



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES March 30, 2009

### PRESENT:

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

### OTHERS:

Erle Blanchard, Resident of New London  
Michael Doheny, Resident of New London  
Peter Swislosky, Bruss Construction  
John Tilley, Planning Board Alternate Candidate  
Debbie Cross, Intertown Record

### Application for use of Whipple Hall:

- Kearsarge Community Band practice– May 29, 2009 6:30-9:30PM and concert -- May 31, 2009 1:00 – 3:00 PM - Approved

### Abatement for Wastewater:

- Harry Snow/Snow Building– 49 Newport Road (Map & Lot 072-041-000) requesting abatement for \$585.50 for 2008 – summer usage of sprinkler system – Approved (**revised**)

### Other:

- Disbursement & payroll voucher week of 3-30-09 - Approved
- Income & Asset verification for Elderly Exemption – **Denied**
- Income & Asset verification for Elderly Exemption – Approved
- Appointment cards for: William Green, Michele Holton, Terry Dancy, Victoria Koran, Daniel Allen, Andrew Deegan, Sue Clough, Laura James, Gerald Coogan
- Investment Policy – Town of New London – Approved

### SCHEDULED MEETINGS:

Whipple Hall Basement: Chair Ballin welcomed Peter Swislosky from Bruss Construction and the main reason he had invited Mr. Swislosky to this meeting was to publicly go over where this project stood. He said that the original project had been for \$350,150 and was now approved at Town meeting for \$150,000. He wanted to make sure that there was a clear understanding that the Town's volunteer labor did not interfere with the construction company's progress, but at the same time he did not want Bruss Construction to jump in by charging for something the Town had expected to do with volunteers.

Mr. Swislosky said he thought that he, Ms. Levine, and Chief Seastrand had a clear understanding adding that this was reviewed last week, and it also shows on the construction schedule. This schedule has been provided with some flexibility. He thought that if a project done by volunteers and did not get completed on schedule, it would not be holding up the company's schedule. He said they also have included an on-site superintendent for the project who will be able to respond to questions by the volunteers with regard

to any schedule issues that may arise. Ms. Levine commented that the schedule is fairly short overall. The project will start Monday, April 13, with a conclusion walk through date of May 21. She said there are 2 days in that time period when the District Court is meeting, noting however, that none of the heavy duty work will interrupt those sessions.

She said regarding the reduction in the cost of the construction, the original bid was just under \$397,000, not including any of the extras. The revisions made to get the bid down to \$153,000, were in part due to the elimination of the kitchen and the bathroom, exterior ramps, gutters and anything else to do with the outside of the building. The accepted bid will finish off the interior as shown, with equipment changes which have been agreed to in order to break it down to a manageable budget for this year. She added that this will also leave it so that if we needed to add on at some separate point the ramp and the exterior work this could be done as a separate project. Ms. Levine said that one of the things that was left in the project, even though it was an extra cost, was to eliminate the columns in the meeting room. This was a specific request from the Police Department and will make the room much more usable. The original estimate for this was \$8000 to \$12000. Bruss was able to reduce this cost to \$3500. Mr. Ballin asked if the floor would be shored up. Mr. Swislosky replied yes, with the steel columns according to the specifications.

Ms. Levine noted that the contract is for \$150,831. She said that with regard to the additional \$831, if this amount is not to be found in construction savings, then the additional dollars will be drawn from the building maintenance fund. Chair Ballin said it would be much easier if the cost were kept at \$150,000 which was approved at Town Meeting. Ms. Levine noted that this contract did include the overhead related to cell door replacement as well. Ms. Levine asked about the site supervision and the time that is in the general conditions section of the contract. She noted it is now at eight weeks, but at a reduced number of hours, and asked if this balanced it out. Mr. Swislosky responded saying there will be more hours, but for a shorter period of time.

Chair Ballin asked who would be managing the volunteer time and was told that Chief Seastrand would be overseeing this and that there would be no more than four volunteers at any one time, due to space constraints, making this easier to manage. Chair Ballin thanked Mr. Swislosky and Ms. Levine for their hard work to bring this project to fruition. Chair Ballin said Ms. Levine will sign the contract for the Town and reiterated that he thought the final cost should stay at \$150,000.

Mr. Blanchard asked if there would be an opportunity in the future to go back and complete the kitchen, bathroom and add the outside ramp without wrecking what is being done now. Ms. Levine said that would be possible, since these spaces are being roughed-in now as part of this construction.

