

TOWN OF NEW LONDON
BOARD OF SELECTMEN
MEETING MINUTES – APRIL 23, 2007

PRESENT:

Ruth I. Clough, Chairman Board of Selectmen
Mark Kaplan, Selectman
Larry Ballin, Selectman
Jessie Levine, Town Administrator

OTHERS PRESENT:

Chad Denning, New London Recreation Department Director
Debbie Cross, *InterTown Record*
Caroline Dube, *Argus Champion*

Sue Clough opened the meeting at 8 a.m., and the Selectmen addressed twelve areas of business during the meeting.

1. Minutes – Larry Ballin moved to accept the Selectmen’s minutes of April 2, 2007. Mark Kaplan seconded. No further discussion. Motion unanimously approved. Two notes of clarification were added to the Citizens’ Advisory Committee minutes of April 14, and Mark Kaplan moved to accept those as amended. Larry Ballin seconded. No further discussion. Motion unanimously approved.
2. Ten-Wheeler – Jessie Levine reported that the Highway Department is proceeding with the purchase of the 2007 (like new) 10-wheeler truck, for a price of \$88,980 (compared to \$95,000 for a 2008), plus cost of radio and other equipment. For the record, Mark Kaplan moved the Board of Selectmen approve going forward with this. Larry Ballin seconded. No further discussion. Motion unanimously approved. The new truck will be black and will have the Town seal painted on the doors.
3. Hospital Days Triathlon – Jessie Levine reported that this event is scheduled for August 5 this year, and she observed that in the past, there have been some differing opinions expressed on the advisability of the order that this has taken—that is, with the swimming portion scheduled last. However, she is in receipt of a letter dated March 28, 2007 from New London Hospital to the Selectmen indicating that the Hospital has taken the responsibility of making the decision to preserve this order of events. Mark Kaplan said part of the reason for that is traffic. Jessie Levine said it will mean that the beach will be closed for a longer part of the day (though there is always Elkins Beach). Sue Clough pointed out that this entire triathlon is usually over by 10 a.m. Larry Ballin asked if the round-about construction will be a problem for this. Jessie Levine said she holds out hope that the round-about will be mostly completed by then.
4. Legislative Update – Jessie Levine reported that there will be a hearing on a proposed amendment to the retirement statutes this Friday at Representatives Hall in Concord. The New Hampshire Municipal Association is urging people supporting the amendment to attend and at least sign in, if not actually speak. HB 876 relating to the formation of a study group is scheduled to be heard at 10 a.m., and it is anticipated that that will last only about ten minutes. The hearing on the amendment itself is scheduled for 10:10 a.m.. Mark Kaplan asked if the point of the amendment is to reduce the cost of retirement to the town of New London. Jessie Levine said it will reduce the potential for increased liability to the Town in the future. She clarified that cost of retirement for the Town of New London has increased this year by \$40,000 and it is anticipated that it will increase next year by between \$60,000 and \$70,000. This bill will

not change that. What it will do is equalize the exposure, by removing the prohibition on increasing employee contributions. The objective is two-fold: to prevent the retirement system from failing and to prevent all the increases from falling back on the Towns.

5. Round-about – Jessie Levine reported on the status of easements required to go forward with this construction as it is designed. To date, she has received written agreement from Ledyard, verbal agreements from Jakes and Dan Wolf (the Gallery). There appear to be no problems with PSNH granting the necessary easement for its portion, and she will be in touch with Bill Faccione today regarding some questions he had about his property (Huberts' location). The only difficulty seems to be with Kimco which owns the shopping center. An easement of about 75 square feet will be required from them, and she was told that the request had been submitted to their legal department for review a month ago, and she has not yet heard back from them. In response to Mark Kaplan's question, she confirmed that this is not a "taking," not eminent domain. They would like the owners to donate the easements, and in return those owners will be receiving substantial improvements including sidewalks that will be Town-maintained. She said she has to at least know whether or not they will grant the easement before she can send out the bids. (If the easement cannot be obtained, that may require an adjustment to the design.) She reported that there has been lot of interest from contractors in the bidding process. The ideal would be for work to begin as soon as the contract is awarded, and be done before heavy summer traffic. Larry Ballin reported hearing many concerns from people regarding the prospect of drivers taking shortcuts through residential neighborhoods to avoid this construction. Obviously, speeding will be an issue. The two roads most vulnerable to this will be Little Sunapee Road and Burpee Hill Road. Jessie Levine said David Seastrand is also aware of this possibility, and at this meeting, Selectmen agreed that the Police Department will be asked to put extra patrols on those roads during construction. Also agreed: to ask if Hilltop would be willing to place a "No Through Traffic" sign on its private road during the period of construction.

