



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES May 17, 2010

PRESENT:

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

ALSO PRESENT:

Laura Chesnut, Municipal Energy Assistance Program
Russ Aney, Energy Committee
Robert Brown, Conservation Commission
John Wilson, Pleasant Lake Protective Association
Terri Bingham, Messer Pond Protective Association
Carol Foss, Little Lake Sunapee Protective Association
June Fichter, Lake Sunapee Protective Association
Bob & DJ Lavoie, New London residents
Tom Scully, New London resident
Robert Trabucchi, New London resident
Sumner Woodward, Wilmot resident
Gina Gioldassis, *Intertown Record*

Chair Helm called the MEETING TO ORDER at 6:02 PM.

Minutes of the May 4, 2010 Board of Selectmen Meeting: Mr. Bianchi said that on the second page, second paragraph, they should omit the word "he."

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to approve the minutes of May 4, 2010, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Minutes of the May 8, 2010 Citizens Advisory Council Meeting: Chair Helm thanked Mr. Bianchi for representing the Board of Selectmen at the meeting. Mr. Bianchi said that he thought Norm Bernaiche did a good job with his presentation and the people learned a lot.

Chair Helm indicated that on page five, it said "he urged people and to call and ask" and she suggested removing the word "to."

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to accept the minutes of May 8, 2010, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

New Business:

Profile Award: Ms. Levine shared that there had been a Profile Award nomination for the Town. There was a press release about it, as well as an awards ceremony given in recognition and memory of the Old

Man of the Mountain. New London, Newbury and Sunapee won the award jointly, for community and volunteerism to protect the community, history, culture and environment. She said that the press release was slated to be published in the Intertown Record the following day. A statue that was given upon winning the award will rotate between the three towns on a quarterly basis. Ms. Levine said that Maggie Stier made the nomination for the Town. Ms. Levine said that this was an award for volunteer organizations, non-profit boards and committees.

Meeting Schedule: Ms. Levine suggested meeting dates for Selectmen's meetings from July-September.

July 12, 6pm

Due to many conflicts for the July 10 CAC meeting, it was decided to change it to July 17

July 26, 8am

August 9, 6pm

August 23, 8am

September 7, 6pm

September 20, 8am

Non-resident taxpayer meetings: Ms. Levine said that they have only had one of these meetings per year for the past few years and that Monday mornings generally work well for non-resident taxpayers who had been visiting for the weekend. She suggested holding this meeting during the July 26 Board of Selectmen's meeting. Chair Helm opined that these meetings are a nice outreach to non-residents and are generally well-attended.

Statistical Update: Ms. Levine said that Mr. Bernaiche had recommended a public forum on the statistical update, and she thought that the early summer would be a good time. She thought they should dedicate an entire evening to this, as it would most likely take more time than they could dedicate during a regularly scheduled meeting. Mr. Bernaiche would be at the meeting to field questions. They decided to hold the meeting on Tuesday, June 29 at 7 PM.

MEAP Report: Laura Chesnut from MEAP (Municipal Energy Assistance Program) and Mr. Aney have been working together to collect energy data from the Town. Since Mr. Aney was still not present at the meeting, Ms. Chesnut opted to begin the presentation without him. She handed out a draft of the handout that Mr. Aney was planning to bring to the meeting. She said that she would get final copies to those in attendance as soon as she got them.

Ms. Chesnut explained that she and Mr. Aney came to a Board of Selectmen's meeting in October to present this program, and that same month, New London applied to be part of it. She shared that she has worked with other nearby towns, such as Lebanon, Cornish, Danbury, Grafton and Enfield to pull together baseline inventory reports for their energy consumption. She noted that there are two phases of the project. The first is to conduct an inventory, and the second is a building audit. Ms. Chesnut noted that 48 different towns in New Hampshire are involved in the program.

Ms. Chesnut explained that they have been using an "EPA Portfolio Tool" which generates statistics on how different buildings perform. To use this tool, bills, heating data, the age of the buildings, and square footage information needs to be logged in. This tool helps to determine energy intensity. They have also been using a "Small Town Carbon Calculator" which evaluates energy consumed by things such as Town-owned vehicles and street lights. By using this towns can get an idea of where their money is going with regards to energy dollars. Vehicle fleets generally cost between 65-68% of town's budgets, but due to New London's "No Idling" policy that was put in place in 2008 their costs in this regard has been

lower. Ms. Chesnut said that since the baseline work is being done currently, making sure the checklist of information is kept up to date each year should be relatively easy.

