



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES February 8, 2010

### **PRESENT:**

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

### **ALSO PRESENT:**

Richard Lee, Director of Public Works  
Peter Stanley, Zoning Administrator  
Michael Johnson, TRM Site Acquisition Specialist  
Bob and DJ Lavoie, New London residents  
Peter Bianchi, New London resident  
John Wilson, New London resident  
Leigh Warriner, New London resident  
Barbara Ann Miller, New London resident  
Mark Wendling, New London resident  
Bob MacNamara, New London resident

Chair Ballin called the MEETING TO ORDER at 8:00 AM. He welcomed those in attendance at the meeting, and introduced Judith Guyer-Almstadt, new recording secretary. He also asked everyone to announce their name before speaking.

Single-Stream Recycling: Richard Lee, Director of Public Works, was introduced by Chair Ballin to those present. Chair Ballin summarized the discussions thus far, i.e., the proposal to go from the current method of recycling which involves individually separating recyclable materials at the transfer station to a single-stream process which would involve throwing all recyclables in one container, and sending them off to a facility that will separate and disperse them for us.

One of the questions that has come up and needs to be clarified is whether the town's current equipment is sufficient for the new process, or if a new compactor would have to be purchased. Mr. Lee estimates the cost to be between \$10,000 and \$15,000 to purchase a new, smaller compactor and retrofit the current building.

Richard Lee said that currently the town is only collecting two categories of plastics (#1 PETE, and #2 HDPE). The main reason why the other recyclable plastics are not being collected in New London is due to the problem of storage. #1 and #2 can be loaded together in one bale, and other plastics (#3-#7) must be individually separated. Currently, it takes approximately one year for the town to fill a 180 lb bale of the PETE and HDPE plastic alone. It would take much longer to collect enough of the other categories of plastics to fill a bale, and the town does not have the storage space to hold these bales until sufficiently filled. A single-stream recycling process would accept all categories of plastics.

Other concerns mentioned were with regard to follow-through, and wanting to know where the higher numbered plastics actually ends up (i.e., in landfills or properly recycled and reused). Mr. Lee said that the Town recycles everything through the NRRA (Northeast Resource Recovery Association) who tries to follow the chain, and make sure things gets recycled properly and not just put in a landfill.

Mr. Lee said that the town would be able to sell the balers. The balers cost between \$10,000 and \$12,000 new. Mr. Lee thinks they would sell between \$4,000 and \$5,000.

When asked whether the current glass recycling process would change, Mr. Lee said the town can continue to do what they've always done, and separate the glass from the other recyclables. This would allow the town to continue processing the glass the way it is currently done. The current process is not actually a "money maker," but it offsets some gravel costs. Ms. Levine mentioned that the town hasn't had time to market the crushed glass, but doing so could potentially bring in revenue to the town. Chair Ballin pointed out that separating the glass from the other recyclables will remove a considerable amount of weight from the total amount transported to the recycling facility.

Ms. Levine drew attention to the article about single-stream recycling published in the January 2010 issue of the *Town of New London's QUICKLINK*. The article describes the single-stream recycling process, and includes as list of pros and cons. It also talks about the Warrant Article to be presented to voters at the Town Meeting. This Article seeks approval to enter into a contract with the Concord Regional Resource Recovery Cooperative which intends to construct a single-stream recycling facility in Penacook that will open 2011. Ms. Levine said that the wording of the Article has changed and seeks authorization to enter into a multi-year contract for the purpose of single-stream recycling.

Ms. Levine and Mr. Lee met on Friday with a representative from the NRRA (the cooperative currently being used to market all of our segment materials), and he raised some concerns about what he sees as the business plan of the Concord Coop, but also concerns about single-stream overall. They discussed what the trade-offs would be: less revenue but increased recycling and less being sent to the landfill. He suggested that either for the short-term or long-term we consider bringing our single-stream to the Bestway transfer site in Belmont. This option would involve first transferring the recyclables to their facility. From there they would be transferred to a facility in CT for further processing. The idea would be to use this as a trial run to see if single-stream works or if it is something we want to do long-term because it doesn't lock us into the 15-year contract (Concord Coop). From a cost standpoint there is no difference. It's just an alternative. As a result of these discussions, Ms. Levine has revised the Warrant Article. In this way, the Town avoids entering into a long-term contract, and offers time to better explore the options.

