



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES March 9, 2009

### **PRESENT:**

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

### **OTHERS:**

Representative Randy Foose  
Representative David Kidder  
Paul Bradicich, Webcam  
David Seastrand, Chief, New London Police Department  
Debbie Cross, Intertown Record

### Application for use of Town Commons:

- New London Hospital – 8/6/09 through 8/9/09 set up Thursday – take down Sunday - Approved.

### Application for use of Syd Crook Room:

- New London Hospital – 8/7/09 - 5:00 pm – 11:00 pm and 8/8/09 – 9:00 am – 11:00 pm – Approved.

### Application for Permanent Signs:

- CB Coburn & Not Just Balloons, LLC – 374 Main St. (Map & Lot 084-003-000) two permanent signs, one on front of building, one on post – Approved.

### Application for use of Whipple Hall:

- New London Recreation Dept. – dance classes Thursdays 5:00 pm – 8:30 pm April 1<sup>st</sup>, 2009 through April 30<sup>th</sup>, 2009 and Friday May 1<sup>st</sup> 7:00 pm – 10:30 PM – approved.

### Other:

- Disbursement voucher week of 3-09-09 - Approved.
- Current Use applications for the Town of New London (Map 119, Lot 002), Stanley Farm Association (Map 057, Lot 004), Ann Denny (Map 055, Lot 005), Tomie dePaola (Map 059, Lot 025) Revocable Trust – Approved.

Chair Kaplan opened the meeting at 8:00A.M.

### **MEETING MINUTES:**

A motion to approve the Minutes of the February 19 and March 2, 2009 meetings was made by Ms. Helm and seconded by Mr. Ballin. Hearing no discussion, the Minutes were approved and accepted as presented.

**NEW BUSINESS:**

Representatives Randy Foose and David Kidder: Chair Kaplan welcomed Representatives Foose and Kidder to the meeting, acknowledging that Senator Odell was held up by the snow storm. Referring to the sheet that he distributed, Rep. Foose said that this was a summary of what he wanted to make sure that they spoke about at this meeting. He emphasized that the State is very early in the budget process, outlining that process as follows: the Governor has proposed a budget and the House will spend this month working on its idea of a budget which then get passed to the Senate. The Senate then interjects its own ideas and produces their budget which then comes back to the House in May and then the process of reconciling the two budgets begins. It has been his experience that a budget is usually presented to the Governor sometime in May, with approval by the Governor sometime in June. He said, however, that the struggle to get a budget that everyone can agree on may push the completion of this process back to sometime in the middle of the summer.

Rep. Foose then focused on what we know at this point. He said that NH is in better shape than many other states. NH has a superb education system, a healthy lifestyle, in-migration and a better real estate environment, low taxes, a modest but substantially funded (\$89 mil) Rainy Day Fund, and a government that spends citizens dollars carefully. He said that this year, as part of the budget process that began in October, all state agencies were encouraged by the Governor to present budgets that were at 97% of maintenance for the first year and the second year to present just what they needed to operate, with no new programs. The state agencies responded and as a result the Governor's budget as it has been presented provides for flat spending over the next biennium. To get to that level, he said, the Governor and the agencies have agreed to some very conservative approaches to budgeting, including to cut back on the district court, which is central to New London.

Recognizing that the House is early in the budget process, all three division of the House Finance Committee have been holding hearings for the last week. He said they were pretty much finished with Education at this point, and, in his division, will start with Fish and Game and Safety this week. He said that in digging down into the budget you will find that state agencies are attempting to do things with federal dollars that they used to do with state dollars. Agencies are trying to moderate the contributions for things like CAT aid, tuition and transportation, and education payments to the school districts. He said as a result there are a lot of tough decisions being imposed, and there is no doubt that there is a trickle down effect on counties and towns. He said that a balance to that is going to be the stimulus package, but at this point we do not know exactly what is in that package. He informed the Selectmen that the Finance Committee will have a special hearing with Bud Fitch on Friday, March 13, so more information may be made available at that time. He said that we were in an era of conservative budgeting. Concurrently, we are in a period where we are learning, on a weekly basis, that we are in a recession that is far more serious than the recession that was modeled at the time the Governor built his budget in October, November and December. In fact, he said, the House has received a new revenue estimate that was \$123 million lower than the revenue the Governor built his budget on. All of this is occurring in an environment of the erosion of wealth in our state, where wealthy and middle income people are seeing their resources dry up at an incredible rate. This is occurring even before, in this political process, they are being asked to get resources to the people who depend on government as a safety net. He is certain that this dynamic would be seen at Town Meeting on Wednesday night and it would play out at the county and state levels as we get deeper and deeper into the budget process.

