



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES August 23, 2010

PRESENT:

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

ALSO PRESENT:

Katy Adnams, Clough, Harbour & Associates
Richard Lee, Public Works Director
David Chambers, New London resident
Richard Clayton, New London resident
Sue & John Clough, New London residents
Celeste Cook, New London resident
Terry Dancy, New London resident
Lizzie Klingler, New London resident
Bob Lavoie, New London resident
Bob Meck, New London resident
Ken & Linda Miller, New London residents
Bob MacMichael, New London resident
Jim Wheeler, New London resident
Debbie Cross, the *Villager*

Tina Helm called the meeting of the Selectmen to order at 7:53 AM.

Gravel Roads: Chair Helm asked Ms. Levine to summarize the gravel road issue. Ms. Levine said that during a discussion about the gravel road capital improvements program, the CIP Subcommittee had suggested looking at bonding for the paving of gravel road rather than paying annually into a capital reserve fund. When Ms. Levine showed the Subcommittee that the 15-year cost is roughly the same for both financing approaches, the CIP Subcommittee asked for guidance from the Board of Selectmen.

Ms. Levine said that the biggest difference between the two approaches is that bonding gets the roads paved sooner because the money is available up front. One advantage to bonding is that it requires two-thirds approval, so if voters vote it down then we will be clear on whether voters want to pay to pave roads that they may not live on. She said that the downside to bonding, however, is that voters do not get to consider it every year, and once it's done, it's done. By making annual deposits into a capital reserve fund, the Selectmen, Budget Committee, and voters get to consider every year whether it is a program that should be continued.

Mr. Kaplan, who is the Selectmen's representative to the CIP Committee, said that the Board of Selectmen had initiated this whole project under public pressure from the taxpayers on various gravel roads who said they wanted their roads to be paved. Mr. Kaplan said the taxpayers recognized that they bought their homes when the roads were not paved, but as time went on they wanted them paved (with

some exceptions). Mr. Kaplan said that the Selectmen asked Richard Lee to come up with a long-term recommendation, and he prepared a list of roads that were unpaved and needed paving and the cost to bring them "up to snuff" in order to be paved. At that time, the Selectmen agreed to a paving schedule that attempted to do one or two roads at a time. At this point, Mr. Kaplan said, the numbers have gotten so large that it may be better to bond and spend the money. Ms. Levine said that the numbers of the paving program are no larger now than when originally estimated, and that the cost of bonding versus not bonding is roughly the same.

Peter Bianchi said that Richard Lee has stated that paved roads need maintenance every 15 years. Mr. Bianchi is concerned that if the gravel roads are all paved within the same period of time, they will all be due for maintenance at the same time after 15 years. Mr. Bianchi said that he is opposed to bonding; he wants to go year by year and take each road on a case-by-case basis. He said that based on the cost comparison, the only difference is about \$20,000 more to the Town to bond over 15 years, and he is not in favor of paying interest on a bond. He repeated that he would like to go year-by-year and case-by-case.

Chair Helm said that this is an issue that has been coming up for a number of years and is not going to go away, and although she does like the idea of presenting it for a two-thirds vote, she can predict what the vote would be. While she is in favor of going to the Town for a bond, she proposed doing one-third of the project at a time -- roughly \$300,000 -- and reevaluating after that work gets done. Her concern is that because it is a small segment of the population that is affected by this, it probably would not pass the two-thirds requirement, and she thinks it would be insensitive to those who have been asking for this.

Mr. Kaplan said that he could go either way.

Mr. Bianchi moved to continue the gravel road paving program as it has been done on a year-by-year, case-by-case basis. Mr. Kaplan seconded the motion. There was no discussion from the Board or from the public present and the motion passed 3-0.

Mr. Kaplan departed the meeting at 8:05 AM.

