



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES February 22, 2011

### PRESENT:

Tina Helm, Chair, Board of Selectmen  
Mark Kaplan, Selectman  
Peter Bianchi, Selectman  
Jessie Levine, Town Administrator

### ALSO PRESENT:

W. Michael Todd, Town Moderator  
Linda Hardy, Town Clerk/Tax Collector  
Carol Fraley, Finance Officer  
Jay Lyon, Fire Chief  
Bob Lavoie, New London resident  
Hardy Hasenfuss, New London resident  
John Wilson, New London resident  
Leigh Bosse, the *Villager*  
Pat Trader, *Intertown Record*

Chair Helm called the meeting to order at 8:00 AM.

Town Meeting Preparation: Ms. Levine explained that purpose of this meeting with the Town Moderator and Town Clerk is to discuss Town Meeting process, the individual warrant articles, and assign the warrant articles to the individual Selectmen to present.

Article 3 - Wastewater Bond – Mark Kaplan will present the warrant article. Discussion about allocation between sewer users and taxpayers. Mr. Bianchi pointed out that we will know on Wednesday evening (our Town Meeting) whether Sunapee voters approved their share. If they voted it down, we should make sure we have a succinct answer about what New London will do in that case. Ms. Levine suggested talking to the Sunapee Sewer Commission about that. Mr. Todd asked if there could be an amendment to change the allocation to all sewer users. Ms. Levine said that the allocation itself is not in the warrant and an amendment would be inappropriate because it would make it a revenue bond and possibly affect financing. Mr. Kaplan said that in the original construction of the connection to Sunapee, the taxpayers paid  $\frac{3}{4}$  of the cost not paid by the federal government. Ms. Levine pointed out that last year the warrant article passed 360-6 with the same recommendation from the Selectmen. Mr. Bianchi said that when the town started the sewer, there was a 95% federal grant, so having a portion paid by taxpayers was of a smaller number.

Mr. Todd said that if it is debated from the floor, his job is to moderate the debate and the Selectmen can respond. Chair Helm said that we need to be prepared to respond to an amendment if it happens.

Bob Lavoie said that the estimated impact should be clarified as to what will be in effect if the article is passed. Mr. Bianchi asked if a bond amount can be amended from the floor, and Mr. Todd replied in the affirmative. Mr. Lavoie said that we should be prepared to explain the potential consequences of the

bond not passing. Ms. Levine said that was included in the presentation last year and would be repeated this year. Chair Helm said that it is a point well made that the deficiencies will continue and if they become extreme, then the State could come in and order us to do. Mr. Lavoie said that we need to be prepared to discuss the consequences of not passing the bond.

Article 4 – Tina Helm will present the warrant article. Most likely this will be turned over to the Library Trustees. Mr. Todd reminded Ms. Levine of the request for historical information related to the improvements.

Ms. Levine pointed out that both bond articles included the first interest payments.

Article 5 – Peter Bianchi will present the warrant article. Mr. Bianchi said that the Board of Selectmen did not recommend this particular appropriation because the Selectmen had actually recommended \$5,000 more than what the Budget Committee passed. He thought that should be brought up on the floor of Town Meeting. Linda Hardy pointed out that the recommendation is to pass this warrant article; it does not refer to what happened in the past with respect to the budget. Mr. Bianchi said that in fact, the budget that the Board of Selectmen gave to the Budget Committee is not what the Budget Committee spit out at the end of the process. Ms. Levine agreed, but said that the final budget does not include numerous items that the Board of Selectmen had originally recommended, yet the Selectmen still recommend passage of this warrant article. Mr. Kaplan said that the Selectmen are recommending that voters pass the appropriation.

Article 6- Mr. Kaplan will present the warrant article. Ms. Levine reminded the Selectmen that this article will be passed over if Article 5 passes. Mr. Todd will ask for a motion to pass over if that happens, which has to be voted on.