There were a few questions from the audience with regard to the Bestway facility. Mr. Lee used Franklin as an example who just started using the Bestway facility in Belmont. They are part of the Concord Coop, but wanted to begin single-stream recycling right away. Mr. Lee said that if we wanted to start right away, we could use the facility in Belmont while we wait for the Concord facility to open. Belmont is south of Laconia (about 1 hour driving distance).

There was another question from the audience about the renovation required to the transfer station. Mr. Lee said that very little retrofitting would be required to add a new compactor to pack the recyclables to avoid unnecessary transport costs. Mr. Lee fully supports the single-stream project, but feels the town should consider the decision carefully before making a final decision about it. Once the decision is made to do single-stream recycling, it would hard on the public to switch back to the current sorting system. New London has been recycling for 25 years, and it's still difficult to get the public to recycle with the current system.

Ms. Levine said that if the town decided to move forward with the project this year, there isn't anything in the budget to buy the smaller compactor although there's the option of using the recycling revolving fund (there's always \$5,000 in it). She said they would have to wait until the revenue is available, but if the balers were sold, that money could be added. Chair Ballin said that they were still in the exploratory stages, and that he would like to visit the facility in Belmont to understand the process a bit better. As far as getting things paid for this year, he is not sure whether that will be possible, and that it might be something that has to be pushed out another year. Chair Ballin asked for questions from the audience.

Mr. Lavoie said that he had experienced single-stream recycling during visits to California. He said that it really does make recycling easier, but would like to know what "easier" means? For example, what about metal? Richard Lee said that the handling of metal would not change. Larger pieces of metal waste would still be collected separately.

Mr. Wilson prepared a letter to read at the meeting as follows:

*I would like to make a plea for going slowly with regard to our involvement in single-stream recycling. Presently around 25% to 30% of our town's folks sort their trash leaving a relatively uncontaminated level of recyclable materials. Single-stream Recycling co-mingles recyclable materials leading to more contamination of materials, a lower amount of reusable materials, and more unusable materials being placed in landfills. Single-stream Recycling undoes the volunteer sorting efforts of the above mentioned 25-30%. Instead we forward co-mingled recyclables to a location where we pay to have them sorted and where we pay to maintain the facility.*

*Single-stream Recycling claims that the amount of recycling will increase 25% when the jump is made to this process, a number that is very hypothetical.*

*Single-stream Recycling will require us to become long-term contractual members of a disparate 27 municipality cooperative which has no track record and has yet to be built. Escape from this contract, if things did not go as hoped, would be limited, awkward, and difficult. Operations such as these inevitably ending up costing more to build and run – a cost that would undoubtedly need to be picked up by the coop members. Remember the waning years of involvement with the Claremont incinerator – the escalating costs and our relief from getting out from under that arrangement. I believe that as in Claremont, Casella will be the operator of the proposed Single-stream facility for the first three years at a "great price". We all recall what it was like negotiating with Casella at the end of our involvement there.*

*The recycling consultant who addressed the Selectmen stated that there was no extreme need to become involved with this coop, and I believe that we should take our time in making that determination. See how the facility is build and run. See what the overall costs to New London would really be if we were to become entangled in this for 15 years.*

*In the meantime, I believe that we should pursue Pay Throw trash collection. The direct cost of trash disposal should be borne by those who produce it just as sewerage is. The good news in this case is that the town's folks have the ability to reduce this direct cost by being far more diligent in their recycling efforts. This also would hopefully substantially increase participation in recycling. I believe that we should give this a try first while we buy a little time to see if this coop is something we really want to be involved with – and also to see if we can effect these positive changes on our own.*

*I am also concerned that at the Budget Committee of December 19, 2009, the Town Administrator said that she would bring a warrant article to Town Meeting to authorize contract negotiation for the single-stream program, but that the actual article states "To see if the Town will vote to authorize the Board of Selectmen to explore, negotiate and enter into a lease agreement with coop". This seems to conflict with her statement that the 15-year contract must be approved at Town Meeting.*