Mill Pond Dam: Ms. Levine introduced Katy Adnams, the engineer from Clough, Harbour & Associates (CHA) who inspected the Mill Pond Dam, and circulated a copy of the CHA report on inspection findings. Chair Helm said that the Selectmen had met with Town Counsel earlier that morning to discuss some of the issues involved with the Town assuming ownership of the dam. Chair Helm said that Town Counsel just got the full collection of documentation this morning and has not had a chance to do his homework diligently, and although the three Selectmen had the weekend to read through the background documents, they need more time to study this whole issue. Chair Helm said that the report, which was very comprehensive, was quite a shock with respect to the total cost, which was markedly more than predicted. Chair Helm asked for leave to study the documentation and have further discussions with Town Counsel.

That said, she invited comments from the floor. David Chambers of Hillcrest Drive asked if the dam must be removed or replaced, or if there is an option to leave it as is until it fails. Mr. Bianchi said that there is no option; the dam has to be addressed. He said that the State has inspected the dam and increased the category of danger for the dam and issued a letter to the current owners saying that the dam must be repaired or breached. Mr. Chambers said that he does not see the Town getting out of this project for less than \$200,000. He said he sees three options: 1) the Town accepts the entire property, repairs the dam and sells the former Mesa property for \$100,000, which means the Town would be "in the hole" for \$200,000; 2) the two properties are separated and the Town takes ownership of the dam and tears it down,

which means we'd be in the hole for \$300,000; or 3) the owner is stuck with the entire property and, faced with a \$300,000 project, defaults on taxes and the Town gets the whole thing in the end.

Mr. Bianchi said that he does not believe the former Mesa property is in question; he clarified that we are talking about the dam itself. He said that there has been no correspondence other than during the grant application regarding the Town taking the building as well, and his reading is that the actual lot that the Mesa building sat on is not part of the deal.

Ken Miller, owner of the property, asked Ms. Adnams how realistic the numbers in her report are [the repair estimate was \$645-695,000, and the breach estimate was \$305-355,000]. Mr. Miller said that he had been with the engineers when they inspected the dam. He noted one caveat in the report that said that the numbers were intended to help the Town decide which course to take and were not necessarily pinpoint accurate. Ms. Adnams said that she does not want people to think that it could only cost \$694,000 and then the bids come in higher. She said that the engineers made the best estimate given the information they had at the time, which is short of having a full engineering evaluation. She said that one of the biggest challenges is that because of the hazard classification, the state has evaluated the dam as a high hazard, and it sits at the end of a very large watershed that is the same watershed that feeds Pleasant Lake.

Ms. Adnams said that the hazard classification is based on what would happen upon dam failure, regardless of the existing condition of the dam. Because there are residential structures immediately downstream, this dam is considered high hazard; a high hazard dam is one that is considered to have a probable loss of life should the dam fail. She said there is an incredible amount of water that would come into that dam from the watershed, so when she looked at it for the size of the spillways, it is going to be very challenging to meet the flow requirements given the size of the watershed. Ms. Adnams said that one has to look at the entire watershed, not just the little pond that the dam itself would hold. She said that she does need to sit down with the Department of Environmental Services (DES) to look at a site specific inflow design, because some storms will cause flooding downstream regardless of the size of the dam. In that case, engineers look at what is impacted by that storm and what would be impacted if the dam failed, and as long as there's no more incremental damage from dam failure, then a smaller design storm can be used. All of that has to be worked out with DES. Ms. Adnams said there is a similar situation upstream where there is a high hazard dam with a bigger outflow capacity that would be dumping immediately into the Mill Pond dam. That is an additional challenge: to keep the Pleasant Lake dam functioning during a design storm has an impact on this dam.

Mr. Miller asked if the cost would be impacted if DES changed the hazard rating of the dam. Ms. Adnams replied that there would still have to be work on the design inflow. At best, she thinks it could become a significant hazard dam, and then at best the design storm is 150% of the 100-year storm (the design storm for high hazard is 225% of the 100-year storm). Given what she based numbers on in her report, even getting the design inflow slightly above 100-year storm is going to be a challenge. It would therefore be very similar work for a significant and a high hazard dam.

Mr. Miller asked if the cost estimate is based on her firm doing the work or if it could be bid out for construction. Ms. Adnams said that the reconstruction work is a lot of concrete work and should be bid out. She took into account a conservative cost for that work using bid prices she has seen around the state on various projects; concrete bid prices have ranged from \$200-900 per cubic yard and she used \$800 per c.y. in her estimate. With respect to breaching, that work is mostly earth work and could be done by the Department of Public Works.