Article 7 – Mr. Kaplan will present the warrant article. Mr. Kaplan will present and most likely will turn the presentation over to Ms. Levine. Mr. Bianchi said that in the past he has brought up to Mr. Todd and Ms. Levine the question of whether subsequent warrant articles can be discussed while another article is open. He said that in our discussions up to this point, we have coupled the quarterly billing and the fiscal year change. Mr. Bianchi asked how much discussion about Article 7 can take place on Article 5. In the past they have been told that in discussing Article 5, we can only discuss Article 5 and not subsequent articles. Mr. Bianchi said to Mr. Todd that he should understand how he wants to proceed. For instance, what if a question comes up about the impact of the 18-month budget on the tax bill. Ms. Levine said that she thinks that is a legitimate overlap and that questions can be answered as long as the subsequent warrant article is not debated. Mr. Bianchi said that if Article 5 is voted down, then Article 7 will not even be discussed. Mr. Todd said that it needs to be pointed out that we have two choices: if you vote yes on 5, you get another choice on 7; if you vote no on 5, you don't get to choose 7, but hopefully 6 will pass. Mr. Todd said we will have to see how the debate goes.

Mr. Todd asked about approval of the fiscal year, which Ms. Levine clarified was approved by the Board of Selectmen and BC on August 21, 2009.

Article 8 – Chair Helm will present the warrant article on the May Town Meeting.

Article 9 – Mr. Bianchi will present the warrant article. Ms. Levine pointed out this is another one where the Board of Selectmen and Budget Committee figures were different, as the Board of Selectmen budget included the full \$25,000 contribution to the Conservation Commission, whereas the Budget Committee approved \$10,000. Mr. Todd pointed out that if there is a \$0 line item, that fund is not held open, but if there is \$1, it can be amended from the floor.

Article 10 – Mr. Kaplan will present the warrant article.

Ms. Hardy said that at the beginning of the meeting, Mr. Todd should explain how paper ballots work. Mr. Todd referred to the moderator's annual report and the moderator rules, which he will make available for the website and to copy for the meeting. Ms. Hardy suggested that Mr. Todd read them aloud at the beginning of the meeting.

Article 11 – Chair Helm will present the warrant article.  
Article 12 – Mr. Bianchi will present the warrant article.  
Article 13- Mr. Kaplan will present the warrant article.  
Article 14 – Chair Helm will present the warrant article.  
Article 15 – Mr. Bianchi will present the warrant article.  
Article 16 – Mr. Kaplan will present the warrant article.  
Article 17 – Chair Helm will present the warrant article.  
Article 18 – Mr. Bianchi will present the warrant article.  
Article 19 – Mr. Kaplan will present the warrant article.  
Article 20 – Chair Helm will present the warrant article.  
Article 21 – Mr. Bianchi will present the warrant article.

Article 22-24 – Mr. Kaplan will present the warrant article with a brief introduction and will then turn it over to Bob Brown of the Conservation Commission. Ms. Levine asked if these three articles could be introduced together as one concept. Mr. Bianchi asked why Article 24 would not be addressed if 22 & 23 fail. Discussion about how this would be handled.

Article 25 – Moderator will present the warrant article, which is the final article of the meeting.

Ms. Hardy suggested reviewing the agenda for the opening of Town Meeting. Discussion about whether a preamble should be read. Ms. Levine will prepare something brief. Mr. Bianchi suggested having it ready to talk about the impact of the School budget on the Town tax rate.

Mr. Todd referred to his rules, such as five registered voters have to submit a request for a secret ballot vote in advance of calling for a vote, on an article-by-article basis. Following the declaration of the results of a voice vote, if seven voters question the result of the voice vote, then a secret ballot shall be taken (RSA 40:4-b). Ms. Levine said the moderator can choose a secret ballot at any time. Mr. Todd said that if moderator is in doubt of a voice vote, he may request a show of hands (voter cards), and may request they be counted. If the vote is a tie, he, as the moderator, will not cast the deciding vote but shall consider the motion failed. If it's a paper ballot, there can be a recount if the spread is less than 10% of the votes cast. Mr. Todd said that the secret paper ballot must not be torn in half or separated. Ms. Hardy disagreed, as the only person who can challenge a vote has to be able to prove that they cast a vote on the winning side. Ms. Levine said another reason is that there may not be enough pens or pencils to go around, and Hardy Hasenfuss pointed out that people may forget to mark their vote and just put the blank ballot in the box. Mr. Todd seemed satisfied to tear the paper ballots and will confirm this.