6. Recreation Department Van – Chad Denning reminded Selectmen that this past January, he met with the Budget Committee regarding the possibility of the Recreation Department purchasing or leasing a van. He and Jessie Levine recapped that meeting: though the Budget Committee was not opposed to the idea altogether, and did discuss the advantage of leasing (which would allow immediate use of the van) versus establishing a capital reserve and putting \$12,000 away for its purchase in three years, there was concern expressed about how the cost would be offset, and whether or not this would mean on going costs to the Town. (At this meeting, Chad Denning said he has subsequently talked to other Towns' Recreation Departments, and learned that, for a variety of reasons, leasing is not the best way to go.) Sue Clough added that the CIP Committee also was supportive of the idea, but questioned the Department's future plans for transportation, and was not in favor of recommending starting a reserve this year. Jessie Levine said part of the reason for that was that when they presented the idea to the CIP, they did not have a cost benefit plan prepared.

At this meeting, Chad Denning reported that he has met with Nancy Friese, Executive Director of the Kearsarge Area Council on Aging, and learned that that agency would like to have the use of a handicapped accessible van on a part-time basis. Together they have approached New London Innkeeper Bridget Leroy about the idea of having a fundraiser, specifically a Casino Night, at the Inn for the purpose of raising money to purchase the van. The van would be owned by the Town of New London, and a portion of its use would be granted to COA. The scheduling could be worked out week by week. He added that they would like to do this type of fundraiser annually, with a specific objective each year. This year's objective would be to cover the cost of the van. That basic cost will be \$30,000, but for ADA purposes, with wheelchair access, it will be \$40,000. It will be a 13-passenger van. In response to later question from the Selectmen, he said he has looked into the possibility of obtaining some federal and/or state grants for this, but found none available yet. Selectmen suggested that COA may have more access

to grants—including transportation grants, available for organizations serving mainly seniors. At Selectmen's urging he will continue to look. At this point, they have just planted the initial seeds of the idea, and he will be meeting with the COA board in two weeks. He has come to this meeting to request the Selectmen's approval to go forward.

Mark Kaplan asked who would be running the Casino Night—COA or the Town, and how will those funds flow. Chad Denning said it will be a jointly sponsored event. All funds will go toward the purchase of the van, though the title of the van will be held by the Town. He said that COA likes the idea of that kind of relationship, and anticipates using the van about two days a week. Again, they will work the schedule out on a weekly basis.

Larry Ballin asked about insurance. Jessie Levine said the Town's umbrella policy will cover this at minimal cost. Actually, the Highway Department's new ten-wheeler will probably result in a bigger increase to the Town's insurance than this van will.

Sue Clough asked about the possibility of leasing it to other non-profits in addition to COA. Chad Denning said that would be a question for LGC, but his immediate feeling is they would not. As it is, the van will see plenty of use by his Department and COA.

Larry Ballin said his question is about the actual need for a van. Jessie Levine agreed that this isn't a need in the sense that a police cruiser or a fire department engine is a need, and that was the main reason the Budget Committee decided to not bring it to Town Meeting. However, she added that everyone agreed that having the van would be useful and allow expansion of programs. The hope was that it would pay for itself through program fees, but the Budget Committee needed to see more data to that effect before recommending it. Now, they are hoping that the Casino Night will pay for the entire purchase cost. She will confirm that it is alright to put those funds raised into the revolving fund for this capital purchase.