Terry Dancy said that there is something he does not understand about this discussion: at the present time there is a dam there that leaks, so when there is a major overflow, water fills it up and then it overflows. Now we're talking about replacing the dam to retain more water in the pond, and then if it breaches, that will flood downstream even though the main dam of Pleasant Lake is still good. He asked why we are not looking at just repairing the situation and retaining 12 inches of water in the pond, which addresses one of the issues that came up years ago about the aesthetics of a half dry/half wet pond that "looks like hell most of the time." Mr. Dancy asked what the minimum is that can be done to stop the erosion of the stream and retain 12 inches of water, rather than talking about a "dam." He said that we are not talking about generating power or putting any other equipment there – we just need to deal with the water if we have a major storm (and, he added, we have history going back a hundred years on that and we know what happened with the highest overflow, and it didn't destroy Elkins).

Mr. Bianchi agreed and said there are a lot of options, and with due respect to the engineer, he does not buy what she said has to be done. In his opinion, the State is wagging our tail a little bit, and if we have to spend \$700,000 to repair the dam and the Pleasant Lake dam breached, we would be out \$700,000. The Pleasant Lake dam is a whole other issue that is independent of this one, and once the Mill Pond is full, the amount of water coming out of Pleasant Lake is going to be the amount of water going over the dam.

Mr. Bianchi said that this past weekend, he visited the dam with someone who works with dams and he was told that there are other options. Mr. Dancy said that he spent quite a bit of his life working with consultants, and it is important when a consultant is engaged to tell what they want, and he is not certain that we asked the right question. Ms. Levine said that the engineering report was done keeping in mind the State's letter of deficiency. The Selectmen asked for the report to outline what would be necessary to bring the dam into compliance with the State's letter of deficiency and to provide a worst case scenario cost estimate for repairs. She thinks the report did those things.

Mr. Dancy said that the state's letter of deficiency is ridiculous and a response has to be made on the basis of reality. Mr. Bianchi said that he will fight to do that and to talk to the State. Chair Helm said that the Selectmen agree with Mr. Dancy's comments, and she would like to draw out any additional questions and statements like this so that when the Selectmen make their decision, they are informed.

Ms. Adnams said that one of the challenges that the Town is up against is that there is a standard definition of a dam; anything where the distance from the top to the downstream elevation is greater than 6 feet qualifies as a dam and has to meet the state regulations. That is not to say that it can't be modified to be less than 6' high and impound a little bit of water (she assumed 4' of water that would dry up in the dry seasons). She cautioned that there is still engineering that would have to go into that and everything would have to be cut below 6', and DES would have to agree that the right thing is being done and there is no danger to the downstream homes. She said right now the water flows under the dam and it bubbles up underneath, so in order to impound water some cut off has to be installed on the upstream side of the dam to allow it to impound water. She said those options cost-wise would fall between taking it out and the full rehabilitation.

David Dunning asked if there is any chance that what might be done at the upper dam might affect the lower dam. If the Pleasant Lake dam were to hold back the water, then we're only talking about the spillway impact. Mr. Bianchi said that there are two separate issues – we are on track to work with the state to fix the Pleasant Lake dam, and once that's done, it shouldn't affect the Mill Pond dam. If the Pleasant Lake dam breaks, the Mill Pond dam is the least of our worries, Mr. Bianchi said.

Ken Miller said that when the state was conducting its evaluation, the Mesa building was still there and dangling over the water on piers, looking very precarious. The State has not dealt with it since the

building was removed. There was a certain fear factor about the building, and now the building no longer exists. He contacted the State and asked them to come out in the dry season and received no response to his e-mail.