From Rep. Foose's perspective, and he thinks there is a pretty broadly held belief on both sides of the aisle, the Governor has been courageous in proposing a budget that makes a series of tough choices, against a backdrop of when the state was run by a Governor who was more interested in personal popularity and unwilling to get out in front of the budget process. He said he believes that Governor Lynch has taken the bull by the horns and, understanding the process that he has just laid out, what he has

suggested is not where we will ultimately wind up but rather a road map, a set of ideas, with a great willingness to consider modifications.

Rep. Foose said that from a budgeting standpoint, we are in an environment where there is a strong possibility that as we get deeper into the process, individual agencies, departments, divisions, and committees are going to come back and say that there is just no way we can cut our way into a balanced budget with the revenue erosion. He said that this will set up another conversation for a broad-based tax, but he does not see anything in Concord at this time that suggests that a state sales tax or income tax will be considered seriously. He noted there is strong interest, particularly in the Senate, in gambling. There are many ideas on how much gambling will contribute, with opinions on every level. Senator D'Allesandro has introduced a bill and the pressure will come from the Senate. The House, in its votes on Wednesday, was 90% against gambling, but he thought people were holding their powder. The folks in the House who want to consider this seriously are waiting for the Senate, and then we will see the lobbying come forward.

Rep. Foose finished his remarks by saying that as New London is closing in on a budget, the State is still early in this process and there are a broad range of possibilities for what ultimately might happen. His last comment related to Rep. Kidder's continued questioning as to why we build a tax structure that requires us to nickel and dime everything that moves, and why we don't look at a more rational tax structure in this state. That is a question that New London's delegation continues to wrestle with, and there are three people in Concord who are ready to work hard on this but it is a matter of political realities.

Mr. Ballin referred to the political will that drives the debate on taxes, and said that it seems like the opinion is that if the Governor's not going to consider it, then let's not even talk about it. Rep. Foose said that was not his judgment. He thought it was more a calculation that if there were a serious effort to pass an income tax, would 55-60% base of the population be supportive. The polling from UNH says that the current level of support is about at the 45-48% level. Ms. Levine noted, however, that this was without any education, plan or strategy communicated to the public. She thought the percentage would increase when people were better educated, and Rep. Kidder agreed that people need to understand how it would work. People think that in other states other taxes do not come down after an income tax is in place. But, he said, it does not have to be that way. The property taxes should come down and it is incumbent on the local level to keep those taxes down.

Ms. Levine said that Rep. Foose is one of the few people in the state legislature or at least on the Finance Committee that knew how local budget were constructed. She was glad that he understood the pressures that New London was facing. She added that she did not necessarily think the Governor's budget cuts were courageous since he was passing the problem down to the towns, and it would be the towns that would have to deal with that shortfall. She said she was glad that the rooms and meals tax was coming back, but she was still concerned about the shared revenue. She said it also sounded like the highway block grant will be safe with the 15-cent gas tax being supported so far.

She cautioned that people do not seem to be spending a great deal of time looking at the retirement change but that this could be big and would be a change in the law that towns will live with forever. Ms. Helm asked if there were any numbers on this. Ms. Levine said that for New London the change from paying 65% to 70% for police and firefighters would be about \$10,000 per year. Mr. Kaplan said that it was his understanding that the state was to put in a certain portion into this fund and the towns were to add a portion and that this was the law. He questioned how the state could then come along and decide to reduce their share by changing the law. He said that this did not seem fair. Rep. Foose responded by saying where we were talking about the total impact of the retirement fund, some people were pleased with it and some were not. He thought that the proposal that came out of the House was stronger than

what was ultimately passed, but he thought that at least the cost of the retirement system was moderated somewhat.

Rep. Foose said that in the case of the budget process, the Feds have the advantage of being able to print money for anything they do, but they also get to decide what trickles to the State and then to the counties and towns. The town unfortunately is at the bottom of the food chain. He thought that the only places the towns could make a difference were in staffing levels and in land conservation. He said that towns do not have very many choices and did not see there was anything that could be done, if there has to be a pecking order. Ms. Levine said that New London will be impacted with the proposed change to the retirement benefits sharing through the police, fire and teachers, and also through the county. She said there are really only three payers: the State, the town and the employee and that there was no way the labor lobby will let the employee share increase. Rep. Kidder said that what we were really saying is that the lobbyists have the power. The Selectmen agreed and Mr. Ballin added that until there is a real desire to make changes, this is how it will be. Rep. Kidder said that this was a political will issue, just like the income tax issue. Ms. Levine asked that if the retirement increase were to go through, was there a way to delay that change until the next fiscal year. If it goes through effective July 1, towns will not have budgeted for the increase in their share.

