



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES July 14, 2009

PRESENT:

Larry Ballin, Chair
Mark Kaplan, Selectman
Jessie Levine, Town Administrator

ABSENT:

Tina Helm, Selectman

ALSO PRESENT:

David Seastrand, New London Police Chief
Matt Pickering, New London Police Officer
Heather Wood, New London Communications Specialist
Amy Rankins, New London Land Use & Assessing Coordinator
Peter Stanley, New London Zoning Administrator
Erle Blanchard, New London resident
Debbie Cross, Intertown Record

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

Sobriety Checkpoint Recap: Chief Seastrand said that he was here to respond to comments about the sobriety checkpoint that was held on June 20, 2009, and explained that it was coincidence that the checkpoint was the same night as the New London Hospital gala. He reminded the Selectmen that this process started a long time ago in conjunction with the application for a federal grant for the checkpoints, which are organized in conjunction with other area police departments. That being said, the New London Police Department did see a lot of people that night – a total of 109 vehicles were stopped and field sobriety tests were performed on 14 people, with 5 arrests (four DUI and one drug arrest, and one passenger placed in protective custody).

Chief Seastrand said that every participant was given a comment/survey card, and overwhelmingly the response from the people that went through the checkpoint was supportive. He acknowledged that there may be 5-6 people with a difference of opinion. One of the early stops asked the police if they were aware of the Hospital Gala, and he said that they only realized that the event was going on when they heard the music. Chief Seastrand said that another checkpoint in New London is scheduled for next month, and it will be advertised like the last one was. He said that New London also assisted Sunapee last weekend, and there were four DUI arrests in Sunapee, and Bradford also has one or two checkpoints scheduled before the end of the summer.

Mark Kaplan asked Chief Seastrand about the publicity beforehand, and asked if the exact location was publicized in addition to the date. Chief Seastrand said that the location was not publicized, although the date was publicized. Mr. Kaplan said that if people read that it is going to be held, they have no right to know exactly where, and they should be cautious everywhere in town on that date or not drive at all if

they will be drinking. Chair Ballin clarified that the Police Department is not trying to send the message “don’t drink on this Saturday night and the other six nights are freebies.”

Chair Ballin said that this may lead us to have a larger discussion with fundraising groups to provide some education and ask them to make more effort on their part to make sure they have designated drivers. Chair Ballin said that the Town’s own Alcohol Policy requires on-site designated drivers, and he asked Chief Seastrand to assist the Selectmen in educating the community about these fundraisers. He said that these events are a huge part of the financing of these groups and the Town does not want to throw cold water on the events, but at the same time no one is saying that it’s not appropriate for the police to remove drivers from the road who are impaired.

Chief Seastrand said that for any of these events, when they apply to the State of NH Liquor Commission for a liquor license, they have to state that they will comply with the laws of the State of NH, so these plans are supposed to be in place already. That said, Chief Seastrand said that his department will help any group or individual so that they do not end up in that position. He said that the Police Department’s intent is not to arrest anyone, but to educate and help create a safe environment.

Mr. Kaplan said that 109 cars were stopped that night, but if the Hospital’s event had not taken place, there may have only been 20 cars passing through at that time of night. Chair Ballin disagreed, because there was only the ability to stop four cars at a time, so he said that a number of cars were not stopped because the stations were full. In other words, there may have been the same number of stops that night, and fewer cars that got through without being stopped.

Jessie Levine asked how many stops Sunapee saw last Saturday night, and Chief Seastrand said that he did not know about this most recent checkpoint but the last time they stopped 250 cars. He noted that Sunapee usually has more traffic going through Route 11 than New London has.

Chief Seastrand said that the stops were limited to three minutes or less, so the intrusion on most drivers should have been slight. The warrant signed by the Superior Court required everything to be conducted by the book. Some people who went through the process asked whether the stops were legal, and Chief Seastrand assured the Selectmen that the process was legal and they followed all of the procedures that they were asked to follow.

