

TOWN OF NEW LONDON
CITIZENS' ADVISORY COMMITTEE
JUNE 16, 2007

PRESENT:

Cindy Adie, Larry Ballin (Selectman), Peter Bianchi, Bill Clough, Celeste Cook, Rip Cross, Paul Gorman, Jack Harrod, Howard Hoke, Peg Holiday, Mark Kaplan (Selectmen), Marilyn Kidder, Bob Lavoie, D.J. Lavoie, Sue Little, Ann Loeffler, Bob MacMichael, Gary Markoff, Joseph McCarthy, Peter Messer, Dave Payne, Fred Peterson, Stephanie Wheeler, Barry Wright.

Mark Kaplan opened the meeting at 7:30 a.m., and the CAC discussed 13 areas of Town business during the meeting.

1. Roundabout—Mark Kaplan reported that the lowest of three bids that came in for this was \$300,000 over the engineer's estimate. After hearing from the Clough Harbour Engineers, Road Agent Richard Lee and the State engineers, Selectmen agreed to put this project back out to bid in August with an eye to having it done early next spring. The thought is that in August, contractors will not have their 2008 schedules filled yet, will be looking for projects, and more of them will be interested in bidding, and bidding at more competitive levels.

Howard Hoke asked why the bid was so far off the estimate. Mark Kaplan said that the problem this year was timing. The State held up the 60% design (even after their requests for minor changes had been put in) for four weeks in early spring. Without the State signature on that, Town Administrator Jessie Levine could not put the project out to bid. By the time the project did go out to bid, contractors were pretty well booked up for this year.

D.J. Lavoie said she thought everything was lined up and ready to go with this after the Town Meeting's vote. Larry Ballin explained that the Town was, the grant was in place; it was the State that held up the process, though Jessie Levine was on the phone with them every day. The overbid problem is seen to be strictly a timing issue, not a problem with the estimate. Larry Ballin added that the Town did get a second estimate from an independent source, and found it to be close to Clough Harbour's. Rip Cross agreed, saying that right now in the construction industry, prices are all over the lot.

Bob Lavoie asked if an overage in cost will require another Town Meeting vote. Mark Kaplan said that DOT may be able to add something to the grant, but no promises have been made. (The understanding is that the State will pay its 80% share of any overage up to 10% or \$50,000. Any overage beyond that will be looked at on a case by case basis.) Larry Ballin confirmed that because the Town will be paying 20% of this project, an overage will require a Town vote. Once again, the hope is that by putting it out to bid in August, they will receive bids that are within the original estimate. Bob Lavoie asked if the Selectmen can sign a contract if there is not sufficient money. Selectmen said no, if there is a financial issue, it will go back to Town Meeting.

Peg Holliday said the businesses are quite concerned about this and should be apprised of the time line for the work, and also accesses to the business area there. Mark Kaplan said none of the businesses have come to the Selectmen with those concerns, but businesses will be kept apprised of the time line. The hope now is to get started early in spring, and have it completed before summer rush. Also, the Selectmen have been assured that there will always be one line of traffic open during the construction.

Peter Bianchi said he feels the Selectmen should get on the engineers' case. To be \$300,000 off is unconscionable. Mark Kaplan said he specifically asked the engineers (see Selectmen's minutes June 4,

2007) about that, and was told that the estimate was based on costs for two similar roundabouts that were being built in Keene at that time.

Howard Hoke asked if those funds are not expended this year, will the tax rate for the second tax billing be lower. Mark Kaplan said that the grant will pay 80% of the roundabout cost. The Town's 20% is already set aside, and will be encumbered. The delay will have no effect on taxes.

D.J. Lavoie said her understanding is that if the project is not done now, the Town will lose the State funding. Mark Kaplan said the money comes from the federal government and is distributed by the State. Once granted, it will not be lost if the project is done within a reasonable time. They have obtained permission to rebid this during this calendar year.

Marilyn Kidder and Joseph McCarthy suggested Selectmen take a look at what is happening with the new roundabout in Meredith. Apparently, it not helping relieve congested traffic, and now they think they will actually have to rebuild it, as tractor-trailers cannot get through it.

2. Celeste and David Cook Gift—Mark Kaplan informed the CAC that the Town has accepted from the Cooks a gift of 69 acres located on Whitney Brook Road. The land is in a conservation easement granted to Ausbon Sargent Land Preservation Trust, and is rich in views, trails, and wildlife. It is open to anyone who wishes to hike and enjoy nature there. Trails are well marked. Yes, you can still walk your dog there.