Planning Board Alternate Interview: John Tilley was welcomed to the meeting and interviewed for the position as alternate for the Planning Board. Chair Ballin asked Mr. Tilley to give a brief overview of his history with the Town and what he might be able to add to the Planning Board. Mr. Tilley said he has lived in New London for the past ten years, is the Director of the YMCA Camp Coniston right outside of Town, has two daughters in the school district and always wanted to help kick off the Main Street Committee with the goal of accomplishing more than has happened so far. He is very interested in issues involving the Town Center and keeping it rural in character. Mr. Ballin thought he would bring a lot of talent to the Planning Board. He also mentioned that Mr. Tilley is a ballot clerk during Town elections.

Ms. Levine asked if he was aware of the time commitment and if he was interested in pursuing additional training. Mr. Tilley said he understood that the meetings were two Tuesdays a month from 7:00-9:00 P.M or so. Ms. Levine said that the extra training generally occurs in the fall and one day in the spring in the evenings. These are related to State statutes and case law, and generally held in the Upper Valley for our region of the State. Mr. Ballin said that the Planning Board is trying to wrap up the Master Plans and has about another year of work to completion. He noted that right now there is not a lot of development

going on in Town, adding that the Camp Wallula subdivision is in the process of bringing its subdivision up to date, but he said that things do come up from time to time that are interesting and might require some volunteer sub-committee work. He said that Tom Cottrill will be taking over as Planning Board Chair. Ms. Helm and Mr. Kaplan each also said that they are delighted that Mr. Tilley is interested in serving the Town.

Chair Ballin moved that Mr. Tilley be appointed to this position, Mr. Kaplan seconded this motion. There being no discussion, the motion passed unanimously.

**MINUTES:** The Minutes of the March 23<sup>rd</sup> meeting were approved as presented.

**NEW BUSINESS:**

Wastewater Request for Federal Assistance- Mr. Kaplan said that when this plant was originally constructed 35 years ago, 80% of the funding came from the federal government. He suggested that a letter be written to Senator Judd Gregg to see whether or not there may be federal dollars available to provide assistance with the plant renovation. Chair Ballin suggested that a letter also be sent to Senator Jeanne Shaheen with the same request. Although there did not seem to be a high probability of obtaining any funding for this project, the Selectmen agreed that it was worth the effort to try. Ms. Levine will draft a letter from the Selectmen for their consideration. Chair Ballin will contact Senator Gregg's staffer Rich Lougee by phone in regard to this issue as well.

Archives Update: Ms. Levine reported that Jim Perkins was doing well as the new archivist and chair of the Archive Committee, bringing a wealth of new ideas to this committee. He has purchased the new computer that was in the budget and is planning on digitizing as much of the Town's history as possible, in part to make it more available to public to access. He is also planning to digitize the inventory, which is currently being worked on, to make that more available to the public. He has created a new archive web site which is linked through the Town's web site. This site includes the ability to make requests directly to archives via e-mail. She thought that because of his ties to the Historical Society, there will be a good link between these two organizations.

Ms. Levine and Mr. Perkins also discussed the delicate condition of the Civil War flags and the need for more permanent storage and treatment. Chair Ballin asked where those flag were being stored. Ms. Levine said they were being stored in archive storage area, wrapped in acid free paper and in acid free tubes. She said that they were told it would cost \$20,000 to \$30,000 per flag to restore. She thought the WWI service flag could probably be restored since it was wool and not as damaged. Ms. Helm suggested that perhaps the Intertown Record could do an interest article on these flags. Ms. Levine said that Mr. Perkins was not yet looking for new members of this committee, but knew that he could come to the Selectmen when that decision was made.

Farmer's Market: Ms. Levine reported that Chad Denning was approached by several individuals from out of town about having a farmer's market in New London. Mr. Denning called Greg Berger to see whether Spring Ledge would have any objection if this idea were pursued. Mr. Berger was interested and excited about this and would like to participate. Mr. Denning is now working with the individuals and local department heads to see what they thought of the idea, and where and when it might be held. The Town green looks like the best place and the time being considered is Friday afternoon, starting about 4:00 or 4:30P.M., and ending before the band concert begins. Ms. Levine said that the down side is whether or not they would get the vendors since Newport has a farmer's market about the same time on Friday afternoons. If the Town moves forward with this, the vendors themselves would organize this. Ms. Levine has contacted other towns to see what policies and procedures are in place regarding the use of public land for farmer's markets. One question was regarding the health regulation of food that is sold

at the market and whether the farmers had to certify that certain health standards have been met in its preparation. Mr. Kaplan said that by contacting Spring Ledge first the Town has avoided any potential conflicts. Chair Ballin thought that an ordinance or some sort of memorandum should be considered regarding the use of Town property for this type of event. He said he would call Vicki Smith at the Department of Agriculture to see if she had any comments on this subject. He saw the Town as an enabler for this idea, not the coordinator. The Selectmen agreed that this was worth looking into further, but also thought that it might be worth canvassing the other Town merchants to gauge their opinions.