The Selectmen thanked Chief Seastrand for taking the time to discuss this subject this morning.

Tuition Reimbursements: Chair Ballin referred to the Town’s employee tuition reimbursement program, which has been in place since January 2, 2007, and to date there have been eight requests for tuition reimbursements that were paid, and there are more in front of the Selectmen now. He said that there is no intent on behalf of the Selectmen not to honor the deal, but when the Selectmen have discussed the program in the past, they have had concern about verification of the on-line education and the volume of work that the courses create. He said that the on-line instruction is a new industry so it is hard to tell what the actual performance requirements are for the courses. He said that he had asked the members of the Police Department and others to attend this meeting to discuss it, and said that in particular he would like to hear about National University because he does not know anything about it, and asked whether there are similar courses that are available in-state.

Police Officer Matt Pickering explained that National University is based in California, with several physical locations in California, and has one of the few Master’s in Forensic Science programs offered on-line. He said it is an accelerated pace offered over four weeks, with mid-terms, finals, and on-line chat sessions during that time period. He said that it is quite a bit of work from start to finish in four weeks, the work assigned varies depending on the class, and every class has a discussion board and a chat on-line

with the professor, with varying amounts of work. He said that, for instance, Pathology 2 had to do seven forensic problems that were 21 pages long each, all of which had to be done in addition to the other work. From the moment that he got up in the evening until he left for work (on the night shift), that's what he did for four weeks straight.

Chair Ballin asked how many credits were attached to each course and if they were similar to traditional coursework. Matt Pickering said that he does not know how many credits are applied to each course, but the school is accredited by the same institution that accredits Berkley and other California schools. Jessie Levine distributed a copy of the on-line brochure from National University, which listed the Forensic program as well as other master's programs that the school offers.

Chair Ballin asked Communications Specialist Heather Wood if she intends to continue schooling on-line and she acknowledged that she does. He asked Land Use & Assessing Coordinator Amy Rankins to explain her experience at Granite State College. Ms. Rankins said that the majority of her work is performed on-line and the courses are designed for people who work full-time and do their coursework after work. She said that the convenience factor of attending school on-line is offset by the fact that the work is more difficult because the school knows it's convenient. She said that for in-class work, she averages about 36-40 hours of classroom time per semester, but on-line she spends about 8 hours on-line each week, so for an on-line course she would be on-line more than 100 hours per semester for a 12-week course. She said that Matt Pickering's class sounds like a more condensed schedule, which would make it even more challenging. She said that in her experience in taking courses on-line since 2004, the on-line venue is more difficult than typical brick and mortar learning.

Matt Pickering said that he got his bachelor's degree through the on-line program at Granite State as well, and he said that the requirements at National University are almost identical. The pace is different because it is an accelerated program, but the requirements are almost identical. He said there were a lot more papers with Granite State because the semester lasted longer, while the four-week program is focused more on testing. Amy Rankins added that the students are still required to purchase books even though the work is done on-line.

Mark Kaplan said that he is in favor of the Town's tuition reimbursement program and is an advocate of education and would like the Town to do whatever it can to help its employees get ahead.

Jessie Levine referred to the draft changes in the tuition reimbursement policy and asked the Selectmen if they wanted to modify these changes in any way. She said that based on previous discussions with the Selectmen, some of the changes were to make the policy more punitive if employees left within a certain time frame after receiving reimbursement from the Town. She noted another change that required work to be performed in-state when possible, and asked whether that should be removed given the feedback heard today. Chair Ballin said that it seems like there is limited coursework available in New Hampshire of a similar program and said that while he is in favor of having a NH-based program, he acknowledged that may not be possible. He said that he wants to be sure there is accountability and that the Selectmen want to make sure there is a real value added with the education received.