Chad Denning said he is trying to create a Recreation Department without walls. He observed that there are vast resources in New England, but it is cost prohibitive to utilize all those. He will make available to Larry Ballin the packet of information he'd prepared for the Budget Committee, detailing the benefits of the Recreation Department owning a vehicle. He went on to say that he would like to offer more senior programming as well, and it will help to have the ADA approved, wheelchair accessible van available for that.

Larry Ballin said his concern is how much this will expand the budget over a long period of time. Jessie Levine said the cost will be covered by the fund raiser, and insurance will be minimal. She suggested that maintenance costs may come out of the revolving fund, or perhaps partly out of the annual fund raiser proceeds. The goal is to not place any of the burden on taxpayers.

Sue Clough asked Chad if he has an idea of what percentage of Recreation Departments in New Hampshire own vans. Chad Denning said that Lebanon has recently purchased one, and it is in constant use. Peterborough has three.

Sue Clough asked about potential conflicts of interest in working with COA. Chad Denning said COA and the Rec Department will be doing this together. There will be no duplication of services or programs.

Sue Clough asked if he anticipates any change in fee structure for kids from other towns who participate in these programs. Chad Denning said no, and added that though he opens registration for New London families first, and charges them less, it is the number of participants from out of Town that allows him to

have the number of programs that he does. He emphasized that he sees the Recreation Department as a regional entity similar to the school district. Larry Ballin asked about the scholarships—are those equal opportunity also? Yes.

Larry Ballin recommended that any agreement with COA be reviewed by Town Counsel. Jessie Levine agreed that it will have to be a tight contract, including such details as how maintenance costs will be split, required standards for operation of the van (for example, will the driver be required to have a CDL?), etc.

Larry Ballin went on to point out that this will benefit COA directly, and COA is one of the non-profits that seeks a contribution from the Town every year, and that is becoming a larger and larger burden each year. He suggested the possibility that providing use of the van to COA might reduce their need for contribution from the Town. Mark Kaplan agreed that the Budget Committee has been encouraging all the non-profits to do more fund-raising.

Mark Kaplan moved that the Selectmen approve the Recreation Department going forward with the idea of a joint fund raising effort with COA for the purchase of a van. Sue Clough seconded. Larry Ballin abstained until he has had opportunity to review the material Chad will provide to him.

7. New Conservation Land – Jessie Levine reported that David and Celeste Cook have offered to gift their 69 acres on Tabor Hill to the Town for conservation. The plan is to keep the land open for public trails. She noted that this land already has a conservation easement on it, and that easement includes a forestry limitation, except to preserve the view. ASLPT is the grantee of the easement. The Conservation Commission can accept such a gift after a public hearing held by the Board of Selectmen. Approval at the annual Town Meeting is not required. She said that at its Wednesday meeting, the Conservation Commission voted to go forward with this, and a draft of the deed has been sent (or is about to be sent) to Town Counsel for review. The Cooks will cover their own legal costs involved in this transfer, and the Town's costs should be minimal.

Larry Ballin asked if it would be in the Town's best interest to have that forestry limitation in the easement, in perpetuity. Sue Clough suggested the Cooks could be asked about allowing more leniency regarding forestry. Jessie Levine said that Dave Cook has expressed particular concern regarding the two and three hundred year old trees on the property. It is not likely that they would allow relaxation of that limitation to the extent of allowing timber operations.

Larry Ballin asked about public parking. Jessie Levine said the easement already has a public access provision. Larry Ballin said that for Town-owned property, the Town will be held to a higher standard of access. Jessie Levine and Sue Clough said right now people park along the side of Whitney Brook Road near the trail heads, but both agreed that something more would be better in the winter. Jessie Levine suggested the possibility of having a space similar to that donated by the McMillans for parking for users of the Parkhurst easement—that is a field space, not necessarily an improved parking lot. Sue Clough said that would be especially important for people who wish to use the trails for snowshoeing in the winter. She observed that there is an old logging landing there.

8. Flower Show-June 16 – Jessie Levine reported receipt of a request from Peg Birch of the Garden Club, that they be allowed to utilize the front door of Whipple Memorial Hall for this event. She reminded Selectmen that upon order of the Secretary of State who noted a problem with that access on voting days, the Town has adopted a policy limiting access to Whipple Hall to the side entrance. The side door is now used for all public events as it is safer and handicapped accessible.