Ms. Chesnut opined that the Town Office may be an option for a potential audit, but that more likely, Whipple Hall would be most interesting to review. She thought that the Police Department may be an option for audit, as it has the most energy intensive needs. Ms. Chesnut noted that possibly Tracy Memorial Library would be another possibility for an audit. Auditing a multi-use facility like the library could be a good learning tool for the community. Ms. Chesnut explained that both she and Mr. Aney were available to discuss results information or questions about the project. She noted that the circular pie charts were an aggregate of the energy use in the town, and serve as a snapshot of the results obtained through the study. She mentioned that the Town's vehicle fleet energy usage is 44% as opposed to the average of 65% in other towns. She added that New London has both fewer vehicles and vehicles that are efficient.

Mr. Aney, who had joined the meeting, said that he collected the raw data, and that some Colby-Sawyer College students were enlisted to input the data. He said that he was willing to sit down with Carolyn Fraley (Finance Officer) to see if they can add some fields to add more data (such as number of gallons of fuel used) to help them get an insight on how good they are at energy efficiencies. Mr. Aney offered to answer any questions the Board of Selectmen may have on the information in the report, or if they wanted some details on the buildings, as he has toured them personally.

Ms. Chesnut added that while the main goal of the project was to get New London more project-ready to make upgrades as needed, this study can serve as a "feather-in-the-cap"; if New London wants to apply for more grants in the future, this part of the work will already be done. Mr. Aney said that this work has already helped, and referenced the Energy Efficiency Community Block Grant (EECBG) that New London was awarded. New London, combined with the school grant for upgrading facilities, a hydropower study, and lighting upgrades, got the biggest grant in the State of New Hampshire. He felt confident that this project would help them even more in the future.

Mr. Aney said that a 90% funded audit was coming their way. Ideally, they need to find a tenant at the court house, as it is hard to determine energy use when the building is partially empty. He noted that the most energy intensive building is the police station because they run 24/7 and have a lot of equipment that stays on. Another building that didn't do well for their size was the Elkins Post Office. On a positive note, Mr. Aney shared that he felt some of the buildings in Town would qualify for Energy Star Certification. They are below average energy consumers nationally and also within the State of New Hampshire. After the lighting retrofit, which scores points for the Town, and finding ways to cut computer energy consumption, they could possibly work as a model for citizens and businesses in the Town. Mr. Aney noted that at least three or four businesses have done their own retrofits and are seeing results already. He added that PSNH programs being pursued. A free energy audit from PSNH was being done for a building at Colby-Sawyer College.

Chair Helm thanked Ms. Chesnut and Mr. Aney for all the work they had done and for helping to save the Town substantial funds. She said that once they have had a chance to look at the report provided to them that evening, she would like to invite them to come back. Mr. Aney said that he would like to visit them again. He said that more audits may be coming along and there were more opportunities they could discuss. They welcomed questions in the meantime.

Conservation Commission & Milfoil Grants: Chair Helm welcomed Robert Brown from the Conservation Commission. Mr. Brown gave an update on some things that have been going on within the Conservation Commission. He said that this was his third year with the Conservation Commission, which maintains

nearly 30 trails in Town. Most of the members are involved with maintenance of these trails, including clearing brush, and repairing or rebuilding walkways and bridges. He noted that there was a lot of work to be done. Mr. Brown estimated that boardwalks last between 25-30 years and that most are made of Native Hemlock. Of late, some were in bad condition to the point where they were not safe. Most recently, they have been involved with the Kidder/Cleveland/Clough Trail, which lies, in part, behind the old Middle School. There are seven bridges that had decayed to the point where they were impassable. These have been completely replaced. Mr. Brown said that it is a lot of work, especially when there are not a lot of volunteers to help. He noted that there is a regular crew who works with the Conservation Commission often, and they are much appreciative of the help. Now, the Kidder/Cleveland/Clough Trail trail is in good shape.

Mr. Brown explained a new project started two years ago, which was the Clark Pond Trail. It was brand new and required cutting and clearing trails. There are nine bridges in the entrance to the trail, including one that is 44' in length. The trail exit has three bridges. Mr. Brown said that Dan Allen has put in an enormous amount of time on this project, and has worked through the winter on it. He is still there rolling rocks and digging gravel to make it a ski trail as well. He said that it is mostly complete, but that there are still some things that need to be finished.