Matt Pickering said that there are not a lot of classes in Forensic Science offered near here; the closest is a full-time program in New Haven, Connecticut and the other institution he looked at is a three-month semester program with not as much flexibility as the on-line program. He said that New Hampshire does not have a lot of programs, so if a student wants to go beyond the basic program, he's not going to find it here.

Chair Ballin asked Ms. Levine to modify the draft changes to allow out-of-state on-line courses. He added that with respect to the punitive section, the current policy requires the employee to reimburse the

Town for a certain portion of the expense if the employee leaves within a year. He believes that it should be made more stringent so that if the employee leaves within two years, he or she reimburses the Town. However, he found the proposed changes acceptable. Mark Kaplan believes that it should not be punitive after one year. He said that education is for the person and said that while it's true that we are putting up the money so someone can be educated, he does think that this is America and people are free individuals, and he does not believe in "shackling" people. If someone can go somewhere else and do better for themselves after a year, then "God bless them."

Chief Seastrand asked if there is anything else that should be provided up front for consideration before an employee signs up for a course, because he thought that information had been provided and that the information shows a direct correlation to their jobs. Chair Ballin said that he would like to see verification of time spent on the course curriculum, as he wants to make sure that the students and the Town are getting the best bang for the buck. He asked for students to keep a log of time spent, which would probably be quite impressive. He said that money is getting tight and people are cutting back, and the Selectmen were not trying to cut back on everything but wanted to make sure they can show accountability.

Other than that, he said the Town is happy with the policy, having spent about \$12,000 in the past two years. He said that he hopes members of other departments take advantage of it as well, as it currently seems like the Police and Administrative Departments are the only users and he would like to see it more broadly used. He repeated that this is not any attempt to change things mid-stream but wanted some discussion and clarification and said that if any changes are considered moving forward they will be discussed with employees.

Meeting Minutes: Mark Kaplan moved to approve the Citizen's Advisory Committee minutes of June 27, 2009, seconded by Chair Ballin. Minutes approved 2-0. Mark Kaplan moved to accept the minutes of June 30, 2009, seconded by Chair Ballin. Minutes approved 2-0.

Fee Review & Proposal: Zoning Administrator Peter Stanley joined the Selectmen to go over his review of the Town's fees for building permits, planning board, zoning board, etc., per the Board of Selectmen's and Budget Committee's direction earlier this year. He said that there are many activities for which the Town does not collect fees; for example for Zoning Board of Adjustment, the Town charges for advertisements and postage, but not for anything else, including the recording secretary time. He said that building permit fees cover most of the costs for building permit administration, but not everything. He noted that building permits are down a little this year, but not drastically.

He said that there is the opportunity here to charge for inspections, which has not been done in the past, including inspections by the Zoning Administrator, Fire Chief, Health Officer, and Public Works Director, which would include inspections related to the Planning Board process. He said it can be done one of two ways: build the costs into a fee or charge per inspection. For example, for a waterfront project, he inspects the site before a project to make sure the site is prepared properly and at the end of the project to make sure the site is stable. The current building permit fee does not cover this time above and beyond a regular building permit.

Peter Stanley said that the Town currently does not charge for Certificates of Occupancy or sign permits, and almost every town has a fee for a permanent sign. He added that this raises the question about what to do with temporary or non-profit signs, and also raises questions as to how much service is included in the taxes people pay and how much should be covered by a fee. He said that the prospect of adding or raising fees could also create diminishing returns in that people may not go about a project if it costs too much, and may also instill a failure to comply with some people.

On that subject, Peter Stanley said that one administrative area that we do not pursue is enforcement, in that we have only once collected a fine, and that was before he or Jessie Levine worked for the Town. He said that the State requirements are quite cumbersome for seeking fines, but there are a number of cases out there right now and he is in the process of setting up a meeting with Judge McSwiney to review options available to the Town for enforcement purposes that might have the potential for significant fines. He thinks that is a “no brainer” to pursue because it encourages compliance; he said he would rather see a process that included a stronger negative consequence than higher fees up front. That is, he said, it should be more expensive not to get a permit than to get it, and that is not how our current structure is set up.