Rep. Foose said that the Finance Committee is trying to make it as easy as possible to get input from citizens. He said that for the second biennium in a row, they were taking their hearings on the road and will be in Claremont on Thursday at 6:00P.M. He would encourage people to be there, noting that it is a very effective way to be heard and that the ideas expressed there are definitely heard. Ms. Levine said that the Board intends to be there and asked if they should prepare a message and will have the opportunity to speak. He responded yes. She asked what would be helpful for the Committee to hear to help him help us. He suggested emphasizing the timing issue and to quantify the impact on a proposed budget at this point, noting the cuts that have been discussed at the State level.

Rep. Kidder said that Town Meeting will give them more ideas that they might want to bring forward. Rep. Foose said to be as prepared and as concise as possible. Mr. Ballin asked where the revenue was going to come from to replace the rooms and meals tax. Rep. Foose responded that the \$200 million stimulus revenue stabilization that will float through, out of that, the \$126 million will fill the gap that he had originally designated for rooms and meals dollars. Rep. Foose said that school funding has survived this process, so far.

Chair Kaplan asked about CACR 11, the constitutional amendment that eliminated donor towns. Rep. Foose said he did not think it would get much play because there are so many other issues of concern at the moment. Chair Kaplan asked if this meant that New London was to become a donor town in 2011. Rep. Foose replied there was that potential and that there is a lot of discussion about this and the Governor has said he would support it, but he has not seen a lot of effort to put it back on the table.

Chief Seastrand asked, regarding the New London Court, if the Town were to propose to the state a lowering of the rent for Whipple Hall, would that improve the court's chances of staying in New London or is this a decision that has already been made by the State? Rep. Foose responded saying that the Finance Committee in Division I is looking closely at the consolidation of the courts, and has been in conversations with Linda Hodgkins in revenue about the thinking about what went into each of these issues. He thinks that the decision comes down to the amount of State investment for one day of court, so he thought that would be an interesting topic to raise at the Claremont session. He said that, understanding the budget process, although it was only \$35,000, a whole bunch of these \$35,000 blocks would add up to much bigger savings. Chief Seastrand said that from a staffing point of view it was a lot more cost effective to have his staff participate in the New London court, where scheduling accommodates their time, than to have them go to Newport and wait for their case to come up before the

judge. Rep. Foose again suggested bringing this issue to Peter Leashman, chair of Divison I, at Claremont meeting. He said he will let Rep. Leashman know this issue will be coming.

Rep. Foose said he found himself in the very uncomfortable position of understanding clearly what his communities want, but also understanding what he has been asked to do from a budget standpoint, and, in the context of the latter, he has to listen very carefully and clearly to ideas to reduce State spending because New London sent him to Concord to produce a balanced budget. He said it is difficult walking this razor's edge because some of the decisions that are made will have local implications that will impact the communities. Mr. Ballin said it would be interesting to find out if they have determined the amount of money saved per court. Rep. Foose thought that this work was going on. Mr. Ballin said that it could be seen as New London's share of the burden. He asked if Rep. Foose understood that the rooms and meals issue was off the table. Rep. Foose replied that he thought it was "for now," but he said that the increase in rooms and meals tax was not off the table. Ms. Levine noted this passes the burden onto the state's businesses and tourist industry.

Rep. Kidder said that he thought the Governor did a good job with the budget proposal, and now it is up to the process to unfold. Ms. Levine asked if he thought the Governor has gotten the message that the education money does not replace the money that has been lost to the towns. He said he thought that the Governor had figured that out. Mr. Ballin said he had heard that some in the Republican camp were organizing to replace the gas tax with the \$10 registration fee. Rep. Kidder thought that did not seem likely to occur. He said he thought that the gas tax should be indexed over the next three years and then after that it should be adjusted according to the CPI annually, but this was not included in the current bill. Mr. Ballin said he thought it would be nice if they could pro-rate the gas tax usage so the money could be sent to the areas where the gas was purchased so that it all does not get sent to I-93 and the airport. Rep. Foose said he and Rep. Kidder were working to see that some of these dollars come back to the New London area. It was suggested that some of those dollars could be used to pave Main Street.