Mr. Brown said that the Lyon Brook Trail had to be repaired. The first section they looked at was on Pleasant Street beyond the Public Works buildings. The section between Parkside and Pleasant Street didn't offer anything that could be walked on, as the lumber was all rotted. It has all been replaced, including five bridges and lots of boardwalk. Mr. Brown said that the Outing Club was kind enough to allow the Conservation Commission access to the trail. They had to carry green Hemlock a distance of 400 yards, which was very difficult and heavy, especially since there were not a lot of young people helping.

Mr. Brown shared that the most popular and frequently used trail is the Philbrick Cricenti Bog. Some parts are in bad shape. Dan Allen and others have worked on it. He said that the big loop at the entrance to the right has about 800' of boardwalk that needs to be replaced. This is a huge effort and they are going one plank at a time. Mr. Brown said that they are trying to get creative in getting volunteers without spending money. They had pre-fabricated 800' of boardwalk, and half of it is now at the bog a little off of Newport Road. Scott's Yard Care sent down three crews and within 40 minutes they had the flatbed unloaded and the sections of boardwalk stacked on the side of the trail. He said that that would have taken his usual crew a whole day to do themselves. Mr. Brown explained that their big work day last Saturday was rained out. They are working with the Merrimack County Diversion program and have seven dates scheduled where 6-12 volunteers will come on Saturdays to get the work done. There are two weeks until the next program. He is hopeful that they can get the Cricenti Bog trail in good shape.

Mr. Brown commented that they used about 10,000 board feet of Hemlock last year for building boardwalks and bridges. He said that they have had good cooperation from the Chad Denning from the Recreation Department and Richard Lee from the Public Works Department. Mr. Brown added that a group of scouts worked on the spur of the Kidder/Cleveland/Clough Trail that runs out to Springledge Farm.

Mr. Brown explained that the Conservation Commission wanted to do something in the spirit of Arbor Day, which was the end of April. They wanted to do a tree project. They talked to Tree Warden David Carey and Richard Lee and decided to start a New London forest nursery. They have gone ahead and ordered seedlings, both hardwood and conifers. He said that it will be a few years before they have trees ready to plant, but that it will be helpful to be able to use those trees instead of having to go buy one, which can be upwards of \$300-\$400 per tree. Chair Helm asked where the nursery would be located. Mr.

Brown said that Mr. Lee had suggested a site next to the sewer plant that is not being used. Chair Helm asked how many trees they would be planting. Mr. Brown answered that they would have a total of 110.

Mr. Brown said that working with the Conservation Commission is a lot of work but it is fun. Chair Helm said that she, on behalf of the Town, appreciates all their hard work. Mr. Brown commented that it is unusual to be out working for a couple of hours on a trail without seeing people out using the trails. They seem to appreciate what they have for trails to enjoy in the Town.

Mr. Kaplan said that if they would be doing any work in the Low Plain. Mr. Brown said that Mr. Allen has been working on duck blinds, as their roofs came apart. They fixed some boardwalks down there but there is still a bridge that needs attention. He said that it is sometimes hard to prioritize which projects should be done first.

Milfoil: Mr. Brown said that on May 4 the Conservation Commission met at Colby-Sawyer College to see the presentation of the students' Natural Resource Inventory. He said that it was an excellent presentation and was a wonderful document that will be helpful, and seemed in line with the Master Plan. After the presentation, the Commission met to discuss the Milfoil grant applications. Three of the four protective associations were there. His overview was that it didn't come as too big a surprise that the funds requested exceeded the \$18,500 approved at Town Meeting. He said the \$18,500 covered roughly 85% of the requests. All of the applications were submitted in quite a bit of detail and thought. Mr. Brown said that the process has been the same format "forever." The Conservation Commission did take a look at a letter and made suggestions. One was that the time frame be moved up so the protective associations could work and plan a little better. He said that if the protective associations were going to apply for the grant money, they would need to do all required things in the right time-frame.

Mr. Brown said that everyone looked the applications over. When there is not enough money to go around, some people may not be happy. Each situation was different and strong arguments could be made for each applicant. One solution was to make more use of volunteer help. An organization of 900 members has more resources to draw from than one with only 100. To staff a launch, it takes the same staffing. One of the organizations has four Lake Host locations or ramps. None is in New London, but they should still be supported. Mr. Brown said that some associations are more financially stable than others. He doesn't think any of them believes that the solution to the problem is to throw more money at it. If the shortfall is \$3,000, he would encourage associations to meet with the Budget Committee, who comes up with the final number. This year, they decided to prorate it. They should essentially use same numbers as last year, which was 85% of what was requested.