Peter Stanley said that he prepared a simple matrix listing the functions involved at the Town level, who the players were, how much time was spent on each function, and then he calculated unrecovered costs. He estimates that the unrecovered costs for the Town amounts to about \$26,000 per year, so there is some potential here for increased revenue but he cautioned that if we went after all of that it would have the potential to put people off. Chair Ballin asked how much it would cost to generate that \$26,000. Peter Stanley said that we already have a fee structure in place, so it would not create much additional work and that service structure is already included in property taxes. He said, for instance, that about ten times a day, he gets calls about the rules and regulations and how they apply to particular property. People do not get charged for those calls as that is included in the taxes.

He asked the Selectmen how far they want to go with it before he develops a specific fee proposal. Mark Kaplan said that we do not have to cover everything, but to pick and choose gets dicey. He said that he thinks the Town should be charging for inspections, as that takes a lot of Department Head time. He said that he would like to have more discussion on some of these things, such as a Site Plan Review. Jessie Levine recommended considering the following: that she and Peter Stanley develop a more detailed fee schedule to bring back to the Selectmen in August. They would not recommend collecting fees for everything, but those instances in which there is truly more attention paid to an individual application than a more general public service. She said that charging for sign permits raises a question because there are a high number of sign violations currently and she is not sure that would be improved with the institution of a fee.

Mark Kaplan said that he would be opposed to additional cost for building an individual home. Mr. Kaplan said that the majority of people apply for sign permits before they get put up, and he said that if we charge for sign permits, the people who currently comply might stop cooperating. He said that we should remind people who put up a sign without a permit that they are in violation. He said that he thinks it is important to impress upon people that there is a sign ordinance and it must be followed and there are consequences for not following the process.

Chair Ballin said that we have had this discussion every year since he’s been on the board, and asked for a definition of a sign that is or is not a violation. He said, for instance, that the fundraiser at the golf course gets in trouble every year for its signage, yet there are other properties that are not being enforced. Peter Stanley said that the most difficult location is the Shopping Center, which has more signs than allowed by zoning. Chair Ballin said that we can over-regulate if we’re not careful, and he does not think we want to do that. He said that he’s not concerned about raising money from sign permits, and inspections, especially by the Fire Department, are services that he would rather see people feel that they could ask for without thinking that it’s going to cost them. Jessie Levine explained that it is not the intention to seek fees for ordinary services provided to the general public, but for special inspections arising from the Planning Board process. She said that, for example, the Director of Public Works, Fire Chief, and Zoning Administrator spent a significant amount of time inspecting the New London Hospital project, and that those inspections proved useful from both the Town’s and the Hospital’s standpoint.

Peter Stanley recommended coming back to the Selectmen in August with a tighter recommendation and fee schedule. The Selectmen agreed. Peter Stanley asked the Selectmen how they feel about the enforcement issues. Chair Ballin said that if there is an egregious violation that an individual or business or whatever has flaunted the rules and has been forewarned, then he thinks that is something that should be pursued like a legal case. Peter Stanley said that he is dealing with three instances that are the second violation of the same thing, and his inclination is to pursue that as a land use violation and to seek the maximum fine, which is \$2700 for a second offense that has been in effect for more than five days. Mr. Kaplan agreed, especially if it is repetitive.

Chair Ballin said that he hesitates charging a fee for someone coming in with a conceptual plan, and said that he knows that people come in with creative ideas and whether they can make it work. He does not think that they should automatically be billed, but the Planning Board should continue to be something where people cannot come fly an idea. Peter Stanley suggested that the first concept could be free but follow-up meetings could be charged. Jessie Levine said that she does not entirely agree that conceptual meetings should be free, because often the Planning Board will make a decision based on that meeting. Chair Ballin said that he does not think someone wanting to put in a home business should be charged, and Ms. Levine agreed that could be the distinction.