The Selectmen thanked the representatives for coming. It was agreed that this meeting should occur on a more regular basis, perhaps every first or fourth Monday. Ms. Levine will work to see how this will best this can be scheduled.

Representatives Foose and Kidder departed and the Board of Selectmen took a brief break. The meeting re-convened at 8:48 A.M.

Mr. Ballin asked if Chief Seastrand could quantify the numbers regarding the court system, travel, number of cases, etc. to prepare them for the Thursday Finance Committee hearing. It was noted that on the figures provided for 2008, it would cost about \$20,000 based on the number of courts appearances, number of trials, time spent in courts and travel time, etc. Ms. Levine noted that we already travel to court, but Chief Seastrand said that was only four or five times every six months. Mr. Kaplan said it was his understanding that the Newport court would combine Newport, New London and Claremont. Chief Seastrand said his concern with that was that the greater the numbers of agencies that come to the court, the longer the potential wait is for your cases to be heard. The issue of court closure came up on the tour of Whipple Hall, and Bill and Marilyn Andrews suggested that we offer the state a discount.

Regarding the tour of Whipple Hall, Chief Seastrand reported that there were six people who came through, including the Ballins and Carol Fraley, Finance Officer. It was also suggested by a viewer that perhaps there were people in the Town that might be willing to come in and help with the construction. Ms. Helm suggested that there were also people associated with the Historical Society that might be willing to help with some of the construction.

Paul Bradicich- Mr. Bradicich\_ was welcomed to the meeting at 8:55 A.M. Ms. Levine explained that he has a webcam business and has offered to provide this live service to New London residents for their Town meeting, at no cost to the Town. This would mean that anyone with an internet connection could tune into Town Meeting. He said there would also be a live chat room for those who wanted to participate in a conversation regarding the meeting. Ms. Levine recalled that a few years ago the Town had spent \$1000 for a video of the Town Meeting.

Mr. Bradicich said he will use three cameras and have them set up at the same time that the room is being set up prior to the meeting. He said the most important quality will be sound followed by lighting. He thought he could address the sound issues prior to the meeting, during the set up. It will be set up like a normal video hard wire production with, one or two assistance. The web site is [www.insideNewLondon.com](http://www.insideNewLondon.com). This will link to the page which will be made up with visuals with a CAD feature which will allow people to chat. He will be the moderator of the chat and will have the ability to right click at anytime which will serve as a screening ability should it be necessary. He said that the idea is if folks cannot be at the meeting, they can tune in to see what is being discussed. He said that he has had about an 85% success rate when he has done this in the past, given all the variables. He said this is a beta test, and asked that an announcement regarding this webcam service be held until he comes back from the middle school this afternoon, where he will test his internet lines and the other components.

Mr. Bradicich emphasized that there is no charge for this and that he is doing it as a promotion for his webcam business. Mr. Ballin asked if he were able to track the number of viewers or hits. Mr. Bradicich said he can track all aspects of the service. He said there were two versions of this software. The one he will be using for the New London Town Meeting and stepped up version called the Pro HD Version that he may also run that but it will be at an expense to him. With that version he can track many details, including IP addresses. Mr. Ballin asked if he would report back to the Board after he has tabulated his data. It was agreed that he would. Ms. Levine wondered if he could provide a transcription of the "chat", and he said if he could, he would. Mr. Ballin suggested that this technology be announced at the opening of the meeting so that people will be aware of what is occurring, and introduce Mr. Bradicich to the attendees. Ms. Levine said she will notify Cotton Cleveland of this as well. The Selectmen thanked Mr. Bradicich for his willingness to provide this service.

#### **OLD/PENDING BUSINESS:**

Town Meeting Preparation- Ms. Levine said she will do one more close review of the descriptions before the meeting. She also said she will provide a clean copy of all the articles and their associated comments for the Selectmen. She encouraged the Selectmen to make sure they were comfortable with the narratives provided. Mr. Kaplan asked about the review of the economic situation and Ms. Levine said she still needs to write that. Chair Kaplan asked about Article 25 regarding the 5% reduction in the operating budget. Ms. Levine said she spoke to Bart Mayer about whether the capital reserve deposit could be included in that 5%. His response was that the DRA does not approve the overall concept, but he thinks we could make a case that traditionally we have considered the deposits into capital reserves as part of our operating expense; yet there is a separate statute that says once those money have been appropriated they have to be deposited. But, if we are going to argue that we are going to reduce our operating budget by 5% we should also argue that the capital reserve is part of that. So, he thinks we could make an argument to consider this as well. The Town of Londonderry is pursuing this vigorously so there should be a ruling on this soon. Ms. Levine said that the meals and rooms tax being taken off the table takes about \$200,000 off the table, or 2/3 of what she was concerned about. She felt that because of that Article 25 is no longer that important at this point and it could be tabled, especially because by the time we get to that on the agenda item we will know how the operating budget goes. A special Town Meeting could be called if there were something specific that needed to be addressed. A motion to table could be made at the meeting.

