

**BOARD OF SELECTMEN
MEETING MINUTES**

March 21, 2005

PRESENT:

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

OTHERS PRESENT:

Tina Naimie, CFO, New London Hospital
Terry LeBlanc, VP of Patient Care and Clinical Services
Kent Wheeler, Director, Emergency Services
Cotton M. Cleveland, Town Moderator
Robert and DJ Lavoie, New London residents
Lawrence Rupp, New London resident
Everett and Dianne Yelton, New London property owners
Peter Stanley, Zoning Administrator
Debbie Cross, Intertown Record
Carolyn Dube, Argus Champion

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

New London Hospital: Chair Kaplan recognized Tina Naimie and Terry LeBlanc from New London Hospital. Ms. LeBlanc said that they had asked to be on the agenda for this morning's meeting in order to introduce Kent Wheeler, the new Director of Emergency Services, and to thank the Board of Selectmen for their support of New London Ambulance. Ms. Clough asked if the Town's concerns regarding the ambulance had been communicated to Mr. Wheeler, and he confirmed that he had heard the concerns and will be following up. The three Hospital representatives departed at 8:10 AM.

Town Meeting Recap: Chair Kaplan thanked Town Moderator Cotton Cleveland for attending the meeting this morning to review the 2005 Town Meeting and plan for next year. Ms. Cleveland said that it would have been helpful to have someone else prepared to speak to Highway Department questions in Richard Lee's absence, or if the same happens to another department head. Ms. Cleveland asked if there would be any follow-up to the questions that could not be answered at Town Meeting, and Mr. Lyon said that he has prepared a draft response that could go out in a link and in a personal letter to the people who raised the questions.

Ms. Cleveland asked for feedback on the shoebox ballot process, and the Selectmen were unanimously in favor of it. Ms. Levine said that her only concern was that not all of the ballots made it to the box; there were 20 more votes in Article 31 than in Article 32.

Chair Kaplan suggested that there should be one or two more roving microphones on the floor. Ms. Cleveland said that she is considering going back to the standing microphones because some people don't give back the roving microphone after finishing a question and others use the microphone while pacing and giving speeches. Mr. Lyon said that the use of standing microphones is slower and more dangerous for people who have to climb down from the bleachers. Ms. Clough said that she thinks more people

participate with the roving microphones. Mr. Lyon agreed that they encouraged dialogue and people were less inclined to shout from their seats, which is what happened before the roving microphones were used. Ms. Clough said that for presentations, the standing microphones worked better, and noted that DJ Lavoie and Les Norman had used the standing microphone. She said that as a Selectman, she would prefer to make the warrant article presentations while standing, and asked if that could be done at the next Town Meeting. Ms. Levine said that she would like to rearrange the tables and podium on the dais to create more room, and that would allow a second microphone for the Selectmen's presentations. Ms. Cleveland said that she has no problem with the Selectmen standing for their presentations, but she would rather they did not remain standing, in part because it would invite a personal discussion between the Selectman and members of the audience, instead of a discussion run by the Moderator.

Ms. Cleveland said that the more she thinks about having Town Meeting videotaped or on TV, the more she feels strongly about doing it. She said that if it were up to her, all public meetings would be live on the public access channel. However, she understands that there is no live feed, and to get there we would have to start by taping. Ms. Levine said that there might be time to get a live feed installed at the Middle School before next year's Town Meeting. Ms. Cleveland said that it's important to document Town Meetings, now that we have the technology. She said that the Town of Newport broadcasts all of its Selectmen and Budget Committee meetings, which brings an amazing amount of accountability and openness to local government. She said that it also increases the professionalism of the meetings. Ms. Clough agreed that live meetings would make people think about what they're saying. Chair Kaplan agreed to look into it.