Mr. Todd would like to adopt the rule per RSA 40:10 that any motion to reconsider must be held no sooner than 7 days after the original motion was approved. Ms. Levine said she has concerns about this and brought up the question of the Library bond, for example; if the bond did not get approved, then they would have to go back and amend Article 9 to increase the funds for the capital reserve. Discussion about this possibility. Mr. Hasenfuss said that if there is a second meeting, the vote could be stacked because there may be different people who are specifically interested. Mr. Todd raised concerns about people

leaving the meeting after voting for a particular article and not having the opportunity to participate in a later reconsideration. Ms. Levine suggested that Mr. Todd announce that anything can be reconsidered until the close of the meeting, and if someone leaves they have lost their right to participate in any reconsideration later in the meeting.

Ms. Levine asked about Selectmen staffing the elections on March 8. Mr. Todd said that he needs an assistant moderator because Ann Bedard is running for election. Chair Helm will not be present for voting or counting because she is in a contested race. Mr. Kaplan will do 8-noon, and Mr. Bianchi noon – 7, and Mr. Kaplan will come back at 7:00. Discussion about polling hours; Mr. Todd had received request to open earlier and Ms. Hardy suggested that those people could get absentee ballots until 5:00 PM the day before the elections. She said that the polls are open 11 hours already, which makes for a long day.

Meeting Minutes: Mr. Bianchi moved to accept the minutes of February 7, 2011 as presented. Chair Helm seconded. No discussion and minutes approved 2-0 (Kaplan abstained).

Mr. Kaplan moved to accept the minutes of the non-public meeting of February 14. Mr. Bianchi second. No discussion. Minutes passed 3-0.

Town Administrator Replacement Process: Ms. Levine said that there are numerous issues to consider with respect to filling her position. First, the Board of Selectmen should review the job description and discuss whether they want to make any changes. She suggested they may want to consider combining the position with the finance officer role and seeking a bookkeeper to handle accounts payable and payroll. Ms. Levine said that Mr. Hasenfuss is present because he has offered to assist with the Town Administrator search at no cost. And finally, Ms. Levine said that she recommends having an interim Town Administrator, even if it's not on a full-time basis.

Mr. Hasenfuss asked if the Board of Selectmen can prevail upon Ms. Levine to help beyond April 15 in terms of the selection process because she is an integral part of specifying what we are looking for, and he wonders if the Town of Hanover might not be willing to give Ms. Levine's time and attention to that process. He'd like to see Ms. Levine help through that whole process. Mr. Hasenfuss said that in addition to coming up with job description, the process he has used for the last 29 years looks not only at the candidate but benchmarks the position in terms of duties and also in terms of the qualities we're looking for in a person in terms of personal/interpersonal skills, personality, behavior styles, and being clear on the values the Board of Selectmen is looking for in this person. The benchmark process typically includes stakeholders beyond the Board of Selectmen and Ms. Levine; there may be others who have a high amount of interaction with the Town Administrator who would be dependent on a working relationship that is working smoothly. The group that would set the benchmark would be 5-7 people possibly – not interviewing but setting the benchmark via a two-fold process: 1) sitting down among these people to identify key accountabilities of the Town Administrator and 2) on-line questionnaires. Mr. Hasenfuss would come up with composite benchmark.

Chair Helm asked if 5-7 people are enough. Ms. Levine said that there are 9-10 department heads that should be included in the benchmarking process.

Mr. Kaplan said that the Board of Selectmen hired Ms. Levine without any other input. Ms. Levine said Department Heads and office staff were included. Mr. Kaplan agreed but said that townspeople were not brought in; the Board of Selectmen made the decision. He said that Mr. Hasenfuss is talking about qualities that may not be recognized until the person is hired and working. Mr. Hasenfuss said that those qualities are revealed through his process. Mr. Kaplan said that is very difficult to do that kind of thing,

and the more people brought in, the more difficult the decision-making becomes because there are many constituencies that have different opinions.

Ms. Levine said that she thinks a good process could be developed that includes input from the Department Heads, other constituents, and the Board of Selectmen. She described the process of hiring the Recreation Director, which included members of the board of the New London Outing Club. She added that from an ethical perspective, she does not think she should be involved in choosing her successor. She is happy to help on her own time and is sure Hanover wouldn't mind, but thinks she should not interject herself into the process, as the Town needs to choose the person that it thinks is best for the position. That said, she suggested that one reason to hire a search firm is their knowledge of the other candidates from New Hampshire.