Chair Ballin said that this discussion proves that some more work needs to be done on this before we put a proposal forward. Chair Ballin said that he does think a fee should be involved whenever someone contacts our Town Planner directly on their own, and we should not be paying for that service. Peter Stanley said that the process is changing so that everything gets directed to him first, and then sent to Ken McWilliams if necessary. However, there are still people who skirt the process and contact our Planner directly. Ms. Levine agreed that we should be more clear about how our resources are to be used.

Erle Blanchard said that this became a topic during the Budget Committee meetings, and recommended that the last year of fees be used to review the new proposal to give some reference point. He said that we should be able to show the impact of making a particular change. Peter Stanley said that he had done exactly that in putting his matrix together, reviewing the transactions last year and assuming how much would be generated if fees were adopted to cover those functions. He said that it sounds like the Board would like to offset some of the expenses but not try to collect every dollar or make money. Mr. Kaplan said it is not a question of making money but of regaining some of the costs that we lose in terms of time and effort.

Peter Stanley said that he will come back with some recommendations.

New London District Court: Jessie Levine said that the Town has received formal notice from the State that the court will close on October 31, 2009, which leaves 14 months in the lease that was set to expire on December 31, 2010. She asked the Selectmen for direction in seeking a new tenant, noting that the space would become taxable if it were rented commercially. Chair Ballin said that he would suggest that we look for some organization that is compatible with the Police Department that might be looking for space to rent. Chair Ballin also suggested reaching out to the College and starting a new marketing campaign to seek a tenant.

Farmer's Market Recap: Chair Ballin said that he has attended both times and it has been very successful, starting off slowly but with nice crowds. He said that his hat is off to those who are working hard to make it happen, and it is a nice addition to the Town on a Friday afternoon. Chair Ballin said that there are 8-12 vendors there and a good crowd of people flowing through. If those vendors are successful, then the word will spread, and as different crops progress through the year, the vendors may change. He said that he thinks it's great and hope it works.

Fiber Project Update: Ms. Levine said that the regional fiber optic network (WCNH.net) has been working on an application for federal stimulus funding. She has three meetings on this subject this week, including a meeting with legislative representatives on Friday that Chair Ballin will attend. She noted that since the grant funding was primarily available for unserved or underserved areas, it was likely that New London should back out of the grant funding, but the remainder of the towns could still qualify.

Sunapee Wastewater Project Update: Ms. Levine said that she attended a tour at the Sunapee Wastewater Treatment Plant on Wednesday, July 8, with representatives of the USDA and the Department of Environmental Services. She said that there appears to be a grant possibility through the USDA Rural Utilities funds, which would be wonderful. Jessie Levine also brought the Selectmen up-to-date about discussions with staff from the Sunapee Sewer Department about flows over the past year and the pro-rated budget. Staff from both towns recommend a reduction in New London's share from 70% to 66%, based on reduced flows as a result of the inflow and infiltration work. Ms. Levine reminded the Selectmen that she could not attend the joint commission meeting on July 30, but she will prepare a memo and spreadsheet in advance of that meeting. Mark Kaplan asked if both towns agreed to the philosophy and Ms. Levine said that so far they have agreed.

Committee Meetings & Reports:

MAC, July 2, 2009: Ms. Levine reported that at the Municipal Advocacy Meeting on July 2, members voted to explore the option of suing the State of New Hampshire for violation of the unfunded mandate clause in the NH Constitution, as a result of the State unilaterally reducing the State's share of retirement payments for police, fire and teachers from 35% to 30% in 2009 and to 25% in 2010. This change will cost New London about \$15,000 over the next two years.