**OLD/PENDING BUSINESS:**

Economic Development Committee: Ms. Levine reported that she had spoken to Bart Mayer and there were no statutes that guide the formation of an Economic Development Committee. This committee would be appointed by the Board of Selectmen, who would also identify the charge to the committee. She said there are statutes that regulate some of the tools that this committee might use: for example, certain innovative taxing structures that would allow the committees to pursue their goals. She also spoke with Rob Bryant last week and he is interested and excited by the concept. He has connections with the State chamber organization which has models that could be followed. She added that he is willing to participate and help out as much as he can.

Mr. Doheny suggested that the Economic Development Committee be formed and that he and Gary Markoff be appointed as the co-chairs. He said that they would return to the Selectmen with a draft of a charter for this new committee in 30 days, or at the May 5 meeting. Mr. Kaplan said he had no objection to the plan that Mr. Doheny had outlined, and suggested that other members of the committee should include representatives of the local banks and real estate agencies. Chair Ballin said he would like to be involved in the planning as well. Mr. Doheny said the committee would meet in the evening and Ms. Levine said she would arrange for public notice, space and recording secretary coverage. This working group will come back to the Selectmen with their charter draft on May 5. Moving forward after that, all meetings of the Economic Development Committee will be public and will be posted. The selectmen thanked Mr. Doheny and Mr. Markoff for taking this initiative.

Scenic Byways Meeting, March 25: Ms. Levine reported that she and Ms. Helm went to this meeting. The goal of this is to include Route 103a in the Lake Sunapee by-way which now goes around two-thirds of the lake. She added that this is the program that paid for the cabooses and the build-out around that structure in Newbury and a portion of the Riverwalk in Sunapee. The idea is to provide some tourist enhancement experience. There was mention that Main Street could be brought into this, and there is a further possibility that the economic development of Main Street could be tied in with this. The grant does not only cover physical projects but could include marketing or branding aspects, so there are a lot of possibilities to explore. At the end of the meeting, it was concluded that each of the three town managers that were there would go back to their respective Selectmen and ask for suggestions as to who should be appointed to the Scenic Byways committee. It is their strong recommendation that it be the three town managers and as few to allow the committee to function properly.

Chair Ballin said he would be happy to have Ms. Levine be the Town's representative on the committee, but that the Board also wanted to interact as they saw fit or as she thought as necessary. She thought someone from the business community should be involved and also someone from the recreation or conservation commissions since part of this is intended to draw attention to our natural resources. The Fells is very interested in this initiative and will become a centerpiece of the by-ways. Ms. Helm suggested that representatives from the newly formed Economic Development Committee also be appointed since she saw their missions as simpatico.

District Court Update: Ms. Levine reported that she had spoken to Judge Kelley, who oversees the District Court system, regarding the process of restructuring and regionalization of the court system. She learned that this plan had been on the table for a long time and that New London has long been considered one of the courts that should be consolidated. Judge Kelley told her that the current situation provided the opportunity for this to occur. He told her there was likely to be little interest in pursuing the reduction in the rental fee, as offered by the Town. The court will save a great deal more money by consolidation and this has a higher priority.

Chair Ballin said that she thought that this change was one of the hits that New London was going to have to take in this economic climate and thought that this one was better than others that might include revenue sharing or a change in the rooms and meals taxes. Mr. Kaplan thought this was an unfunded mandate, but Ms. Levine disagreed. Mr. Kaplan referred to an article in the March issue of Town and City magazine which said that, according to the 28-A clause in the State constitution, the State cannot pass services to the Town that would cause the municipality to spend money. Ms. Levine said that she did not think this applied since the State was not causing the Town to pay for the service and other towns already had to travel to attend court. The service was still being provided, but the location of that service was being moved. At the request of the Selectmen, Ms. Levine said she will contact the lawyers of the LGC for a quick opinion.