Mr. Bianchi said that in the 2007 letter of deficiency, the State said that the reason the dam was upgraded was because there were structures downstream that would be affected. There were three structures: the Mesa building, the McDonald house, and the other house owned by, coincidentally, Ralph Lapham (co-owner of the dam). Those are the only three structures mentioned that caused the upgrade to high hazard. Mr. Bianchi asked if it would still be rated a high hazard dam if those buildings were removed or resolved so as not to be a problem. He inspected the dam yesterday with someone and he thinks that should be looked at.

Ms. Adnams said that in 2005, the State changed its definition of hazard classifications. Prior to 2005, the definitions were not quite as specific and there was more gray area. Now, if there is residential property involved, it is considered to be a loss of life category. Having said that, she said that if you are in the edges of a flood zone and there's only a foot of water and it's property damage and not loss of life, we may be able to make an argument to lower the hazard class. She cautioned that given the proximity of the dam to the structures downstream, property damage is fairly likely and would cause this to be at least a significant hazard dam in the eyes of the state and would cause a design flow of 150% of a 100-year storm. She said it is an unfortunate that it's a small dam in a large watershed, but that is not to say that engineering analysis cannot be done to show that if a porch falls off no one will be hurt.

Mr. Bianchi said that he takes exception that the large watershed affects the Mill Pond dam. The Mill Pond dam is backed up by the Pleasant Lake dam, so the discussion about this dam holding back a large watershed is "whooley." Ms. Adnams said that during a large storm, which is what the design requirements require, a flow will come out of the Pleasant Lake dam spillway, and even the flow rates that come out of the Pleasant Lake dam currently would not be handled by the size of the spillway. Mr. Miller said that there have been storms in the last few years that have been to the top of the dam without problems. Mr. Bianchi said this is an issue that someone would have to discuss with the state, and it has to be pursued.

Chair Helm said that she envisions that to be part of what needs to be discussed with the Town Administrator to come up with a plan.

John Wilson said he is not clear whether, if the Mill Pond dam were not there, the present stream bed could accept 225% of a 100-year storm coming out of Pleasant Lake. Ms. Adnams said that it would; if the dam were replaced by a "run of the river" structure, it would be fine and no additional water would be impounded to add to the flow. That is not to say that the adjacent properties won't be damaged, but that affects the Pleasant Lake dam's classification.

Mr. Dancy asked what the definition of impounding is: 2 inches or 12 inches or 2 feet. Ms. Adnams said that the dam definition is based on height because during storm flows it could impound water to the top. She said the currently structure is 10-12 feet tall so it would have to be lowered to under 6 feet to not be qualified as a dam.

Sue Clough said that there is another dam further downstream -- the Hayes Dam -- that spills over and no one has mentioned its existence. If we breach the Mill Pond dam and it hits the next dam, what implications are created for Hayes Dam? Ms. Adnams said that she does not believe there would be a large implication because the bulk of the water from the watershed would come from the Pleasant Lake watershed, and the routine water coming downstream to the other dam is controlled at Pleasant Lake,

where there is a great system in place to control the water. She does not think the impact on the lower dam would change whether or not there is a Mill Pond dam in place. Mr. Bianchi said it is his understanding that if the Hayes Dam were to breach, there would be no possibility of property damage or loss of life.

David Chambers asked if anyone had considered removing the south portion of the dam to let the flow go around, leaving the rest of the structure as a beautiful artifact. Ms. Adnams said that could be done if enough opening were provided to have a free channel. Under normal flow conditions, she said the main constraint is the bridge over Elkins Road. That road does overtop during the design storm. Mr. Chambers said that under Hillcrest Drive there is a culvert that is more restrictive than the Elkins Road bridge. Ms. Adnams said that anytime water is impounded, it adds to the risk. She does believe that a portion of the dam could be removed; this dam is unique because it has four distinct sections and the main dam itself is built differently on one side of the foundation wall than on the other.

Mr. Bianchi said that one part of the water that leaves the dam goes into a raceway that goes around the road and returns to the pond above Hayes Dam, and another part of the water goes through the Hillcrest culvert and directly into the pond. He suggested cutting off one of those two streams to reduce impact downstream. Ms. Adnams said that it is unlikely that DES would allow that to be done because it would dry up an existing wetland, among other things.