CIP Committee Meetings, July 6-8, 2009: Chair Ballin said that all three Selectmen participated in the Capital Improvements Program meetings, and he thinks Department Heads did a good job presenting their needs and that all understand that there is a good deal of budgetary scrutiny going on. Mr. Kaplan said he was very impressed with their ability to understand the concepts and philosophy and their ability to look into the future and see the whole picture.

Erle Blanchard asked if the backhoe had been traded in and removed from the site without issue. Ms. Levine confirmed that it has. Chair Ballin said that it was made clear to employees that when a piece of equipment is traded in, the old vehicle will be removed at the same time and that no outside transactions will take place on the Town property. Ms. Levine clarified that sealed bid transactions are treated differently, since those are removed from the Town property by the purchaser, even if it is a Town employee who wins the sealed bid. Chair Ballin agreed that sealed bids can be handled differently.

Erle Blanchard said that in his opinion, the money that was saved through the trade-in process for the excavator and backhoe should be returned to the taxpayer in the same year rather than being retained in the capital reserve fund, since those pieces of equipment will not be replaced for another 15 years. Ms. Levine responded that there are over 20 pieces of equipment in the highway equipment capital reserve fund, and the money is kept in the reserve fund to be used to offset the more immediate capital needs and reduces the annual cost of the overall capital reserve plan. For instance, she said that the deposit into the capital reserve fund in 2009 was \$190,000, and the proposed deposit for 2010 is \$160,000, which is partly the result of the savings from trading in those pieces of equipment. She said that even though the backhoe and excavator will not be replaced for 15 years, there are other pieces of equipment that will be replaced sooner. Erle Blanchard said that he thinks the voter has a legal right to receive those funds back. Ms. Levine said that there is no legal requirement to return the funds, and in fact, Town Meeting authorized the funds to be deposited for the capital reserve purposes and that to return the money would require another Town Meeting vote. Chair Ballin said that he understands Erle Blanchard's philosophy and

would be interested in seeing the legal opinion that he obtains, but in theory the funds are left in the account to offset future costs.

Erle Blanchard asked if progress has been made on the fixed assets program and Ms. Levine said that Carol Fraley has been working on the project for the last four weeks and has presented her with a fixed assets policy for review.

Non-Resident Taxpayers' Meeting: Chair Ballin noted that the Non-Resident Taxpayers' Meeting is next week, which is also the Selectmen's next meeting.

Joint Meeting with the Sunapee Sewer Commission: Jessie Levine repeated that she cannot attend the meeting on July 30, 2009, which is the official Joint meeting of the Sunapee Sewer Commission and the New London Board of Selectmen.

Application for Building Permits:

- Dale & Jeanne Conly, 1801 Little Sunapee Rd. (Map & Lot 043-021-000) remove 2 windows, replace propane heater with gas fireplace – Permit #09-061 – Approved.
- Arnold & Marion Stetson, 375 Wilmot Center Rd. (Map & Lot 052-002-000) erect 12x12 storage shed – Permit #09-063 – Approved.
- Donald & Susan Elliott, 337 Shaker Street (Map & Lot 111-015-000) outbuilding to be built on existing deck – Permit #09-064 – Approved.
- PSNH, off South Pleasant St. (Map & Lot 084-027-000) demolition of old substation – Permit #09-065 – Approved.

Application for Temporary and/or Permanent Sign Permit:

- Temporary sign: New London Hospital, 273 County Road (Map & Lot 084-014-000) – at Information Booth – Hospital Days August 6-9, 2009 sandwich board style – Approved.
- Temporary sign: NLOC, 114 Cougar Court, (Map & Lot 073-076-000) at Information booth and at Woodward Park entrance – FUN Day 7-11-09 – Approved.
- Temporary sign: Lemon Twist Inc. 406 Main St. (Map & Lot 085-045-000) sign to be put on front porch – Approved.

Other:

- Disbursement voucher week of 7-06-09 & 7-13-09 - Approved.

Respectfully submitted,

Jessie W. Levine
Town Administrator