Meeting.

Ms. Levine gave Chief Seastrand an empty floor plan and asked his staff to take a look at design options. She suggested separating the space to be used by staff from the public space. Rather than put away \$80,000 into capital reserves, she suggested putting \$50,000 this year with a plan for \$50,000 the next year, under the assumption that construction costs will increase over the next year. The Selectmen approved the suggestion.

Mr. Lyon said the Selectmen need to do due diligence about the construction costs. Even though Brian Carey was very generous on the Fire Station project and was far cheaper than other contractors' estimates, he would like to make sure the same applies for this project. The Selectmen should be able to defend the costs before the Budget Committee and Town Meeting. Ms. Clough said she does not want to make the police staff wait any longer than they have to for the use of the space. Chief Seastrand said the space is not being used now.

Ms. Fraley and Chief Seastrand departed at 10:25 AM.

Building Permits:

- Jane Brock-Wilson, 115 Lighthouse View Drive (Map 126, Lot 011), application for permit to remove existing retaining walls and wood structured sitting area, and rebuild with natural sustainable materials (fieldstone, granite, etc.). Also provide 4' walkway with steps to proposed dock – DENIED due to prohibition of construction activity within the 50-foot shoreland setback (Permit 06-004)

Sign Permit Applications:

- NONE

Other Items for Signature:

- Disbursement Voucher for the week of January 30, 2006 – Approved
- Warranty Deed for gift of Clark Lookout from Sydney L. Crook to Town of New London – Approved
- 2005 Appropriation Transfers - Approved
- Abatement Recommendations:
 - Frederick Wright Revocable Trust, County Road (Map 082, Lot 009) – Approved
 - Jane Wright Revocable Trust, 57 Green Lane (Map 082, Lot 017) - Approved

There being no further business, the Board of Selectmen adjourned the meeting at 10:30 AM.

Respectfully submitted,

Jessie W. Levine
Town Administrator