Mr. Brown said he felt that the Protective Associations put in a good effort. Ms. Levine said that going forward -- to address the problems with the timing and with the Conservation Commission being the middle-man -- the protective associations should submit their requests in the fall during the budget process when non-profit organizations let the Town know what their budget needs are. That way, assuming it goes through the process and Town Meeting approves it, the payments could go through right away. For the next year it would require two years of requests, since New London is going to do an 18-month budget.

Mr. Bianchi asked what the basis was in terms of who gets what for money. Mr. Brown said that last year they had a joint meeting between the Conservation Commission and the Board of Selectmen. They took the total number, which exceeded the amount of funds available, and prorated it. Everyone received 85% of what they requested, across the board. Mr. Bianchi asked how the Conservation Commission determines the amount each association receives. Mr. Brown said that this year, because they are in a similar situation because the funds are not available, it was decided that the fairest way to do it, was to recommend that the same number be used from this year. Mr. Bianchi clarified his question and asked

what criteria were in place to determine which lake gets what money. Mr. Brown said that this was something they discussed and need to work on. The number of hours needed, boats going in, and the number of ramps are all variables, but there are no defined criteria.

Mr. Kaplan said that this was a good point. All of these organizations are voluntary. Some people pay their dues as requested, and some give more. There is a variation of ability to raise money. Some are able to do it easily, and sometimes it is difficult. He always remembers that when it is time to dispense money, Milfoil invasion is dangerous because it takes over the lake. Of the four lakes, only one has milfoil (Lake Sunapee). He tries to keep that in the back of his mind. The other three lakes are trying to prevent it from coming. This is more preventative rather than combative. They are always going to wish they had more to spend.

Mr. Bianchi said that if there aren't any criteria on how to distribute the money, the same thing will keep happening over and over each year the same way. Mr. Brown said they would like to work with the protective associations in anticipation of their needs. The applications were quite detailed and accurate. No audits were done, and they felt that the applications were accurate in representing true need. He said that he remembered one of the members of the Budget Committee saying there was discussion and plan to make a recommendation to put money into the reserve for Milfoil for next year. He thought the Board of Selectmen was in support of that idea, but wasn't sure.

Ms. Levine said there will be about \$7,500 in the fund after this year's allocation is made. Her recommendation was to have them apply for their need during the beginning of the budget process rather than arbitrarily picking a number and trying to make it fit. She also explained that the Board of Selectmen are agents to expend the milfoil fund and could overspend the fund this year if they see fit.

Chair Helm said that last year the New Hampshire Lake Association had reduced their allocations. She asked about their allocations this year. Terri Bingham from the Messer Pond Protective Association said that it had been reduced even more this year. Messer Pond tripled inspections and only qualified for a \$750 grant. Little Sunapee received \$2,000 last year and only \$1,250 this year. She explained that the way the grants are given out, there will be some lakes that won't get any money this year.

June Fichter, Lake Sunapee Protective Association, said that the only lake known to have milfoil is Lake Sunapee, and that it is at every boat launch. She said that it is much less expensive to prevent milfoil than to fight it. She said there are two launches used mostly by locals. There are three patches of milfoil, which are located in Georges Mills, Sunapee Harbor, and recently at the State Beach near the launch. The only way to guarantee not bringing in milfoil is to close the launches, which isn't something they want or could ever do. The first case of milfoil was discovered in 2000 in Georges Mills, and they are currently using a Benthic Barrier. With this method, they can manage the milfoil and not let it get out of control. She commented that Lake Morey is overrun with milfoil and shared that the cost escalates when you have to use chemicals to try and combat it. She noted that such chemicals could not be used in Lake Sunapee because it serves as a water source.

Ms. Fichter opined that everyone's requests are good ones and that everyone has done a pretty good job. All of the lakes and ponds are an important part of the economic engine in the area. Mr. Bianchi asked how they will cover the shortcomings of funds. Ms. Bingham said that Messer Pond Protective Association will deplete their fund after this year. They will all look at the most active times at the launches, so they can get a volunteer host to cover the launch. They will do things like look at the weather and if it gets bad, they may call the day and save the money for a day where there will be more boats. She wanted to emphasize that containment is exponentially more expensive than a paid lake host at a launch.

Ms. Foss said that there is milfoil in a retention pond at Hilltop Place. It has been treated with chemicals but is still tenacious.