Ms. Levine noted that since members of the town have made their positions on the budget known perhaps the Board should prepare a preemptive statement to address their concerns. This would be regarding employee salaries which we have already looked at and have a plan for that. There is \$41,000 in the budget for this, but if everyone gets a 0.7% COLA and with the targeted raises that would be \$26,000 that would be allocated and \$15,000 would be unspent. She said that a motion could be made to reduce the budget by this amount at the beginning of that discussion on Article 4, or you could include the tuition reimbursements and lower it by \$25,000. This would allow us to lower the budget rather than this coming from the floor. She will also take another close look at the highway equipment fund to make sure that we are not over depositing into that account.

Ms. Helm suggested she would be in favor of being pre-emptive. Chair Kaplan and Mr. Ballin said that they thought we should stand behind the budget as it is presented, giving credit to the Department Heads, Budget Committee and the Selectmen. Ms. Helm said she had no problem supporting that. Chair Kaplan said it should be noted that the budget has already been cut dramatically. Mr. Ballin said that when we see what the Governor comes up with we can react to that.

Board Appointment Process- Ms. Levine said that there are two positions available on both the Planning Board and the Conservation Commission. She said that Sue Clough and Andy Deegan are being considered for the positions on the Conservation Commission, taking the seats of Les Norman and Dale Conly. She said that one seat on the Planning Board will be filled by someone on the Conservation Commission who will be nominated by the Conservation Commission and voted on by the Selectmen.

This led to a discussion about the Schultz property purchase and Conservation Commission practices. Mr. Kaplan said that with regard to the Conservation Commission, he had some concerns about how they spend money and thought that perhaps they did not understand that there were limits and that they should not over spend for a piece of property referring to the Shultz property purchase. Mr. Ballin said that he thought this whole thing showed that the Selectmen should pay more attention to any Board that has the authority to extend money. Ms. Levine said that by law each board has its own statutory responsibilities. The Board of Selectmen does not have the statutory authority to override their decisions, but they do have authority to appoint members to the boards. It was agreed that better communications between boards was important and should be fostered.

Public Hearing on Rowing Club- proposed date is March 23 at 8:00A.M. Ms. Levine said she will notify the Little Lake Sunapee Protective Association. Ms. Helm will call Steve Ensign as well.

Reverse Emergency Notification- Ms. Levine reported that this has been a frustrating process with TDS. Part of the reason is that we had appropriated money two years ago. This did not go forward, in part, because Verizon was turning the 911 database over to the State. Upon doing so, Verizon said they were no longer in control of the phone numbers. The State said that State law precludes the State from giving out 911 information. The State's position is that there is Federal law that requires the phone company to give out these numbers, so we have to go back to the phone company. She has been giving Fairpoint a little bit of room to get up to speed before contacting them. She called the PUC saying that we were not getting cooperation from the phone companies. The 911 commission met Friday afternoon and Marc Violette from the TDS was on that and he called her Friday afternoon to say that they will cooperate, but he reminded her that they were entitled to charge fees for this. She said that the Town was only trying to set up an emergency phone data which could have then been used during the ice storm or last night when there was an oil spill on Pleasant Lake. She will keep the Selectmen informed of this effort.

**UPCOMING MEETING AND SPECIAL EVENTS:**

State Budget Hearing, Claremont: Thursday, March 12 at 6:00 P.M. Ms. Levine said she will prepare a statement on Thursday morning to be presented to this meeting that evening.

State EOC Feedback Meeting: Friday, March 13 at 6:00 P.M.

Scenic Byways Meeting: March 25 at 6:30 P.M.

**OTHER BUSINESS:**

Chair Kaplan reported that he has jury duty on April 6 and will not be able to attend the BOS meeting. Mr. Ballin suggested that scheduling be reviewed next week. He said he has had several requests that the BOS meet in the evenings and thinks this should be considered.

There being no other business, the meeting was adjourned at 10:05 A.M.

Respectfully submitted,

Kathleen K. Colby  
Recording Secretary