Ms. Levine asked Ms. Cleveland for her opinion on the volunteer appointment process. Ms. Cleveland said that the Selectmen have a lot of appointive powers, and said that in the non-profit and corporate sectors, boards are moving towards establishing term limits, such as two three-year terms. She said that it is more a question of how long any wonderful, outstanding individual can be viable and bring new thoughts to a board or committee. She said that organizations need freshness while not losing the full institutional memory. She suggested that terms be staggered so that not all positions come open at the same time. Her recommendation is that volunteers should serve somewhere between 8-12 years, which is more than enough for an entity to have benefited from the wisdom of one individual. She said that it is always possible for people to go off for one term, giving them a breather and giving another resident a chance to serve. She said that she would also strongly recommend the rotation of the chairman seat.

Ms. Cleveland said that she would also be in favor of term limits for elected positions. She asked whether there could be a citizen's referendum or non-binding resolution to limit terms. As the elected moderator, she would not run for any more than four terms. She thinks that the Selectmen should create the expectation that other people should get involved. She said that there are so many ways to volunteer in this town that people should not get locked into one thing.

Ms. Cleveland said that the Selectmen would not have to start immediately, but could ask people upon reappointment that they serve only one more term, and remind them that they could come back on after going off for a few years. She commended the Selectmen for the position that they are in – having more volunteers than positions. Ms. Levine said that this has only come about in the last two years with increased publicity and discussion about volunteerism; in the past, it was difficult to find people who were willing to volunteer.

Chair Kaplan asked if Ms. Cleveland wanted to discuss Election Day. Ms. Cleveland asked whether the winner of the Trustee of the Trust Funds election had accepted the position, and Ms. Levine said that Pat Sheehan had accepted and would continue to serve as Trustee. Ms. Cleveland asked the Selectmen for their assistance in finding candidates if there is ever an open seat with no candidates; she said that it was

tough on ballot clerks to have to go through 120 write-in votes, and voters were confused by the lack of candidate to vote for. Ms. Cleveland said that next time, she will put up all voting booths from the outset. She said that there were fewer voters but they spent more time in the voting booths due to the zoning amendments.

Ms. Clough said that there had been some discussion at the Selectmen's meeting last week about the difficulty in understanding the zoning amendments, and asked Ms. Cleveland if she had any suggestions on better communicating the amendments to the public. Ms. Cleveland said that the phrasing of the amendment is difficult to understand, and asked whether they could be written in layman's terms. Ms. Levine said that the zoning amendment has to be written as it would appear in the ordinance, but the rationale could be written differently. Ms. Cleveland said that she would encourage the Planning Board to ask lay people to read the rationales before they go to voters to make sure they are understandable. DJ Lavoie said that it is helpful to go to the meetings, because as the Selectmen discuss the amendments, they become easier to understanding. Ms. Cleveland suggested that the rationale should include the pros and cons of each amendment.

Ms. Cleveland said that from a communication standpoint, the Selectmen are working on it and will continue to work on it, but thinks that they have been articulate about the importance of openness and civility. The Selectmen thanked Ms. Cleveland for her input, and she departed at 9:05 AM.

Yelton Building Project: Chair Kaplan recognized Everett and Dianne Yelton, who were present to speak about the Cease & Desist Order placed against their property in January. Mr. Yelton said that their attorney could not be present, and notified the Selectmen that he was recording this meeting.

Chair Kaplan asked Mr. Stanley to relay why the Selectmen issued the Cease & Desist Order. Mr. Stanley said that the Cease & Desist Order was issued because even though the Yeltons had received a variance from the ZBA to replace their home within 50-feet of Pleasant Lake, the Yeltons had not received approval from the State of New Hampshire, which is required under the Comprehensive Shoreland Protection Act. The Selectmen issued the Cease & Desist to require the Yeltons to complete that process. He noted that the Yeltons had received the waiver from the state, subject to a number of conditions.

Ms. Levine said that two of the conditions are difficult to understand, and Mr. Stanley has contacted the state for clarification. Condition #3 is incomplete; the sentence ends on page 1 and is continued on page 2, but words are missing. Condition #4 says that additional living space could not encroach on the setback line, and Mr. Stanley has asked the state to define living space. Mr. Stanley said that he talked to Chris Brison, who said that the area over what used to be the deck may not be living space, i.e., it can be a porch but cannot be enclosed and heated. Mr. Stanley also noted that the Town had not received a copy of the Yeltons' vegetative plan. Ms. Levine said that the Yeltons brought the plan with them this morning.