*Furthermore, I am concerned by the proposal that New London will be given a vote in the coop for every 500 in population. When it comes to voting on coop matters such as membership on the "facility operating committee", we will be at a great disadvantage to Concord who will have 80 votes to our seven. Our wants and needs could be very different from theirs.*

*Lastly, I am concerned that we will be adding more employee expense to the Town. If this Single-stream plan is consummated, we will not be reducing the workforce accordingly.*

*And will Single-stream cost the town more in the long run? Please consider going slowly in making this decision.*

Mr. Kaplan said that he agreed with much of what was said by John Wilson, however, with reference to the town's involvement with the Claremont facility, the problem was not with Casella but with Wheelabrator. Mr. Wilson acknowledged Mr. Kaplan's feedback.

Ms. Levine also commented on Mr. Wilson's letter with regard to the Warrant Article. She meant the same thing in both situations, i.e., that the town meeting has to authorize the Selectmen to enter into a contract. She said that typically the authorization is for the Selectmen to negotiate the contract on behalf of the town, and then sign it. The contract itself is not brought to the Town Meeting for authorization. However, Town Meeting approval is required to enter into any contract for more than one year.

Mr. Bianchi asked about possible renovation costs, or if single-stream recycling would require any changes to be made to the transfer station building. Richard Lee said single-stream recycling would not require a new building, just a modification of the current structures, i.e., a wall on the backside of the recycle building (on the right-hand bay) would have to be built.

Ms. Levine said if the town went to pay-as-you-throw without single-stream, more modification and storage space would be needed. Pay-as-you-throw and single stream go hand-in-hand. Just using pay-as-you-throw without a better way of handling the recycling will cost more in the long-run for modifications and handling.

Mr. Lee agreed that pay-as you-throw and single-stream go hand-in-hand. If you introduce pay-as-you-throw, you have to give the public the avenue to recycle all of their recyclables or you're penalizing them for throwing something away that they should be able to recycle. The plastic waste that is currently not being recycled would take up a lot of volume in a garbage bag. The current facility does not have the room/the storage space to be able to offer that, also taking into consideration an increase in the amount of recycling. In other towns, pay-as you throw has increased the amount of recycling. In Concord, it increased by 40% in the first week. An article in a recycling magazine recently listed three towns that showed an increase of 25%-30% in recycling after single stream was introduced. Mr. Lee is confident that single-stream recycling will make recycling easier for the public because everything goes into the same container which eliminates sorting at home and simplifies the process at the transfer station.

Mr. Bianchi asked about the length of a contract with Bestway in Belmont. Ms. Levine said it would be year-to-year unless the town wanted to enter into a longer contract. There is a lot of support for moving forward slowly, and not entering into a long-term contract at this point. Using the facility in Belmont would offer the services without a long-term commitment.

Chair Ballin reiterated to the audience that they are still in an exploratory stage, and still open to other options and deals. Currently the town is just looking at our options, and no final decisions are being made.

Barbara Miller asked a question with regard to one particular fruit and vegetable container she has encountered, which is a #6, but which she believes is a Styrofoam material. She wanted to know if this material is recyclable under the single-stream. Mr. Lee replied that the single-stream recycling process recycles all categories of plastic (#1-#7). The advantage of being part of bigger single-stream (regardless of the facility) is that they have larger volumes of each material, and are therefore better able to market that product. Just as an example, Mr. Lee said it takes the town a year to collect a single trailer load of PETE and HDPE (#1 and #2s). He said the problem is space, and that there just isn't enough of it.

There was another question from the audience regarding NRRA. Ms. Levine explained that NRRA is a recycling cooperative that markets recycling on behalf of its members. Their members are from all over the Northeast, and they are working with Bestway. Ms. Levine was not sure if the town's contract would be through the NRRA or directly with Bestway as that conversation has not yet taken place.