3. Mark Kaplan updated the CAC on a change in office staffing.

4. Larry Ballin updated the CAC on the Volunteer appointment process.

5. He reported that the Town has now taken ownership of the green space between this building and the New London Inn. Don't look for any changes immediately. Long-range plans include (possibly) some parking spaces in the back of that land, and creating two shared driveways between the Town and the Inn—each of these would be for one-way traffic.

6. Selectmen reported that they have received a request from Amy Gignac of Wilmot to be allowed to sell cups of homemade ice cream at the two Town beaches. Mark Kaplan pointed out that this raised an interesting question, and Selectmen have taken a look at other Towns' regulations and procedures regarding vendors and vendor permitting. For example, Newbury has five areas in which vendors can do business in Town, and Newbury's ordinance states that there can only be one vendor at each of those, and that the vendor must be domiciled in Newbury.

He noted that without New London's having an ordinance in place, anyone with permit from the State can sell anything in Town. New London would have no way to regulate that. After comment from several CAC members, he further clarified that that would be as long as the vendor is in the State right of way, and that would include Elkins as long as the vendor stays within the public right of way.

Celeste Cook observed that the Good Humor truck already does come to Elkins, and Paul Gorman recalls the Good Humor truck at Elkins beach as long as 20 years ago. In general, Celeste Cook said she would rather see vendors than machines for several reasons, including the trash that would be generated. Larry Ballin said that with machines though, the Town would realize that revenue. Trash is going to happen whatever. Howard Hoke commented that he has heard from acquaintances who live right across the street from the Elkins beach, and they have some objection to the machine being there. For one, the lights interfere with the view, and also the machines are available to people 24/7. A vendor would not be.

Peter Bianchi suggested that if the Town considers a vendor ordinance they exercise caution to draw a line between real vendors and things like kids setting up lemonade stands.

Sue Little asked how the Town can regulate vendors. How would the ordinance list every possible item that could be sold? She said she'd rather not have this going on in Town, but suggested that the issue should be put before everyone. Selectmen agreed that before an ordinance is enacted, they would hold a public hearing to receive feedback from residents.

Bill Clough asked if any Towns ban this altogether. Mark Kaplan said that once a vendor has a State permit, he or she can go ahead and do it. However, there are restrictions that can be imposed through a Town ordinance—for example, where, what hours, what products, etc. Howard Hoke asked to clarify that if a vendor passes State muster, he or she can go ahead. Mark Kaplan said he is not sure exactly what the State permit entitles a vendor to do. He thinks that they cannot do certain things, for example, they could not generate traffic problems. Also, if it's a restaurant type thing, they would be subject to State inspections. Howard Hoke said he would like to see a Town ordinance of some sort. Mark Kaplan said Selectmen will look at this, and see what the Town can do legally.

Peter Bianchi asked if this has been a problem before the recent request. Mark Kaplan said as far as he knows, no. Peter Bianchi asked if this discussion is all about just one case. He suggested that the Town go slowly on this. Enacting another ordinance will invite a certain amount of contentiousness, and generate new enforcement responsibilities.

Gary Markoff said he would certainly be concerned about the health risk with something like homemade ice cream. He noted that restaurants are subject to inspection, and things like Good Humor popsicles come in wrappers. Larry Ballin agreed, and said it is for that reason that Selectmen referred Amy Gignac to NH Health and Human Services to do further research on what the requirements would be. His own concern is that if the Town were to give permission to sell homemade ice cream at Town beaches, the Town would in effect, partly own that product.

Cynthia Adie said she agrees with Peter Bianchi that if the Town has received only one request, that does not necessarily mean an ordinance should be put in place. Her concern is that enacting an ordinance for this would be to invite people to do it. She said she is concerned about the image of the Town. When she brings her children to the beach, she wishes to do beach things.

Larry Ballin agreed that the only reason this is under discussion now, is that the Selectmen did receive the one request. Stay tuned.

7. Marilyn Kidder asked about the pump failure at Georges Mills. Selectmen updated the CAC on this. One of two pumps is out of order now, and will require repair. However, there are back up pumps, and no system failure. The estimated cost for the repair is \$12,000. In response to questions from the Committee, Selectmen said yes, there is some discussion about buying a new pump altogether and cost for that would be \$36,000. The Sewer Department does have a capital reserve in place.

Joseph McCarthy said Selectmen should be aware that every time there is a power outage or surge, there seems to be an issue there. One time, smoke was reported seen coming out of the roof. It seems there is some type of problem with the pump or the generator during power outages and surges.

Bob Lavoie noted that sewer bills are a month behind.

8. Rip Cross opened some discussion about transfer station hours. He has observed that the hours there differ than those at the stump dump. Residents are required to dispose of small pieces of metal—old license plates for example at the latter. Thus, to get rid of all one's trash, requires two trips, two different days. Also, he suggested that having the hazardous waste collection day on a Friday, 9 to noon, did not convenience people who work.