Ms. Fichter said that for Lake Sunapee, they highlight the busy times and they've cut back when there is bad weather with fewer boats. Sometimes they need two people at the launches because it gets so busy. She explained that they can't skimp on the Benthic Barrier. Ms. Fichter said that they try to be prudent with their milfoil money.

Chair Helm asked if there a penalty if a boat is found to be carrying milfoil. Ms. Fichter said that they have found several boats with plants, and they have at least one confirmed invasive plant on a boat. It is illegal to convey invasive plants from lake to lake, however, they haven't sent anyone to the police because they want to be able to approach a boat and really inspect it. The boater does not have to let them do that. She said that they have to strike the right balance. They want to use the inspections as an educational moment.

Mr. Kaplan asked Ms. Levine to confirm if there was \$7,500 in the capital reserve. He thought they could use that up to make up the difference for the milfoil program. He said that giving them 85% is another option. He wondered if there were funds in the Conservation Capital Improvement funds. Ms. Levine said that that money could not be spent without Town Meeting approval and that they are not allowed to spend money out of the fund for purposes it is not specified for.

John Wilson said that Ms. Levine's idea of doing the requesting in the fall appealed to him. If the Lakes Association will diminish what they give in the spring time, they do it proportionately by the size of the lake. He would suggest that they simplify the criteria. They don't want to pit lakes against each other. He said the lake hosts who operate the system know what their lakes need and have presented it. That is a reliable number that they have given. Ms. Levine agreed that it would be nice to establish criteria. She didn't think they should count paid lake hosts towards quantifying their need. If the lake association that can afford to pay for more hours because of the grant, they are using the grant to justify getting the grant. She said that she doesn't live on a lake or even in New London, but felt they should weigh the volunteer hours versus the paid hours. She said that if they weighted more the volunteer hours for the lakes that have more than 25% of lakes hosted by volunteers, it may make other lakes put up more volunteer time. Chair Helm said it sounded like there was more discussion needed on this issue.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to expend \$18,500, as recommended by the Conservation Commission, and that they prorate it to give the same amounts as last year: Lake Sunapee: \$3,868.19; Little Lake Sunapee: \$6,121.80; Messer Pond: \$3,094.5., and Pleasant Lake: \$5,415.46.

Mr. Bianchi didn't feel comfortable giving more money to one lake over another. He felt they needed more strict guidelines moving forward for next year.

THE MOTION WAS APPROVED UNANIMOUSLY

Chair Helm said that their recommendation going forward was that the request for funds go through the budget process. The criteria will also need to be firmed up based on a logical reason of why one lake gets a certain amount of money over another. No one will fault any association, as they are all working for a common goal. Ms. Levine said that the funding was never an issue until the money got tight.

Ms. Helm thanked Mr. Brown for his presentation.

Sumner Woodward – Landfill Easement: Ms. Levine said that when the Mountain Road landfill was closed in the late 1980s, the Town had to dig up the old landfill, remove all the trash, put it aside, line the landfill and put the trash back inside. At that time, the State required a Groundwater Management Zone (GMZ) be put in place. Ms. Levine displayed a map that explained where the GMZ was. The existing GMZ was used as the easement line. That boundary delineates the area that the State required to be protected from drilling into the groundwater. This line goes into Mr. Woodward's property, and an easement was executed between the Town and Mr. Woodward in 1991. Ms. Levine said that the easement contains language that says, in section 3D:

Grantor also does and shall retain all residual rights for subdivision or development of the property including residential home development, which development rights shall be released by the Grantee Town, if requested by the grantor, and the State and any applicable federal agency approves, as a result of diminution of ground water pollution to safe drinking standards, or if the easement is no longer necessary or required by the State of New Hampshire or the federal government.

Ms. Levine said that if the grantor asks the Town, they would have to release the easement unless the State says they cannot. Mr. Woodward and Ms. Levine started the process with the State to see if there was the capability of releasing the easement. They proposed a new GMZ to be put in place. They drilled an extra well that Mr. Woodward paid for to test the water. Ms. Levine explained that Mr. Woodward has invested a lot in the Town trying to satisfy the State's concern for satisfying their requirement for water. In April 2010 they sat down with Department of Environmental Services, who said that they didn't know why there was an easement put in place, as the State doesn't require one in this case, as long as there is no drilling within the GMZ.