Mark Kaplan said he would support the Garden Club's request, pointing out that the Town was using that entrance before the law came into effect. But, Jessie Levine reminded him, the Town agreed to comply with the Secretary of State's order. Mark Kaplan said that if it is a nice day, that door could just be left open, eliminating the hazard of having to step backwards in order to open it. That leaves only the problem of the uneven steps. Both Larry Ballin and Sue Clough weighed in, in favor of maintaining the Town's new policy of allowing only the side door to be used for safety reasons. Larry Ballin suggested that the reason for that policy could be made more clear to people, and Jessie Levine agreed saying it will be added to the application as well.

9. Quarterly Joint Meeting of Sewer Commissioners – This is scheduled for this Thursday at 5:30 p.m.. Only one representative from the New London Selectmen need attend, though all three Selectmen said they will try to make it. Jessie Levine said there will not be a long agenda, they will be discussing the flow of water during the recent storms. She added that she will be meeting this week with the flow meter people. Sue Clough suggested that a letter be drafted to those residents who have expressed interest in serving on the Sewer Advisory Committee, and that the letter include information on the two joint meetings that have been held so far (including the one to take place this Thursday).

10. Volunteer Appointment Process – The public meeting on the Volunteer Appointment Process has been rescheduled for Monday, April 30th at 6 p.m. The informational ad plus sign up form has been published in the *Shopper*, and the ad without the form will run one more time before Monday. Jessie Levine reported responses from a number of people interested in serving on the Master Plan subcommittee, and some interested in the CAC. One person has been added to the existing list of people interested in the Planning Board. At today's meeting, Selectmen discussed some of the areas most likely to come up during that meeting.

Conflict of Interest – Jessie Levine explained that by statute, "conflict of interest" exists for someone who may obtain some personal benefit based on the outcome of the decision. She pointed out that historically, New London Board members have been very careful to avoid even the perception of conflict of interest.

Term limits – She reported that Town Counsel Bart Mayer has said that there is no statutory authority for setting term limits for the volunteer boards. He suggested that the Selectmen may consider it, but should not make it a hard and fast rule. Mark Kaplan said he felt that having a vice-chairman in place, and a rotating chairman would allow continuance of the expertise, while still giving the Board a change in viewpoint. (It is understood that the Selectmen do not appoint chairs; the Boards themselves choose their Chairmen.) Jessie Levine, Sue Clough and Larry Ballin indicated that they do not feel that rotating Chairmen would resolve the issue of whether or not to limit terms. Mark Kaplan said it would, it would change people's perception of the Board. Sue Clough agreed that having a different Chairman does help the Board think outside the box, but she does not think it will make a difference in people's feelings about term limits. Jessie Levine said often it is the case that no one else steps forward to chair a Board. It is not a matter of control by one person.

Sue Clough suggested the possibility of appointing alternates and suggested that they be given significant authority within the Board. That might encourage some of the long-standing members to consider stepping down at the end of their terms (if they know there are people available who have some history with the Board). Larry Ballin said that would be the case only if the alternates have the same point of view as the members whose terms are expiring. He reiterated his opinion that they have to bring in "new blood" all the time. Sue Clough pointed out that the zoning amendments proposed by the Planning Board

pass overwhelmingly every year, and Jessie Levine added that Town Meeting did not vote in favor of having elected Board members.

Larry Ballin referred to the April 14 Citizens' Advisory Committee meeting, during which members indicated that the Town needs to address the subject of term limits in a positive fashion. He pointed out that the Boards do have staff working for them, and that assures some consistency. Jessie Levine said she feels that having frequent new members puts more weight in the hands of the staff. That is contrary to the idea of a volunteer board. Larry Ballin pointed out that if terms are limited to three that would assure an average of 4.5 years of service across the Board. He said that is plenty of experience. Jessie Levine disagreed. She suggested that the CAC did not have all the information. Sue Clough agreed that the Selectmen opened that discussion for opinions, but did not do a presentation beforehand. She suggested that some leadership is expected from the selectmen.