Bob Lavoie said that regardless of the classification of the dam, it sounds like we're talking about a minimum of \$300,000. Ms. Levine said that number would be lower if the DPW could do the removal. Ms. Clough asked if the DPW could do the removal to prepare for the construction of a new dam, and Ms. Adnams said that could likely happen but it would save only a small percentage of the repair cost.

Mr. Bianchi said that he has not bought into the letter of deficiency yet. He needs more clarification. Ms. Levine said that she has heard twice that even if the dam is downgraded it would still need a lot of work, so while she agrees that conversations with DES need to take place, she is not convinced that would save a lot of money in the end.

Bob MacMichael said that as the oldest resident in Elkins, his heart goes out to Mr. Miller, and his own dreams of seeing the Mill Pond filled up and looking the way it used to have gone downstream. He said that it's interesting to note that around 25 years ago a group in Elkins got together and dug under the dam to fix it (he said it's like a bathtub and when the plug is pulled it drains). Had we been able to fix it at that time, he said, we probably wouldn't be here today, but the owner had second thoughts about it being fixed because he was responsible for it. Mr. MacMichael asked if, since the state is telling us what to do, there is any money available to help us. Ms. Adnams said that there are very few funds available for dam rehab in this state. New Hampshire actually has two separate divisions – the dam removal program and the dam safety program. She is not as familiar with what might be available in the dam removal program and encouraged asking both entities that question because there might be a program for old mill dams on rivers to restore the health of the river when the dam no longer serves a function.

Mr. Miller said that there are a lot of people here from the area and asked if, all things being equal, the sentiment is still to prefer water versus a stream. Mr. Chambers referred to the photo in *Reflections of a Mill Pond* and it was absolutely beautiful, and if cost were no object that would be wonderful. Those in the audience seemed generally to agree.

Jim Wheeler said that the whole notion of this warrant article in 2006 to accept the dam was to create the Mill Pond, not to destroy the dam. He asked if that is what the Selectmen are going forward with as the whole reason to deliberate and move forward. He said the removal of the dam is irrelevant because there's

no reason for the Town to accept the gift and have a pond if we're going to remove the dam. Chair Helm said that the three Selectmen still need to talk about it because it was a different group of Selectmen when the original discussion took place and the three current Selectmen need to get on the same page.

Mr. Dunning asked if it is a done deal that the Selectmen will take it over or if it is still up in the air. Chair Helm said that the Selectmen must respect the warrant article, but the answer is that it is not a done deal. Mr. Dunning said that if the Town or owner does not do it, we should throw it back to the state. Ms. Levine said that the State has \$17 million worth of dam repairs it needs to complete, and she doubts it would want this dam.

Ms. Clough said that she was one of the Selectmen when the original process went forward and she said that she recognizes that it was an entirely different economic time, but she still has great sympathy for Ken Miller and hopes that something can be worked out that is equitable for him considering his patience for all of these years. Ms. Levine said that the cost of doing this work has also increased due to changes in the regulatory climate since 2005; the Alstead floods greatly influenced the dam regulatory climate in this state. When the Town originally discussed taking over this dam, it was told by DES that Richard Lee could do the design and oversee the repair work, as he had done at the Hayes Dam.

Chair Helm said that the current Board of Selectmen takes this issue seriously and wants to be responsible, and it's her personal wish to deal with this now and not pass it on to future Selectmen. She said that times are volatile and we need to deal with it now rather than make a decision that puts it off.

Chair Helm thanked Ms. Adnams for coming and thanked those present for sharing their concerns and closed this portion of the meeting at 8:55 AM.

Minutes: Chair Helm asked for a motion to approve the minutes of August 9, 2010. Mr. Bianchi moved, seconded by Chair Helm. The minutes were approved with two minor typographical corrections.

UV Household Hazardous Waste Committee: Ms. Levine referred to a letter dated July 27, 2010 from the Upper Valley Lake Sunapee Regional Planning Commission seeking the name of a citizen to be appointed to a regional committee on household hazardous waste. Ms. Levine said that she wanted to bring this to the Selectmen to see if they had anyone in mind who could be appointed. Mr. Bianchi suggested that Ms. Levine write about the position in her weekly column. Ms. Levine agreed and added that it could be announced at the next Citizen's Advisory Committee meeting.