Mr. Hasenfuss said that if he were to charge for this process, it would be a minimum of \$20,000. This is an expensive, detailed process that he is offering the Town at no charge because he lives here and wants to help.

Chair Helm said that she is concerned that it is two weeks before the election and there could be a change in the make-up of the board. She said that we could start working on having an interim lined up but thinks the other work, such as reviewing the job description, should be postponed.

Mr. Bianchi asked how long the process should take. Mr. Kaplan said that the concept is to advertise, get applications, weed out applications, interview with Department Heads and the Board of Selectmen and make a decision. He doesn't know how long it would take but would be at least two-three months. Chair Helm said it would take as long as it takes to finalize the job description and put it in place, and it's conceivable that they could get a bunch of resumes that would not respond to what we're looking for and would have to go back to the drawing board. She said that it would take as long as it takes to get a good fit with the town.

Mr. Bianchi said that he thinks there should be a small group formed of townspeople of New London to review from their point of view what they would like to see in the Town Administrator and come up with some general guidelines as to what the townspeople feel we should be getting. For instance, should they be in charge of Department Heads, etc., and what other criteria and qualifications should be considered. He is sure that people in government around the state know that Ms. Levine is leaving and they know the job is opening up. Ms. Levine said she has been approached by people who are interested.

Mr. Bianchi said he would like to see input from townspeople to come up with criteria of what they're looking for in a new Town Administrator. We have a salary range already specified as Grade 16, and Ms. Levine is close to the end of that range. He said we don't have to hire someone close to the end, as Ms. Levine had no experience in public administration when she came on board. He thinks there are people who can serve the Town's needs well who are not experienced administrators, and it's time for the town to evaluate what they want with the position. For a town of 3-4,000 people, he said, we can get a lot of the information ourselves. He said that the Town runs pretty well on its own and the Town doesn't crash if Ms. Levine disappears for a couple of days, so he does not think that an interim is critical.

Ms. Levine disagreed about the need for an interim administrator. She said that the Department Heads can operate entirely independently, but someone needs to be the pinpoint on a number of projects that will start after Town Meeting, such as hiring the finance officer, administering grants, etc. Mr. Bianchi said that between now and April 15, the Board of Selectmen have to be brought up-to-speed on projects. Ms. Levine said that she had planned to talk to the Board of Selectmen about where outstanding projects stood, but she still thinks someone needs to be in her seat, especially if it's going to be a few months.

Mr. Lavoie said that it is important to establish minimum and desirable qualifications, but if the Town goes down the path of interim, that person has an advantage over other candidates. Ms. Levine said that is not always true; there are people who work as interim only and are not interested in long-term placement.

Mr. Kaplan said he likes what Mr. Hasenfuss is saying about benchmarks, but he does not agree with Mr. Bianchi that 6-8 people from outside should be brought in because they will have 6-8 different opinions and it will make the Board of Selectmen's decision that much more difficult. The people have elected the three Selectmen to make a decision. Mr. Kaplan thinks they may need professional help, and that's why he likes Mr. Hasenfuss's idea to head it up and assist the Board of Selectmen towards making a decision.

Mr. Bianchi said that he has a different philosophy. He has no problem with Department Heads having input, but Jay (Lyon), Dave (Seastrand), Chad (Denning) and Richard (Lee) are not residents of New London and the townspeople's input is more important than the Department Heads. He does not think Department Heads should be left out, but that the people of this town deserve to have their voices heard on what they are looking for. He said that townspeople may agree or disagree with what Ms. Levine has done, and it is important at this juncture to get the Town's feeling. Ms. Levine said that it is usually a good idea to listen to the people at some point in the process.

Mr. Hasenfuss said that he also happens to believe in listening to as many people as you can but they need to find some way of measuring and quantifying what is being heard, and he asked how it would be quantified.

Chair Helm said that Department Heads input is extremely important and the Selectmen absolutely need to get input from that group, whether they live in town or not, but this is an important time of transition and townspeople work closely with the Town Administrator also. She suggested holding a public meeting and making it clear from the get-go that it's an information session seeking input as to peoples' concerns. She has no problem having a public meeting where anyone who is a stakeholder gives input.