Mrs. Miller wanted to know how the town could find out the answer to her question about the recyclability of the Styrofoam fruit/vegetable container (mentioned above). Ms. Helm told the audience that the Coop in Hanover recycles #5 containers twice a month. She said that she and her husband had volunteered there one Saturday morning, and were very surprised at the number of containers collected. The Helms have tried to find out how New London might set up the same kind of arrangement (for recycling #5 containers), but were unsuccessful. Apparently the difficulty is finding a market that is interested in that quantity of that particular kind of plastic.

Mr. Lee wondered out loud why it isn't possible to market everything in three different kinds of plastic. It doesn't make sense that yogurt, for example, is in a different container than milk or cream.

Mr. Wendling asked Mr. Lee to further clarify the current cost the town incurs for the recyclable waste that ends up in the garbage bags (and in the landfills). Mr. Wendling said he suspects that the town is already incurring that cost now with the plastic waste that does not get recycled as well as the recyclables that are not recycled by those who choose not to recycle. Mr. Lee said he believes that single-stream with or without pay-as-you-throw will help lower the costs to some extent because everything can be recycled. Pay-as-you-throw will shift the cost from the taxpayer to the individual person.

Ms. Levine said that changing to single-stream recycling would save \$48 per ton for disposing of those plastics currently not being recycled. If we introduced pay-as-you-throw, then the user will end up paying for the disposal of the plastic waste that cannot be recycled now. Single-stream recycling would allow them to dispose of all of their recyclable waste for free.

There was a question from the audience whether or not there are any advantages for signing up early for the Concord coop. Ms. Levine said one of the arguments for signing up in advance of construction of the Concord facility was that the town would get a better arrangement as an initial member than they would if they signed up later. Chair Ballin added that if the town signed up early, they would become a formal partner. If not, the town would pay a commercial rate.

Another audience member asked whether or not the town would have an equal number votes in the Coop if they entered into the agreement early. Ms. Levine said that it would be prorated: one vote for every 500 in population.

Chair Ballin asked if there were any more questions from the audience. He said that they would be discussing this further, and thanked Mr. Lee for joining the meeting.

Cell Tower (at Transfer Station) and Potential Lease: Ms. Levine introduced Michael Johnson from TRM (Tower Resource Management).

Mr. Johnson said that TRM had been in existence since 1994. They manage, market, and build cell tower sites. They are also a site acquisition company. They've worked for almost every cell phone carrier in the market. Last winter they did a big build out for T-Mobile up and down I-89. They are proposing to build a cell tower at the transfer station to improve coverage in the area (along I-89, especially in the town of New London), and to improve the 911 services. The benefits for the town are that TRM will build, market and manage the site. Additionally, the town will get a monthly rental income (an important consideration during these tough economic times). TRM will also allow the police, fire department, and emergency medical services to locate their equipment on the tower free of charge, and also provide them with free electricity. Once the tower is built, TRM will aggressively market to bring in other carriers. Every carrier that is put on the tower brings in an additional monthly income. Last winter, Mr. Johnson drove up and down I-89, and there was a big gap between Warner and Sutton, and right around this area there wasn't really any coverage. He said he thinks this is a real key area to hit. He is confident that TRM can get T-Mobile onboard right away, as well as a number of the other carriers out there. TRM is currently working on a project with T-Mobile and MetroPCS, a new carrier offering cell service for \$40 per month. TRM established a network for them in Massachusetts, and there are over 600 sites for them already. If they aren't here yet, they will probably be here shortly. TRM is also working on projects with Comcast in Claremont. TRM has a good relationship with the carriers. Many residents in the towns of this area are relying solely on their cell phones, and coverage is really an issue around here. TRM is hoping to help with that, in addition to helping New London at the same time (with the rental income).

Mr. Kaplan wanted to know whether the cell tower on Mt. Kearsarge would come down if a cell tower is built in New London. Mr. Johnson doesn't think so. He explained that a tower is needed every 2-3 miles in order to have quality coverage. The cell tower in New London would work in unison with that tower, and bridge some of the gaps.

Ms. Levine stated that the town would be given space (and free power) on the tower to install their own emergency communication equipment.

Chair Ballin wanted to know how many power sources would be provided. Mr. Johnson explained that a meter-bank system is used, and that the town would have their own meter (and that would be covered by TRM). Each carrier that comes on would have their own meter.