Project Bids: Ms. Levine said that the DPW had put three projects out to bid: the painting of the Old Main Street cemetery fence, the standing seam roof on one Transfer Station building, and asphalt shingling of two Transfer Station buildings. She and Richard Lee reviewed the three bids with the Board of Selectmen.

- Old Main Street cemetery fence: Mr. Bianchi moved to accept Sargent & Hunter's proposal for painting the Old Main Street cemetery fence at \$7,174. Seconded by Chair Helm. No discussion followed and the motion was approved 2-0.
- Standing seam roof: Mr. Bianchi moved to accept Mead and Braley's proposal of \$6,950 for replacement of the standing seam roof. Seconded by Chair Helm and approved 2-0.
- Asphalt roof: Ms. Levine said that none of the three bidders originally submitted the appropriate paperwork and list of references with their bids. All three were asked to submit paperwork by

4:00 last Thursday, and two did, but Ms. Levine has not had a chance to call the references and knows nothing about these two companies. Mr. Lee said that the bid from J&L is closest to the estimate that we received last year. Chair Helm asked whether Mr. Lee's has concerns about the lowest bidder. Mr. Lee said that he cannot put his finger on specific concerns – the shingles specified are what we required -- but he does not know about the size of the company and their ability to meet safety requirements. The roofer he has talked to said that the back side of the Transfer Station building is 35' in the air, which is a substantial height. Chair Helm said that the proposals all seem identical. Mr. Lee said that they all had to bid the same work and we specified the shingles to make sure they would all use the same shingle. He said the only difference would be in the amount of labor.

Mr. Lavoie asked if these low bidders have been vetted. Chair Helm said that would have to be done because we are not acquainted with these three contractors. Ms. Levine said that she is surprised, given what she has heard about the slow local building economy, that no local builders bid on the roofing job. Mr. Wheeler said that he is happy to bring the specifications to his roofer for another price. Ms. Levine said that she would not suggest doing so unless the project is put back out to bid for everyone. Mr. Wheeler said that roofing is such a straight forward project that it's hard to cut corners. He suggested checking the references and if they are clean, go with the low bid.

Chair Helm asked for a motion to approve the low bid pending checking out the references. Mr. Bianchi moved to authorize Jessie Levine and/or Richard Lee to check the references for Corey Davis Construction, and if they are acceptable, to go with it, and if not to re-bid because we may still get a lower price. Seconded by Chair Helm. No further discussion and the motion passed 2-0.

Cell Tower Lease: Ms. Levine reviewed current draft lease with the cell tower company and summarized the areas where there is disagreement.

Mr. Bianchi asked if there was a provision that required the tower to be removed when the lease was terminated. Ms. Levine referred him to Section 13 on page 6.

Mr. Bianchi said that we should stick to our guns on the price. Chair Helm agreed but felt that we could compromise on page 4, section 3(e) with respect to length of base rent payable for termination.

Mr. Bianchi moved to require \$1500 for the 18-month option period and \$1000 for the subsequent 12-month period. Seconded by Tina Helm. There being no discussion, the motion was approved 2-0.

Mr. Bianchi moved that in the event of early termination, base rent should be due for 12 months as the Town originally put forth. Seconded by Tina Helm. Bob Lavoie asked if this is for the final negotiation and if they do not agree, then negotiations fail. Ms. Levine said that is true and the Town can then seek other vendors. Mr. Wheeler said that a 12-month termination provision is common in real estate. Ms. Levine said that language could be added to say 12-months or whenever the tower is removed. The Selectmen voted on the current motion and it was approved 2-0.

Jim Wheeler said that with respect to the base rent, \$1500 per month is the number that was bandied about at Town Meeting and is the number that people would expect. Ms. Levine said that there is agreement of \$1500 for the base rent, but the Town wants \$1500 for the first tenant and \$250 for every subtenant thereafter, whereas TRM wants \$1500 to cover the first two subtenants and \$250 thereafter up to six subtenants.