Mr. Lyon said that since the Yeltons have received waiver from the state, he would make a motion to lift the Cease & Desist Order. Ms. Clough seconded the motion. Chair Kaplan asked if there was any discussion. Mr. Yelton asked if they would receive written confirmation, and Ms. Levine said that she would try to provide written confirmation by the end of the day. The Selectmen voted 3-0 to lift the Cease & Desist Order.

Mr. Yelton said that at their January 31 meeting, the Selectmen had decided to conduct more inspections during construction. He asked who would be making inspections and when. Ms. Levine said that the Selectmen adopted a policy of requiring ongoing inspections, which will be conducted by Peter Stanley. Mr. Yelton said that the Yeltons' project predated that decision by the Selectmen. Ms. Levine said that

she understands, but that the policy is not subject to grandfathering and would apply to all current building projects. Mr. Yelton said that he would like the courtesy of a phone call prior to the inspections. Ms. Levine said that Mr. Stanley will notify the builders or the owners when making an inspection and would not enter their home without their permission. She said that the assessors also make inspections following April 1, and that they would be unlikely to contact the owners in advance but would not enter the home if the owner was not present. Ms. Yelton said that she would leave a list of phone numbers and e-mails for them to be contacted.

Mr. Stanley said that the Yeltons are approaching the one-year anniversary of receiving approval from the ZBA, and suggested that they apply for a building permit extension, since projects are required to be completed within one year. He said that there is no cost for a building permit extension.

Mr. Yelton asked that the Town notify them if they receive any complaints about the building project, and all agreed. Mr. Stanley said that he would expect some comments once the building reaches its true height. Ms. Yelton said that there has been continuous curiosity traffic since the project started, and she hopes that ends.

Ms. Yelton said that things seem to keep changing when talking to the state. The last time she talked to Chris Brison, he asked for revised plans showing cut out portions of the basement foundation to ensure that it would not become living space. She showed the Selectmen a watercolor drawing of the shoreland side of the building, and explained how the foundation would be cut. Ms. Levine asked if it would have to be done after-the-fact, and the Yeltons confirmed that it would. Ms. Levine asked if it could be done without heavy equipment, and Mr. Yelton replied "yes." Ms. Levine suggested that in addition to filing a permit for an extension, they check off the "amendment" box on the same form to note the change in the basement. Again, there is no cost, but it ensures that the Town's records are accurate.

Ms. Yelton said that she is concerned about Mr. Stanley's conversation with Chris Brison because she was under the understanding that the Yeltons could have a three-season porch with no separate heat source. Ms. Levine said that Mr. Stanley is waiting to hear back from Mr. Brison and then the Town will send written confirmation of that discussion. Mr. Stanley said that as long as the porch is not heated, it can be three-season. If it is okay with the state, it is okay with the town. Ms. Levine asked the Yeltons if they would be held up while waiting for the state's clarification, and they said that they would not. Mr. Lyon said that it is in everyone's best interest to have the definition clarified so that there is no confusion later.

Ms. Yelton gave Ms. Levine a copy of the vegetative plan and a sketch of the foundation changes. Chair Kaplan wished the Yeltons luck with the remainder of the construction, and they departed at 9:30 AM.

Meeting Minutes: Ms. Clough moved to approve the minutes of March 14; 2nd Mr. Lyon. Approved 3-0.

Veteran's Fund: Chair Kaplan referred to an e-mail from Bob Foote about starting a fund for veterans. Mr. Lyon said that in essence, Mr. Foote suggested creating a fund to be used to augment the income of returning veterans in need, to be administered by the Welfare Officer. Mr. Lyon asked if this was a town issue. Ms. Levine said that according to state statute, non-capital reserve funds could be created for "any other public purpose that is not foreign to the town's institution or incompatible with the objects of its organization." Since welfare assistance is a town obligation, she thinks that the fund could be created. However, it would still have to be approved by Town Meeting, which could appoint the Welfare Officer as agent to expend the fund. Ms. Levine said that under state law, the Town has to provide welfare assistance to people who qualify, regardless of the cost to the Town.