Chair Ballin had a question about the coverage for iPhones (AT&T). Mr. Johnson said that TRM deals with AT&T, and had done a project for them 1½ years ago. TRM works with all of the carriers. Chair Ballin wanted to know if AT&T would be approached regarding this project. Mr. Johnson said that TRM would definitely contact them. TRM's VP of Business Operation does all the marketing, and has good contacts at AT&T as he had worked for AT&T for 15 years. TRM is currently doing a tower in Candia, and in conjunction with that project they are working on a contract with AT&T as they are looking for coverage in that area.

Mr. MacNamara wanted to know how many tenants are already onboard in the New London project. Mr. Johnson said that there aren't any tenants onboard yet. The contract with New London must be secured before lease negotiations take place. The contract includes an option period. During that option period, TRM goes out to find a carrier. The site will not be built until a tenant is found.

Question from the audience with regard to the rate amount. Mr. Johnson explained that TRM pays the town a base rate, and an additional fee is added for every additional carrier that comes onboard. It costs TRM approximately \$225,000-\$250,000 to build the tower. The carriers pay between \$1,200 and \$1,600 rent per month. So the town will get a good base rent, and an additional amount for every additional carrier. Ms. Levine said the last version of the contract, which is still in negotiation, contains a base rate of \$1,500, an additional \$250 for every tenant that comes on, and a 3% escalating clause. Mr. Johnson said that it appears that TRM is comfortable with those numbers.

Mr. MacNamara wanted to know how long the option period lasts. He also wanted to make sure the building of the tower will not begin unless a tenant is found. Mr. Johnson assures the audience that TRM is not interested in spending the money to build the tower until at least one tenant is found.

The audience asked whether the tower would be camouflaged as a sequoia or a pine tree. Mr. Johnson said it would not be camouflaged unless the town decided that is what they want, and showed a picture of the type of tower they build.

Ms. Levine said that the design process is a conversation that takes place between TRM and the Planning Board, which is a public process that is a separate process from the contract authorization, although she acknowledged that many voters will want to know what they're going to get if they approve the contract. Mr. Johnson said that the tower would have to go over the tree lines. In order to give the carriers enough room, the tower will probably be 120 ft high (the tree line is about 70 ft +/-). There must be a 10-ft separation for each carrier. Mr. Johnson said that he wants to make sure that TRM and the town make enough income on this project. Mr. Johnson said he thought 120 ft should be sufficient.

Chair Ballin wanted to know if a balloon demonstration would be available if the Planning Board asked for it. Mr. Stanley explained that a variety of things would need to happen. First they would need to get a conditional use permit which they wouldn't get because given the intended location and height they are suggesting they would exceed the height requirement and would be referred to the Zoning Board Adjustment for a variance for the height. In addition, they would probably exceed or not meet the minimum setback requirement, which is 125 ft from the property boundaries. They are probably going to be within 100 ft of the property boundary along I-89 so they would need a zoning variance for that as well. Mr. Stanley said he assumed that they would be able meet the buffer requirements of 50 ft from public road right of way. If not, they will also need a variance for that. Mr. Stanley said TRM would start by applying for a conditional use permit. They would then be referred to the Zoning Board Adjustment. The Zoning Board Adjustment would make its decisions, and if the zoning variances are approved, they would then go back to the Planning Board for completion of the conditional use permit, followed by a Site Plan Review. A Site Plan Review would determine what type of tower they wanted, whether or not a balloon test is required, etc. The Planning Board might require the applicant to pay for a consultant to represent the town and the town's interest, and to answer any questions that might arise.

Mr. Johnson said that they do balloon tests all the time and will be happy to do a balloon demo when the time comes.

Chair Ballin said that several concerns had come up in a recent meeting including concerns regarding health and noise issues and potential risks for the town's employees at the transfer station working directly underneath the tower. He wanted to know if any safety tests had been done. Mr. Johnson said that

there was literature available. Several reports and studies have been done in conjunction with the current T-Mobile project. They are finding out that the energy emitted from these sites is less than the baby monitors in private homes, and TRM would provide the Town with packets and links. From a safety standpoint (and with regard to the height of the tower), Mr. Johnson said the tower was “real safe, relatively safe.” All of the studies that have been done were well below the FCC guidelines. The FCC often comes out to test the sites for the amount of energy being emitted. TRM would be subject to high fines if the FCC found out that they were exceeding the limits. TRM would be happy to provide the information at any time. Mr. Johnson said he would send some links to Ms. Levine to be forwarded to any interested party.