Appointment Process - She turned the discussion to the process itself, and suggested that the Selectmen should meet with everyone who has expressed an interest, and she would like members of each Board to interview the candidates as well. She feels it is important that candidates talk to actual board members to get a flavor of that Board's work. Larry Ballin disagreed that the boards should be involved in the interviewing process. Sue Clough said she would like the Board members' feedback. She would like to hear their recommendations and their reasons for those recommendations. Mark Kaplan said he sees some potential difficulties with having Boards do the interviewing, and Selectmen doing the appointing. Larry Ballin said there have been occasions when a Board may suggest a name to the Selectmen, but he feels the appointment process should stay at the Board of Selectmen level. Jessie Levine suggested a compromise in allowing the Boards to participate in the process, but not necessarily vote. Mark Kaplan and Sue Clough expressed agreement with that idea.

Jessie Levine asked if Selectmen wish to interview incumbents who are seeking reappointment, even when there are no new parties interested in those positions. After some discussion, Selectmen agreed that they should at least meet with those incumbents. Mark Kaplan pointed out that there may also be new people interested in serving, and open to any position.

She asked if the Selectmen would like to waive the attorney/client privilege as it pertains to Bart Mayer's letter on the subject of term limits. The Board of Selectmen does have the authority to do that if it wishes. All three Selectmen agreed that they have no objection to that letter of advice going into the public domain.

Larry Ballin suggested that not every candidate will be available on Monday morning. Jessie Levine suggested that they keep all of May 7th open, and she will schedule some interviews for morning and some for afternoon. Priority will be given to completing the appointment process for the zoning and planning boards, with the conservation and recreation commission appointments following. Jessie Levine said a number of names have been put forward for Recreation Commission, and there is no statutory limit on the size of that Commission. Similarly, she said that there is really no statutory guidance for the formation of committees as the Solid Waste, Recycling and Main Street Committees. Mark Kaplan said the Selectmen must also keep in mind the possibility of creating an Advisory Sewer Commission.

Larry Ballin reminded everyone that the question of whether or not the Main Street Committee is still active came up at Saturday's CAC meeting. At today's meeting, he suggested that with all the changes going on, and the changing dynamic of the Town's commercial interests, that may be a more viable committee now, and not just for the purpose of addressing aesthetic issues. Mark Kaplan agreed that Main Street is important geographically. If New London wishes to make improvements such as burying the

utility lines, easing school traffic, increasing sidewalks, the Main Street Committee could be vital in having the Town prepared to act whenever the State gets around to doing its work on 114. Sue Clough suggested that all that may be part of the Master Planning process. Jessie Levine will give the names of the Main Street committee members to the Planning Board.

11. Per RSA 91-A:3 II (a-h), the Board of Selectmen agreed to enter non-public session to discuss personnel, litigation and real estate negotiation matters.

12. At 10:45 a.m., Selectmen reentered public session to sign the following items.

Building Permits:

- Sharon Broadhead, 18 Seasons (Map 146, Lot 002-0018), permit for adding new windows and door, windows and door will be installed on ground floor only – Approved (Permit 07-016)

Sign Permit Applications:

- Permanent Sign Permit Application for Tatewell Gallery at Colonial Place for two signs, one 17' x 69" indicating "Tatewell Gallery, Framing, Art and Antiques" and the second, 8" x 69" indicating "Tatewell Gallery" – Approved
- Temporary Sign Permit Application for a 6' Sandwich Board sign to be placed at the Information Booth indicating "Plays at New London Barn Playhouse" – Approved
- Permanent Sign Application for MESA, 11 Pleasant Street, for one 15' square double sided sign on frame and pole, second sign on building indicating "MESA" - Approved

Other Items for Signature:

- Disbursement & Payroll Vouchers for the week of April 9, 16, and 23, 2007 – Approved
- Warrant Yield Tax Levy for the State of New Hampshire – Approved
- Warrant Land Use Change Tax- Current Use for the State of New Hampshire - Approved
- Application for Use of the Sydney L. Crook Conference Room by Ausbon Sargent Land Preservation Trust for a Training Workshop on Easement for Wednesday, June 13, 2007 from 1:30 PM – 4:00 PM – Approved
- Application for Use of the New London Town Commons by New London Hospital for "Hospital Days" from August 2 – 4, 2007 for all day use – Approved
- Application for Use of Whipple Memorial Town Hall by New London Hospital on Saturday, August 4, 2007 for "Little Red Wagon Touring Theater Troupe" from 11 am – 2 pm – Approved
- Application for Use of Whipple Memorial Town Hall by New London Barn Playhouse for performance on Sunday, May 13, 2007, at 10 AM – 5 PM – Approved
- Application for Use of Whipple Memorial Town Hall by Harvey Phillips Foundation for a "Merry Tuba Christmas" on Saturday, December 15, 2007 from 9:00 AM – 4:00 PM – Approved

Permanent Application for Property Tax Credit/Exemption:

- Alan Birk, 64 Hilltop Place (Map 144, Lot 001, 064) – Approved
- Barbara Beskind, 103 Hilltop Place (Map 144, Lot 001-103) – Approved
- Barbara Federici, 55 Queenswood Road (Map 118, Lot 003-003) – Approved
- Brian Brennan, 156 Davis Hill Road (Map 055, Lot 008) – Approved
- David Harris, 438 Hall Farm Road (Map 087, Lot 011) – Approved
- David Webster, 427 Forest Acres Road (Map 119, Lot 013) – Approved
- Dena West, 13 Sherman Street (Map 078, Lot 011) – Approved
- Donald McGuinness, 124 Old Main Street (Map 107, Lot 018) – Approved
- Edward Johnson, 114 Hilltop Place (Map 144, Lot 001-114) – Approved
- Edward Kinzer, 139 Hilltop Place (Map 144, Lot 001-139) – Approved
- Eleanor Goldthwait, 31 Conifer Lane (Map 045, Lot 027-012) – Approved
- Ferraro Family Trust, 229 Page Road (Map 103, Lot 007) – Approved
- George Cruikshank, 81 Spruce Lane (Map 045, Lot 040-016) – Approved
- George Nixon, 1420 Little Sunapee Road (Map 031, Lot 008) – Approved
- Geraldine Morris, 266 Sugarhouse Road (Map 035, Lot 021) – Approved
- Gordon Bingham, 82 Little Cove Road (Map 105, Lot 002) – Approved
- Henry Monroe, 143 Squires Lane (Map 096, Lot 024) – Approved
- John Chowanski, 1502 King Hill Road (Map 129-018) – Approved
- Julius Federici, 55 Queenswood Road (Map 118, Lot 003-003) - Approved
- Lance Hanson, 17 Castle Lane (Map 129, Lot 033) – Approved
- Marguerite Gleckler, 99 Burpee Hill Road (Map 082, Lot 021) – Approved
- Pricilla Sargent, 66 Hilltop Place (Map 144, Lot 001-066) – Approved
- Richard DeLuca, 73 Summit View Road (Map 129, Lot 013) – Approved
- Richard Herd, 93 Sparrowhawk Road (Map 065, Lot 017) – Approved
- Robert Mahar, 97 Northwood Lane (Map 104, Lot 006) – Approved
- Ronald Hall, 61 Fox Run Lane (Map 043, Lot 008) - Approved
- Sarah Powers, 197 Stoney Brook Road (Map 137, Lot 001) – Approved
- Steven Belden, 591 Otterville Road (Map 042, Lot 034) - Approved
- Steven Stavropoulos, 309 Otterville Road (Map 042, Lot 025) – Approved
- Thomas Cooper, 129 Hilltop Place (Map 144, Lot 001-129) – Approved
- Thomas Duffin, 109 Hilltop Place (Map 144, Lot 001-109) – Approved
- William Horn Jr., 178 Old Main Street (Map 107, Lot 015) – Approved
- William Whitehouse, 112 Hilltop Place (Map 144, Lot 001-112) – Approved

There being no further business, the Board of Selectmen adjourned the meeting at 10:50 a.m.

Respectfully submitted,

Sarah A. Denz
Recording Secretary