Mr. Woodward said that Ms. Levine was doing her part to protect the Town by telling him she couldn't do anything because the State had to release the easement. He understood that the rules put in place were designed to satisfy the Town's requirements. There were eight or nine spots available on the property where houses could go. He could get a house where he wants it on all but three lots. He said that he has lost sales on some lots because he couldn't get the houses to go where he wanted them to. He also wanted to move one planned house about 50-60 feet so as to get a better view. Ms. Levine explained that there wouldn't be a problem getting the houses on all of the lots, but that the well cannot be drilled within the easement boundary. The Town's lawyer's argument was in regards to the flow and plume, as the Town has no control over that. Mr. Woodward said that he can get a well drilled outside of the easement area. He only wants to move a portion of a building into the easement area but has no intentions of drilling there.

Ms. Levine said that the Board of Selectmen needs to approve the release of the easement with respect to buildings, but will still keep the easement for drilling or getting water from that area in any way. This will allow him to put the buildings where he wants but the wells would have to be outside of the groundwater management zone. Ms. Levine said that Mr. Mayer (Town Counsel) thinks the reason the Town sought an easement was to protect the Town in case the water moves in the direction that the engineers and hydrologists predicted in the 1980's. Even if wells are drilled, it still may affect the flow of water. He cautioned that they could have an adverse impact on the flow of the groundwater.

Ms. Levine said there has been consistent, elevated levels of arsenic and manganese which are naturally occurring in New Hampshire. Pollutants that are typically linked to a landfill have not shown up in the well-water testing. She explained that the case is entirely in the hands of the Board of Selectmen. She shared that Mr. Mayer said that he was performing his function as a counsel, and was sharing his concerns. Ms. Levine said that Mr. Mayer argued that the easement could be released if there had been a

“diminution in pollution”, and there had been no diminution in this case because there was no pollution in the first place.

Ms. Levine reminded the Board of Selectmen that the property across the street from the landfill was polluted and that the Town purchased it. Mr. Bianchi, who was on the Board of Selectmen when the original easement was negotiated, said that there had been a lot of worry that the pollution was going to be wide-spread when they had to dig up the landfill in the past. Thankfully, it didn't seem to be as predicted.

Ms. Levine said that the Town agreed to drill another monitoring well in between B108 and B114, which would give one more way to monitor the presence of any contaminants. In addition, she had agreed to split the cost with Mr. Woodward to flush mount the monitoring wells in his subdivision, which would minimize the impact of having the monitoring wells in that area. Mr. Bianchi asked Mr. Woodward if this idea was acceptable to him. Mr. Woodward said that it was.

Mr. Kaplan asked if they could come up with any scenarios of something going wrong if they approved the release of the easement. Ms. Levine said there are a number of wells that are monitored twice/year to check for pollutants. She said that the engineers warn that wells drilled in this development and surrounding lots could cause groundwater to be drawn from the landfill. The contaminants could go into people's water and make them sick, and then the Town could be sued. Ms. Levine said that someone could sue the Town but they would have to prove that the Town was at fault. She added that this could happen whether the Selectmen changed the easement or not, as the well locations would not change even if the easement changed.

Mr. Kaplan asked Mr. Woodward if he would hold the Town harmless if any lawsuits were filed. Mr. Woodward said that he wouldn't do that; he would drill where he planned to before they changed the easement, which is outside the boundary anyway. Either way he said he is going to build, and either way, they will draw water. Mr. Kaplan said he wanted a “hold-harmless” agreement. Mr. Woodward said that he would not do that because he would be drilling anyway. Mr. Bianchi said that Mr. Woodward only wants to ask to put a portion of a home inside the GMZ; he's not asking to drill within the GMZ.

Ms. Levine read from the proposed new easement that there was language resembling a hold harmless: “Grantor agrees to indemnify and hold the town harmless from any and all claims that may arise as a result from construction within the easement area.” She explained that this had to do with the construction of buildings and not the drilling of wells.

Mr. Woodward said that it specifically states that if nothing happens and the land is not polluted for a period of 20 years, the easement can be released. He said that he will be 80 years old in a few weeks and would like something decided while he can still discuss it. Mr. Bianchi said that he had no problem with the request.

IT WAS MOVED (Peter Bianchi) that the Town approve the modified easement deed with SWJM, Inc., as drafted by Bart Mayer. The motion was not seconded.

Mr. Woodward said he wasn't ready to sign off on this at the meeting because the descriptions of the easement line was different. He wanted to make sure that the description fits the description of the easement. Ms. Levine said she has reviewed the description and it is identical to the language in the previous easement. Mr. Bianchi said the same. Mr. Woodward said that the description should reflect his new survey, and Ms. Levine said that the State had informed them that the GMZ boundary line could not change, but the easement itself could be changed. She advised against having two boundary lines, one for

the GMZ and one for the easement. She thought that would be hard to enforce and would be confusing to people using the properties.