Regarding the court regionalization Ms. Levine said that Judge Kelley told her that New London can request going to court in either Newport or Franklin. The consensus of the Selectmen was that, even though going to Newport was crossing county lines, it was a better location and a shorter trip. Chair Ballin suggested possibly getting restitution from the people who are using Town resources within the court system, especially if they are criminals and repeat offenders.

Reverse Emergency Notification demo, March 26: Ms. Levine reported that there was a demo of this system held by the Code Red Company which provides this service. Due to some equipment malfunctions of their primary server, this demo was limited to showing what can be done if all other plans fail. She said she still is interested in moving forward and has asked for a final proposal. She also said that it looks like TDS is going to cooperate and give the Town the information that they are required to give under Federal law. It just remains to be seen how much they will charge for this. She did get a follow-up memo from Kate Miller about what an appropriate charge might be.

CAC Meeting: March 28: Chair Ballin reported that all the Selectmen were present and that the economic development topic was discussed. With regard to economic development, Ms. Levine said that when the Master Plan was started she had asked people who were interested in the economic development chapter to submit their names. She will get this list to the Selectmen. She said that Route 114 was also discussed and that she will contact Representatives Foose and Kidder about who should be included in the loop of that letter. Representative Kidder gave her the name to address the letter. It was agreed to ask members of the school committee to come to the next meeting. Chair Ballin said he had spoken to Mr. Wolf regarding this and he agreed to attend.

She also found out that Hooksett has a similar relationship with a rowing club that uses town property to access the Merrimack River. She said that their experience has been very positive. Mr. Ballin said that, for the public record, the Selectmen did ask for a show of hands of those in favor of use of the beach by the rowing club and it was unanimous, but noted that there were not many lake front owners at the CAC meeting. People were interested in the potential health benefits and the ability for children/youth to become involved. Regarding the next hearing with the rowing club, he would like to suggest that if anyone has printed testimony that this be submitted, rather than being read at the meeting. In this way, perhaps the meeting will move along more quickly, and it will still become part of the record. Ms. Levine further suggested that when people sign in, they indicate whether they are “for” or “against” the issue. In

that way we can have a more even discussion. Ms. Helm asked if the stakes have been put in indicating where the dock will be placed. Ms. Levine said that the stakes that were suggested were to go where the boat rack was to go, not the dock, but she was not sure if they were there yet or not.

Ms. Levine said that Peter Stanley showed her a zoning map and aerial photos to show what the property around Bucklin Beach looks like and she could blow that up and use that for the meeting. In response to a question by Mr. Kaplan, Ms. Levine said the Board of Selectmen will have to apply to the State to put in the dock. The Town can then put in regulations for the use of that dock. Ms. Levine will suggest that the dock not be put in for the first year in order to assess what the beach usage, noise and parking issues are before asking the rowing club to commit to the expense of providing the dock. Mr. Ballin thought this would be a good idea, if the Town decided to go ahead with approval for one year.

Mr. Ballin said that although this was not on the agenda, it is spring time and thought they should discuss beach time and hours of operation and locking the beach at night. Ms. Levine said she had spoken to Mr. Denning about locking the beach and he was not aware that it had ever been locked, since it had not been since he arrived. The beach will now be locked and patrolled more frequently by the police. Ms. Helm questioned whether the Board was going to propose a compromise before the April 15 meeting. Ms. Levine said she was going to speak with the rowing club prior to the April 15 meeting regarding the issues raised by the last meeting and have them address those issues going forward, but unless a meeting was added there would not be enough time for the Selectmen to review a position. Chair Ballin pointed out that they have not yet heard all the discussion and thought it too early to begin to generate a conclusion. Ms. Levine thought it did make sense to have a more formal proposal on April 15 rather than random ideas.

Chair Ballin asked about having Mr. Bradicich do a web cast of the meeting on April 15. This would enable seasonal residents with computers to see the hearing and perhaps participate by making comments via the chat room. If they are relevant they could be entered into the meeting. Mr. Bradicich would be willing to do this, at no cost, providing there is hard-wire capability in the room. Ms. Levine thought this would be a great idea but she was a little concerned about how the questions from the chat room would work. Mr. Kaplan thought that the more information that could be gotten out to more people, the better it would be. Ms. Levine will check on the hard wiring and Chair Ballin will contact Mr. Bradicich.

Mr. Ballin reported that \$7 was recouped for the coffee which cost \$45. He suggested that the new coffee shop, Ellie's, be contacted to see what their pricing for coffee will be for the CAC meetings.