Mr. Hasenfuss said that the Board of Selectmen could also have a Citizen's Advisory Committee meeting devoted to that particular topic and would get quite a bit of input from that. Chair Helm and Mr. Bianchi agreed with that idea.

Mr. Bianchi said he was not thinking of calling a meeting, but just having the Selectmen put their heads together to come up with a group of people to ask to participate in a rough search committee or brainstorming session. Ms. Levine said they may want to consider inviting other elected officials or other board members. Mr. Bianchi said that he would like to empower an ad hoc citizen's search group as to what they're looking for, with complete understanding that the Board of Selectmen need to take their recommendation seriously.

Mr. Kaplan asked if there is a change in the Board of Selectmen between now and March 8, is it reasonable to assume that something could be done between now and then. Mr. Hasenfuss said that a number of people could complete the questionnaire, but first there would have to be a meeting of who would do the questionnaire. He thinks it would be difficult to do, unless you invite both the incumbent and the challenger to the Selectman position participate.

Chair Helm asked if a job description could be put together between now and March 8. Mr. Kaplan is fine with that. Mr. Bianchi said that it could but we don't know the makeup of the board until the elections. Mr. Hasenfuss suggesting devoting the March 5 CAC meeting to hearing what the CAC has in terms of recommendations and suggestions. The Board of Selectmen agreed to add that to the agenda of

the March 5 CAC meeting following the discussion with legislators and will spend time after that discussing the transition to the new Town Administrator. Bob Lavoie asked if it is possible to make the current job description available to CAC members and Ms. Levine said that is possible.

Ms. Levine also suggested meeting with Department Heads as a group, in addition to their doing the benchmarking. Chair Helm said she would feel more comfortable waiting until after March 9 for that and to have a process.

Chair Helm said that the Board of Selectmen could decide this morning whether to pursue an interim. Mr. Kaplan said he is not ready to jump into it but it should be looked at so if they feel they need it, they can do it. Mr. Bianchi feels comfortable with the plan going to the CAC a week from Saturday and going full bore after the election.

Mr. Lavoie suggested polling CAC about having an interim manager. He also said that the Board of Selectmen need to be careful eliciting input from Department Heads, which would be like school children evaluating their teacher. Ms. Levine said that she thinks that is an inappropriate analogy and that it would be more like professionals contributing to the discussion about hiring a colleague.

Chair Helm said that if she is reelected, she would be prepared to meet every week to make sure projects are being followed. Mr. Bianchi said that we need to know where we actually stand on various grants, etc., and the Board of Selectmen needs to be up-to-speed as a board, more than they would normally be. Chair Helm said that she has a lot more to learn and will contribute 100% of the next three years to this job.

Flags on PSNH Poles: Ms. Levine said that Dick Leach has asked to put the flags back up on the poles from May to November, and the request has to go from the Board of Selectmen to PSNH every year. Mr. Bianchi said that putting them up is one thing but maintaining them is another, and they were not well maintained this year.

Ms. Levine read aloud from Dick Leach's e-mail:

I would like to put up my American flags again this year. Probably only eight; however, never more than twelve. They would be on the same poles as last year between Seamans Road and the Lake Sunapee Bank. No more than six months beginning in May and ending in or before November. In order to keep the flags from getting snagged, I am exchanging the eagle on the end of the pole for a round gold colored finial. I also have worked out with Reed to use hose clamps to secure the flags to their poles. I plan, and have a few lined up already, to have businesses across the street from the town green adopt a flag. It will be their responsibility to keep their flag flying properly. I plan to furnish 8-10 foot poles to help with this.

Mr. Bianchi said that it is uglier to have them up in disrepair than not have them up at all, and should they be in disrepair and the businesses not do it, then they should be taken down. The Town should have one position: that they be up in good working order, or be taken down. Mr. Kaplan said that if Mr. Leach is trying to maintain them and has persuaded people to make sure they are in good shape, then he's willing to let him try from May to November.

Chair Helm said that she is comfortable with trying for one more season, but she would like the Board of Selectmen or Town Administrator to have the list of the various businesses responsible so that we can go

directly to those businesses. Ms. Levine said that if the Town is not to be involved, then she does not think the Town should be involved with contacting the businesses. The Selectmen agreed.