Mr. Woodward said he didn't want to drill within the line. He'd said he would like an interim paragraph that clarifies that they can build within the easement area. Ms Levine said that that clarification is already in the revised deed. Mr. Woodward said that he wanted to review the info with his lawyer. Ms. Levine thought this was a good idea and said she was surprised that he had not already done so. She said she would not suggest that he sign the easement without having his attorney review it. Ms. Levine said that the Town is in no rush to move forward, as this is something that Mr. Woodward has requested.

Mr. Bianchi rescinded his motion. Mr. Woodward will let Ms. Levine know when he is ready to move forward.

New Business:

Market on the Common: Ms. Levine said that the New London Center for the Arts would be hosting a Market on the Common, which would be held in place of the Farmer's Market that took place last summer/fall. This would be held on Wednesday afternoons on the Town Common, starting June 30. They already have about 20 vendors lined up. Ms. Levine said that they had originally asked to have a banner and a variety of signs for the event. She suggested they come up with a signage plan. Instead, they filed for simple sign permits and no banners will be used. They will only have two signs: one at the Information Booth and one on the Common. Individual signs will be displayed for each vendor.

Ms. Levine said that the Center for the Arts wanted to donate some more picnic tables for people who are on the Common for events. They said they would give the Town picnic tables if the Town would take them down in the winter and store them and bring them back in the spring. Ms. Levine said they would store the picnic tables at the Public Works Department.

Mr. Bianchi asked if they were getting near to encroaching on what Ausbon Sargent gave them as a gift. Ms. Levine said that the Commons policy that was developed in the 1980's gave permission for non-profits to use the Common. Mr. Bianchi said that when they went through the bandstand project years ago, the only structure they decided should be there was a bandstand. He didn't want to end up with people saying that Ausbon Sargent didn't intend to have vendors there. Ms. Levine said that it fits with the spirit of the policy and that it is non profit, and no structures are being erected.

Chair Helm asked if non-profits have to pay to use the green. Ms. Levine said that they need to think about setting fees for using Town buildings and the Common. The more these facilities are used, the more maintenance is needed. Chair Helm asked about the collection of trash. Ms Levine said the Center for the Arts will take the trash.

Ms. Levine said that one vendor would like to sell wine. He is from New Hampshire and sells sealed bottles of wine, and has a liquor license as a wine manufacturer. State law allows them to sell and deliver wine on an off-site basis. The Town alcohol policy prohibits alcohol consumption on Town property, but does not expressly prohibit this kind of wine sales.

Chair Helm asked if the vendors would be purchasing space or paying a percentage of their sales. Ms. Levine thought they were paying for their space.

Mr. Bianchi said it seemed to be one more step towards scenarios that they didn't want to get into. He said that someone next year might want to sell antique guns on the common. He thought they should be

aware that the more they go forward, the more could be problematic in the future. Mr. Kaplan said that he was okay with the wine sales. Ms. Levine suggested approving the request with the caveat that the Town's alcohol policy be followed: no bottles could be opened on the Common, there could be no tasting of the wine, and that the vendor would be responsible for checking to be sure customers were of the legal age limit.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to approve the application from the Center of the Arts to have alcohol sales with closed bottles, while obeying the Town policy on alcohol, and to accept the gift of the picnic tables. THE MOTION WAS APPROVED UNANIMOUSLY.

Legislative Activity: Mr. Kaplan said that he will call Randy Foose regarding HB465 which is going into committee of conference to work out the details of the bill. They are hoping they will push off donor towns and keep studying the bill. In the Senate's version, it would delay the imposition of donor towns. If it does not pass, it would keep a study committee for the formula used to determine education funding. Mr. Kaplan said that the Governor has promised to install such a committee.

Ms. Levine said that amendments were filed that would regulate the way the LGC and other public risk pools manage business. This would limit the amount of reserves that they could keep to 5% of claims. An insurance company would not have enough to cover claims. It would put oversight of three public risk pools in the Secretary of State's hands. If regulation is necessary, it is okay but should be done by the Department of Insurance.

Committee Meetings & Reports: The Joint Board of Selectmen met on Thursday, May 6. Minutes from that meeting are available. Mr. Bianchi was at the meeting to represent New London. He said they handed out a summary of MS-2s at the meeting, and he made some notes as the meeting went along. Apparently there were some figures that were not accurate. He made a copy of the sheet and distributed it to the other members of the New London Board of Selectmen.