Mr. Bianchi moved that the base rent be \$1500 plus \$250 for each additional subtenant, as previously put forth by the Town. The motion was seconded by Chair Helm. John Wilson asked who solicited whom and whether we went to bid. Ms. Levine said that the Town did not go to bid but the terms are competitive with those negotiated in other towns, if not more favorable. The motion passed 2-0.

Ms. Levine said that in previous discussions, Larry Ballin had asked to add a requirement that subtenants of subtenants be considered the same as subtenants so that rent would accrue with every attachment. She said that TRM objected to that requirement and she is trying to get a handle on how applicable it will be to this lease. Mr. Bianchi said he is trying to maximize the income for the town. Bob Meck asked if there is a maximum load. Ms. Levine said that there is, based on the height of tower. Mr. Meck said that as technology changes, there may be the possibility of more carriers. Ms. Levine said that the subtenant language could be changed to make the terms "subtenant" and "carrier" interchangeable. The Selectmen asked her to proceed in that direction and return to them once the terms have been finalized.

Jim Wheeler asked whether the lease contains an escalator clause. Ms. Levine referred to Section 4(d), which contains a 3% escalator clause. She said that originally the Town had asked for the higher of the CPI or 3%, but TRM had objected to the CPI and the Town agreed to 3% annually.

Ms. Levine asked for confirmation from the Board of Selectmen that local carriers needed to be included, as discussed at Town Meeting. She thinks that would include Verizon Wireless, US Cellular, and AT&T. Jim Wheeler said that part of negotiating the lease is the money, and another part is the improvement of service. He asked to what extent service improvement is being guaranteed, and in what areas and with what carriers. He said that he is skeptical that we need this improvement in service and asked if we have identified exactly which areas are going to see improved service from which carrier in which area. Ms. Levine said that we have not discussed linking the lease to the requirement of improved service in some areas because they have indicated that service will be improved to Newport Road. She has not asked, for example, to improve service at the bottom of Pleasant Street because she did not think this tower would solve that problem and it had not come up earlier in this context. She has only asked that certain carriers be included, and wondered how far the Selectmen wanted to push that in the negotiation process.

Discussion ensued regarding the Planning Board process and what the Board can require. Ms. Levine said the Zoning Ordinance regulates the tower height and other requirements, and TRM would have 2.5 years to go through that process prior to erecting the tower.

Bob Lavoie asked if including the local carriers related to improving the local service, and all agreed that was the case.

Town Administrator Report

Pleasant Street Sidewalk: Ms. Levine referred to e-mail correspondence with the Department of Transportation on the Pleasant Street sidewalk project. She said that it is frustrating that the project has dragged on, and at this point they are still awaiting approval from DOT on the final plans. Ms. Levine said that they've had the final plans since June 28. Mr. Bianchi said that if we decided in 2008 to build a sidewalk, we could have had it done by now. Ms. Levine agreed, though she added that we still would have had to seek engineering assistance for the required permits. Mr. Bianchi said sometimes a grant is not worth the money if it puts off the project so much. Ms. Levine agreed.

Community Facilities chapter: Ms. Levine said she is continuing to work on this chapter for the Master Plan but it is taking longer than expected. Chair Helm asked if the Planning Board is expecting the

Selectmen on September 14 to discuss the Utilities Chapter, and Ms. Levine said she has not heard from Ken McWilliams on that subject but will follow-up.

Coalition Communities: Ms. Levine said that she sat in on a meeting between Coalition Communities and the Department of Revenue administration regarding two legislative changes being proposed: one to allow the additional statewide property tax to be collected across two bills rather than just the December bill, and one to require the DRA to collect the SWPT directly. Ms. Levine said the DRA was receptive to the first idea but not to the second due to other changes being made in that department. She said that Mark Kaplan's meeting this morning was with the Coalition Communities and the Governor.