Jay Lyon asked if it makes sense to have the flags up for specific occasions, such as Memorial Day, Fourth of July, and Veteran's Day, so that they are not damaged or broken by weather events. The Board of Selectmen liked that compromise.

**Mr. Kaplan moved to apply to PSNH for use of the 8-12 poles from May to November. Mr. Bianchi seconded.**

Mr. Bianchi said that we should have a letter to Dick Leach saying that they have to be maintained this year, unlike last year, and the Selectmen expect them to be maintained however he chooses to do it.

**Chair Helm called for a vote on the motion. The motion passed 3-0.**

Audit Questionnaire: Ms. Levine said that the Board of Selectmen asked to put this audit questionnaire on the agenda and she had asked Ms. Fraley to join because she knew the answers to some of the questions.

Knowledge of any fraud or suspicions of fraud: Chair Helm – no, Mr. Kaplan – no, Mr. Bianchi – no

Aware of allegations of fraud or suspected fraud: Chair Helm – no, Mr. Kaplan – no, Mr. Bianchi – no

Has Board/Council adopted universal code of ethics for members and employees: Ms. Levine said that there is a conflicts of interest policy for employees in the Town's Personnel Policy but the Board of Selectmen has not adopted one for itself. Policy regarding doing business with government entity: yes for employees, no for the board.

List transactions between government and officials or employees during the year: Ms. Fraley will check to make sure no Series 2000 payments were made in 2010; she thinks they were done in 2009.

Formal authorization of disbursements: YES

Describe how Board stays informed: Town Administrator so advises and workshops attended by the Board of Selectmen members.

Does the Board of Selectmen review comparative reports of estimated and actual revenues and appropriations and expenditures. Mr. Kaplan – yes from September – January during budget process.

What procedures does the Board of Selectmen follow in reviewing or using these reports. Mr. Kaplan – meet with Department Heads and review both during budget process.

Disaster recovery plan – NO

Written Investment Policy – YES – Ms. Fraley said we have it written but it has not been re-adopted every year. It has been in effect since 2008.

Has the Board of Selectmen adopted accounting procedures and policies: the Board of Selectmen has not but there is a model policy followed by the Finance Office.

Debit/credit card policy – yes

Any bank account not in custody of treasurer or trustees? No

Town Administrator Report

Town Report: Ms. Levine said the Town Report is at the printers and an electronic version should be available by the end of the week. The books should be available by March 1, when the statute requires it.

Wastewater Project: Ms. Levine & Richard Lee met with Ed Rushbrook. He updated his memorandum to the Selectmen and Ms. Levine will do cover memo for it after vote. She has also communicated with Neil Cheseldine about the Governor's statement about wastewater grants and whether that would affect our grant. Apparently it will not.

Ambulance Study: Ms. Levine said that the formal proposal from MRI has circulated. Ms. Levine suggested Jay Lyon be appointed in her place on the study committee. **Mr. Kaplan moved to appoint Jay Lyon as town rep to ambulance study. Mr. Bianchi second, no discussion, approved 3-0.**

Application for Building Permit:

- New London Hospitality Holdings LLC, 353 Main Street (Map & Lot 084-089-000) exterior renovations vinyl siding w/insulation – Permit #11-003 – approved. ( card signed on 2/11/2011)

Application for Raffle Permit:

- New London Outing Club & KCOA – raffle – drawing on 4/16/2011 – Approved.

Application for use of the Town Conference Room:

- Adventures in Learning – July 21, 28, August 4, & 11 – 1-4PM – Approved.
- Caring Animal Partners – organizational meeting - March 16, 7:00 PM – 10:00 PM Approved.

Application for Temporary Sign Permit:

- New London Outing Club, 4 events – all approved.
- 2/26 – Movie night
- 3/25 – Sport Sale
- 4/9 – Hoop fest
- 4/16 - Dance

Other items to be signed:

- Disbursement voucher and payroll for February 22 and 28, 2011
- Application for Current use – Child Family Revocable Trust (Map & Lot 058-025-000)
- Warrant Yield Tax Levy – in the amount of \$1091.97 (Map & Lot 101-009-000) Marilyn Kidder.

Respectfully submitted,

Jessie W. Levine  
Town Administrator