DJ Lavoie asked whether the Town could currently receive donations earmarked for welfare assistance. Ms. Levine said that they cannot; any such donations would have to go into the general fund. DJ Lavoie

asked why the Town would want a separate veteran's fund if there are already welfare funds. She asked what citizens would qualify, and whether there would be criteria for the separate veteran's fund. Ms. Levine said that she would imagine that the criteria would follow those for regular welfare assistance; the only difference would be that there would be an earmarked source for funds if the qualified applicant were a veteran.

Ms. Lavoie said that there do not need to be two separate funds, since welfare assistance is already available to veterans and non-veterans alike. She suggested that the Town advertise its role with respect to welfare to let people know that it exists.

Ms. Levine said that she is surprised by Ms. Lavoie's opposition to the veteran's fund idea, as the idea generated from a resident who sought to make up for the fact that Town Meeting voted down the \$500 veteran's credit. Bob Lavoie said that state law required no means test for the veteran's credit, and this proposal circumvents state law by creating a means test. DJ Lavoie said that there is proposed legislation to create a state fund for deployed soldiers whose families may be in need, and the Town already has a welfare program that works.

Mr. Lavoie said that the only problem at the moment is that the Town does not have the mechanism to accept donated funds. Ms. Levine said that was the idea behind this fund – to create a means to accept donations. Ms. Lavoie said that she would encourage veterans who qualify for the credit but don't need it to donate their credit to such a fund.

Mr. Lyon asked if we had a solution in search of a problem, and questioned whether there are veterans with financial difficulties so extreme as to qualify them for welfare assistance. Mr. Kaplan added that there are veteran's organizations in New London and in the state that could accept donated funds; the Town would not be the only option for such donations.

Mr. Lavoie said that the idea is well intentioned, but thinks that the administrative implementation could get messy. Mr. Lyon said that it sounds like there are a lot of questions regarding this idea, and thankfully there is plenty of time before Town Meeting. He said that the Selectmen could bring the idea to the CAC to get their opinions.

April 11th Meeting: Ms. Levine said that currently, the April 11th meeting is scheduled for the evening, but the Selectmen had decided to move all meetings back to 8:00 AM. The Selectmen's Office will be closed on April 11 since the office will be undergoing a move, and Ms. Levine asked if the April 11th Selectmen's Meeting could be cancelled. The Selectmen agreed to cancel the April 11 meeting.

Request for Interest Waiver: Ms. Levine referred to a letter from a property owner who asked for interest to be waived on the second tax bill. The property had changed hands in December and the previous owner had not paid the tax bill. The Board of Selectmen denied the request, as the tax bill payment should have been handled during closing.

Flag System: Ms. Clough said that she had received a letter from Virginia Johnson of Idaho, providing information about the flag system used at crosswalks in Ketchum, Idaho. Ms. Johnson suggested that a similar system might help with the Town's intersection and crossing problems.

Lawrence Rupp: Ms. Levine gave the Selectmen copies of the letter that Mr. Rupp had dropped off at the beginning of this morning's meeting. Ms. Clough said that the Town needs to respond to Mr. Rupp's concerns as soon as possible. Ms. Levine agreed and apologized that it had taken so long, and that she would draft a response to Mr. Rupp. This led to a discussion about drainage laws and principles.

SIGNATURES:

Building Permits:

- Ballin Family Trust, 244 Blueberry Lane (Map 87, Lot 003-001), permit to erect a carriage shed-type building 60' x 26' – Approved (Permit 05-021)
- Susan J. Moseley, 508 Little Sunapee Road (Map 33, Lot 25), permit to raze existing home and build new home – Approved (Permit 05-018)

Sign Permits:

- NONE

Other Items for Signature:

- Disbursement & Payroll Voucher for the week of March 21, 2005
- Elderly Exemptions and Abatements
- Reappointment of Richard E. Lee as Road Agent
- Application for Use of Town Office Conference Rooms by New London Area Duplicate Bridge Club, on Thursday events from 6 PM – 11 PM – Approved

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

Respectfully submitted,

DRAFT

Jessie Levine
Town Administrator