Planning Board: Chair Ballin reported that there were three hearings before the Planning Board. One was regarding the Kearsarge Community Center, which is going for the site plan review for the old middle school. Even though this proposal may be on hold, they have already paid the architects so they will go through with the process which may be used by the next owner. Camp Wallula is moving along through the process and will be coming back as appropriate. They are creating a site plan that is up to date, but it does not have many substantial changes. The use of the Fairway Motel by Colby-Sawyer for student housing was also discussed. After some discussion this was referred to the ZBA to address the change of use. The abutters will be notified and a public hearing will be held this issue. Chair Ballin wondered about the applicability of the rooms and meals tax and whether these could be generated.

#### **UPCOMING MEETINGS & SPECIAL EVENTS:**

Employee Meeting- April 1 at noon: Ms. Levine will get Chair Ballin the talking points for this meeting. She said that she will have to be in Hanover at 2:00 P.M. for another meeting.

Mr. Blanchard asked about the contract for the Whipple Hall renovation which was over the amount approved by the Town Meeting and wondered how this would work. Ms. Levine replied that the Board

of Selectmen are agents to expend the building maintenance dollars, so the additional \$831 would come out of the building operation maintenance fund, or the capital reserve building maintenance fund which the Board of Selectmen are also agents to expend. She said that ideally she hoped that we did not even hit the \$150,000, but if we did, this is how it will be paid. Chair Ballin said that if this contract had come in much more than \$150,000 he would have recommended that we not move forward. Mr. Blanchard asked if there was some leeway that the Selectmen have to spend more than the Town authorizes. Ms. Levine said no, but that there is money appropriated for that building. For example, the replacement of the cell doors was not in the contract but Chief Seastrand would still like to do this. Bruss is willing to oversee that project with no overhead because they are doing this job. She said that he was correct, you are not to exceed the amount that was approved by Town Meeting, even if the money is there. Mr. Blanchard said that he was merely curious as to how this worked.

**OTHER BUSINESS:**

Ms. Levine reported that Gerry Coogan and Laura James both would like to be reappointed to the Recreation Commission.

Mr. Kaplan told Ms. Helm that Thelma Kaplan would like to be included in the Pot Luck Committee for Town Meeting next year. Ms. Helm will make a note to add her to the list. She thought closer to the meeting date, she would place a letter to the editor asking for volunteers.

Chair Ballin suggested that Liz Stoneman be recommended for the CAC meeting.

Chair Ballin asked if there was any other business, hearing none, Mr. Kaplan moved that the meeting be adjourned. This was seconded by Ms. Helm. There being no discussion, the meeting was adjourned at 9:38 AM.

The meeting was re-opened at 9:39 AM. Ms. Helm discussed the conversation she had with some of the lake front owners and a possible temporary compromise regarding the rowing club. Ms. Levine asked what was meant by temporary. Ms. Helm said that she thought a number of people at the meeting were concerned when they heard the number 70 and did not realize that there would not be 70 people on the lake at one time. She said that these individuals thought the rowing club should get their internal communication system in place between the coach and the coxswain to reduce the noise, and consider allowing only 1 large boat on the lake at a time. Ms. Levine said that they only have 2 large boats which would mean a total of 20 people at one time. She thought they should also be willing to park in the town parking lot and car pool down to the beach, with only those club members who are New London residents parking in the beach parking lot. Mr. Kaplan thought that parking should not be a problem at that hour of the morning. Ms. Helm thought that most reasonable residents would be willing to give it a trial and revisit it in September or October. Mr. Ballin said he hoped that a compromise could be reached, thinking that this would be a great visual for New London.

Ms. Levine said she viewed the video that the rowing club had on the web and suggested that others look at it as well. She also said that she did not think it was clear that their request was for both ends of the day. She said that if the recreation department were to have a rowing program it will be in the middle of the day, so this distinction needed to be made clear. Ms. Helm suggested that we need to hear more from Mr. Denning regarding the use of the Town boat and wondered if this was in his budget. Ms. Helm suggested that the rowing club put together a proposal of what the program would look like, as if this were approved, so that the Town residents would know what to they might expect.. Chair Ballin suggested that there be a revised proposal from the rowing club at the April 15 meeting.

A motion was made to adjourn the meeting by Mr. Kaplan and seconded by Ms. Helm. There being no further discussion, the meeting was adjourned at 9: 47 AM.

Respectfully Submitted,

Kathleen K. Colby  
Recording Secretary