EECBG: Ms. Levine brought the Selectmen up to speed on the Office of Energy and Planning's recommendation to apply for sole source approval for the School District portion of the project. Ms. Levine said that she submitted a letter last week asking for Honeywell to be approved for the project. Mr. Bianchi said that Ms. Levine is spending an awful lot of time on this project and none of the other towns in the School District are stepping up. Ms. Levine said that the Town of New London is the lead applicant and she thought that was understood when the project started. Ms. Bianchi said that even though the town is the applicant, the School District should do more. Ms. Levine said that the \$335,000 grant is a lot to the District and 6 cents on the tax rate for New London, so it is worth it to take on the work. Chair Helm said that New London is benefitting in a vicarious way.

State 911 mapping: Ms. Levine said that she and Amy Rankins had met with a representative of the State's 911 Bureau, which is about to undertake town-wide GPS mapping for its 911 database. Ms. Levine offered the Town's 911-compliant database, which was GPS'd in 2003, but apparently the State wants to do their own version. The Selectmen signed the form authorizing the 911 Bureau to collect data in New London. Ms. Levine said that she had asked for the fire hydrant information and was told the Town could have that if it was kept confidential, which Ms. Levine said is funny considering that the hydrants are painted bright red so that people would know where they are.

Committee Meetings & Reports

CIP Meeting, August 16: Ms. Levine gave a brief report on the last CIP Subcommittee meeting, where members heard from the DPW, Recreation Commission, Conservation Commission, and Town Administration. The last meeting will be Monday, August 30 at 7:00 PM.

Mr. Bianchi said that he called Eric Thomas at DES, who had issued the septic system approval, and was told that a second story cannot be added to the building. Mr. Bianchi said that when he called, he identified himself and asked if a second floor could be put on the building and was told that it could not. Mr. Bianchi said that he does not know who Wen Phillips talked to at DES but Mr. Bianchi talked to the person who signed the construction approval and was told that it's not going to be allowed. Ms. Levine said that she would follow-up with Chad Denning for clarification.

Ad Hoc School Committee: Mr. Bianchi said that he attended the meeting of the ad hoc committee of the School Board working on the potential use of the former middle school, and he toured the facilities. He said there has been a lot of misinformation given to the public. He said the SAU is not a lot of record and is in the residential zone and is not worth what was anticipated. Mr. Bianchi is in charge of finding estimates to tear it down. It is not a done deal but that is one of the options they are looking at. The driveway going out of the building is an access to a state road (Main Street). Of the 187 feet from the corner of the lot to the PC's property, 85 feet of that is their driveway going out, so to subdivide that lot to get 100' of frontage would be a real issue. He said that future meetings will talk about what will actually go into the 1941 building. A lot of ideas have been thrown out. Mr. Bianchi asked, as a New London

resident, not as a Selectmen, if there has been a lot of interest to save the building for community use, or if it is a done deal that it will only be used for school purposes. The answer he has heard from Jerry Frew and Dan Wolf is that it will be used for school purposes. Ms. Levine said that she did not think that would preclude community use, but that school uses would take precedence. Mr. Bianchi said that other committee members included Lori Underwood and Paul Linehan.

Elkins: Mr. Bianchi said that he had called Jud Donaghy and went to see the dam with him on Sunday. It was classified as high hazard because of the three buildings. The race way could be filled in or the town or owner of the property could simply pay to have the McDonald and other building fixed and would mitigate the high hazard. Ms. Levine said that what she heard this morning is that even then, it would still be a significant hazard and the same amount of work would be required. Mr. Bianchi said that Jud Donaghy thinks there's room for negotiation.

Signatures

Application for use of Town Common:

- New London Garden Club – July 20-24, 2011 – Approved.

Application for use of Bandstand:

- New London Garden Club – July 20-24, 2011 – used as dealer space - Approved.

Application for use of Sydney Crook Room:

- Messer Pond Protective Association & Norm Bernaiche – September 15, 2010 7:00 PM-9:00 PM training on SMS/GIS program – Approved.
- New London Garden Club – July 23, 2011 8AM-5PM– Approved.

Other:

- Disbursement and payroll voucher weeks of August 23, 2010 - Approved.
- State of NH, Dept. of Safety E9-1-1 Mapping program - approved.

Respectfully submitted,

Jessie W. Levine
Town Administrator