Selectmen will look into both these questions. They advised that electronics can now be taken to the Highway Department garage for disposal.

Bob MacMichael said some recognition should be given to the team that now works at the Recycling Center and Transfer Station.

Howard Hoke said they would not take the fluorescent lights with PCB's at the hazardous waste collection half-day. He reiterated that that is a problem that should be looked into.

Marilyn Kidder suggested that New London have a town-wide roadside cleanup, similar to what Vermont does on a state-wide basis. Larry Ballin said they could do something like that on Town roads. If they were to do it on State roads, a bevy of State regulations would kick in. The idea of a town roadside cleanup was supported by this Committee.

9. Ann Loeffler brought to the Selectmen's attention a site line problem at the intersection of Bunker Road and Elkins Road. Dave Payne agreed that that is a dangerous intersection, and several people suggested that the forsythia bush at that corner should be removed.

10. Barry Wright observed the effectiveness of the flashing speed sign that was posted at the four Corners intersection, and suggested that one should be placed at each beach for the entire summer.

11. Bob Lavoie noted that there appear to be some diseased or dead trees on the Town Common. Selectmen will call this to the attention of the Tree Warden.

12. Peg Holliday said that many business owners in New London are concerned about the new owners of the shopping center and the possibility of big box stores coming to Town. She noted that California Supreme Court has issued a ruling that allows towns in that state to prohibit big box stores. She asked if New London can do anything like that. Mark Kaplan said Read Clarke has met with this Committee once with similar concerns. He said there really is little that the Town can do until an application comes forward. The Town's zoning does have a height regulation, and parking requirements. Larry Ballin agreed, and said his understanding is that there is some concern about what will happen behind the shopping area—that is all zoned commercial, but short of redrawing the zoning district lines, there is little the town can do. Peg Holliday asked if the Town can legislate against big box stores. Mark Kaplan said no, in New Hampshire, the courts would not support that. They can put into place restrictions about height, parking, size, buffers and setbacks.

It is the CAC's understanding that the lease on the Colonial building is up this year, and that Bill Faccone is in process of trying to renegotiate that right now. Cindy Adie said that is correct, but the subleases (for the individual businesses within that building, as the pharmacy, for example,) allow them to renew for twenty years.

Gary Markoff said that it would not be in Kimco's interest to disenfranchise people. They have to translate anything they do into revenues. Celeste Cook said that is the same company that bought the shopping area in Manchester, Vermont. It is correct that they did not take away the shopping area, but

they changed it. Peter Messer asked if, to do that, would they not need bigger buildings? CAC members asked if the Town could work with the owner of that area behind the shopping center, to protect it in one way or another. Larry Ballin said the Town can redefine its zoning boundaries, but if the landowner opposes that, it could be seen as a taking issue.

Howard Hoke opened some discussion on possible business models that Kimco may have in mind, and he noted that it would be very difficult to fight this legally. He said there are two things people can do now: (1) buy locally, support local businesses, (2) find a home for local businesses to go to when rents in the current locations become impossible. Consider redrawing the zoning boundaries so there are places in Town that will accommodate those businesses when they do have to move out of New London shopping center. Mark Kaplan agreed with that idea, but said that will require that the business community come together and work on that.

Gary Markoff pointed to how the business scene is managed in Hanover. Dartmouth College owns much of that property.

Rip Cross noted that one of the reasons Stahlman Engineering moved out of town is the lack of available talent in the area.

Howard Hoke opined that the worst scenario would be if those small businesses go away altogether.

Gary Markoff said he feels there are open spaces now—across from Jack's, for example. He said there is capacity in Town to move things around. He asked about C.B. Coburn. Several people commented about the reason for that store leaving, but added that another business is ready to move into that location.

Larry Ballin said these are the kinds of things the Master Plan Committees will be addressing. He added that the Town (with several other towns) is also looking at starting a fiber optics network, and that may make the area more inviting to things like Research and Development.

Marilyn Kidder agreed that the Master Plan work should look at what provisions need to be made in order to assure survival of New London's commercial district. Can big box stores be precluded from the current shopping center and the space behind it? On the other hand, she noted that the Town's commercial district is already so restricted right now.

Fred Peterson asked to confirm that there is no way the Town can prohibit one company from buying up too much real estate. He asked about the possibility of giving a property tax break to the small businesses.

13. Last but not least, Larry Ballin wished to acknowledge Bob MacMichael's work on the Memorial Day events—this year, and past years.

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The meeting adjourned at 9 a.m. The next meeting of the CAC will be July 28 at Tracy Library.

Respectfully submitted,

Sarah A. Denz
Recording Secretary