Mr. Bianchi said that they are creating a subcommittee to go to the School Board so the towns can have a heads-up to know what the schools plan on spending in the coming years. There was some concern on what is going on in the old middle school. The sprinkler system is in, the culinary arts program is moving in there, but people in the district were told it was a tear-down building. The building will still have to be maintained and heated. Mr. Bianchi said he talked to the facilities manager and Jerry Frew about the drainage system he put in 15 years ago. He opined that it doesn't seem that they are all on the same page as to how much it would cost to fix the building. It was over a million dollars, but is now down to hundreds of thousands of dollars. Mr. Bianchi shared his concern with Mr. Frew that the 1941 building remain intact and not be torn down. He said that others have told Mr. Frew the same thing. He reported that Springfield and Newbury did not have representatives at the meeting. Additionally, there has not been a date set for the next joint Board of Selectmen meeting.

Upcoming events:

The Budget Committee will meet on Wednesday night, May 19 at 7 PM.

An EMC Info Session will be held on Wednesday, June 2 at 5:30 PM at Colby-Sawyer College.

Other Business:

Fire Station: Ms. Levine said she received an email from Scott Ellison on Thursday. He raised the question of the use of the fire station by firefighters for personal use. She said that the Fire Department is

managed by Board of Firewards, not by the Board of Selectmen. She forwarded the email to Jay Lyon, Fire Chief. Chief Lyon called Mr. Ellison on Thursday and said the only thing that is allowed is to wash personal cars. No tools or business vehicles are allowed.

Apparently, Mr. Ellison saw someone's vehicle with a lawnmower there and wondered if they were washing or maintaining the equipment. The person who left their vehicle and lawnmower there was actually on-call and was not using the Fire Station for anything. Mr. Lyon said that he is going to recommend to the Firefighter's Association that they make a donation to the Town for the use of water for washing personal vehicles. He sees this activity as a good perk, and to have people at the station to build camaraderie and to have people there in case of an emergency.

Mr. Bianchi said that it is a perception issue and that it is nickel and diming. It is a perk that the firefighters have. He said he has no problem with it. He said if they wanted to make a donation that was fine but it wasn't needed. He also spoke to Mr. Ellison about it and said that he was right and that it doesn't look good, but really if they are using a bit of Town water in the parking lot, he didn't think it hurt much. In his eyes, it is not a high priority or problem in the Town.

Application for Building Permits:

- Gerry & Sheri Weber, Elkins Road (Map & Lot 077-010-000) build deck, screen porch & outside shower – Permit #10-039 – Approved.

Application for temporary sign permit:

- Summer Music Associates for signs at Information Booth: 6/8, 6/26, 8/12, 8/25, & 10/23 – Approved.
- First Baptist Church, Summer Fair for signs at Information Booth: July 10 8:30 – 10:00 – Approved.
- Kearsarge Arts Theater (KAT) for sign at Information Booth: July 1 & July 22 - Approved.
- Center for the Arts, Market on the Green for sign at Information Booth - must be removed one day a week – Approved.
- Center for the Arts, Market on the Green sandwich board sign to be put on town common – must be removed one day a week – Approved.

Application for Permanent sign:

- Bruce Sanborn, 420 Main Street (Map 085-044-000) Hole in the Fence Café – 1 free standing – 1 mounted on building – Approved.
- John & Louise Bonfiglio, 11 Newport Road (Map 073-049-000) 1 on post – 1 on building – Approved.
- Hager Investment Management Services, Peter Hager, 11 Pleasant St. (Map & Lot 084-073-000) mounted to wall of building – Approved.

Application for use of Sydney Crook Conference room:

- Adventures in Learning – June 15, 9:am – 12:pm – Approved.
- Center for the Arts – June 23, 3:pm – 6:pm – Approved.

Other:

- Disbursement voucher May 17, 2010 & payroll May 24 - Approved.
- Yield Tax Levy Warrant in the amount of \$1054.59 – Bucklin Family – Approved.
- Warrant for Wastewater Charges - \$341,242.97 – Approved.
- Application for highway safety grant for the Police Department- Approved.
- Signatures needed on veterans exemption forms – Approved.

- Nobis Engineering landfill management proposal – approved.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to adjourn the meeting of May 17, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting ADJOURNED at 8:34pm

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London