Ms. Levine asked Mr. Johnson to explain why he preferred the transfer station as a site for this tower over some of the other private property TRM has looked at. Mr. Johnson said that one of the main reasons was the location (just off of the I-89). Additionally, he added that there has often been a lot of opposition when towers are built on private land (usually from the neighboring properties). He said that when you work with a town, the town has a say in where the facility is located. The transfer station is a good location (away from residences).

Another member from the audience asked whether there were a maximum number of tenants that could be accommodated. Mr. Johnson explained that a 120-ft tower would accommodate four carriers plus municipal equipment. He said a 150-ft tower would probably fit every carrier out there.

Mr. Kaplan summed up the amount of revenue stream that could be expected from the tower: \$1,500 per month adds up to \$18,000 per year revenue stream plus a yearly increase of 3%.

Mr. Wilson said that TRM sounded like an efficient organization, but that he would like to know if there had been any competition (whether or not another company had expressed an interest in building a cell tower in New London). Ms. Levine replied that there hadn't been any other offers, although the town had not actively gone out to look for competitive bidding and didn't plan to at this stage of the game.

Chair Ballin said that, as in any industry, he doubted it's a secret that TRM is looking at this site. He said the site was located on public domain, and that any vendor was welcomed to come in. Right now, however, they're working on a contract with TRM. Ms. Levine added that the town looked at some of the standard market rates that vendors are paying in towns throughout the state, and the pricing TRM has offered appears to be standard.

Mr. Stanley added that almost every property owner at or near the top of Burpee Hill had been approached by at least one cell phone company or another to build a tower, and all had declined to enter a lease with any of them. He said there had been lots of other players, but not within New London property lines.

Mr. Bianchi added that it was clear the tower would bring financial benefits for the town. He wanted to know if there was any way to find out ahead of time which carriers would provide the most coverage (i.e., benefits) for the residents of New London.

Mr. Johnson said all carriers would be contacted, but TRM could not guarantee that a deal would be secured with any of the carriers. He said, however, that getting the major carriers onboard was a priority. He said that if the town had a preference as to which carrier should be contacted first, TRM would take that request into consideration. Right now, TRM knows T-Mobile is really interested, but they don't know about the rest of them.



Chair Ballin added that like any industry it was market driven, and if there were enough people who wanted AT&T service here so they could use their Apple products, then those people should get in touch with AT&T. Ms. Levine added that most of the town contracts were with Verizon Wireless, especially the Town's emergency services, and so that might be one carrier the town that should be contacted regarding this project. There are a number of gaps on Newport Road.

Mr. Wendling talked about a time 15-20 years ago when cell phones were first being used, and towers started going up everywhere. Going forward, he said that we would start seeing a different technology (e.g., satellite) and that the towers would be made obsolete. He wanted to know whether there was something in the contract that specifies what happens in the event the tower becomes disused, e.g., taking it down, cleaning up the site, reverting the site back to its natural state.

Mr. Johnson said that there was a removal clause in contract, and that they would take down the power resource facility too. He said that TRM would be happy to post a removal bond with the town, if required. As far as the technology goes, TRM doesn't see it changing anytime in the near future (within the next 10-15 years). Mr. Johnson said that if you eliminated the towers, there would be more power in the handsets which would increase health risks.

Ms. Levine said the draft contract did have a removal bond, and that TRM would have to post security with the town which they would hold in the event they went away and left the town with the tower. The draft contract is a five-year contract with seven five-year renewal terms. After the third renewal term (half-way point), there would be a renegotiation of terms.

Chair Ballin asked the audience for any further questions or comments.

Mr. MacNamara asked if there would be any benefits if the town actually owned the tower (or would it be too much money up front). Chair Ballin said he thinks it's a pretty specific industry, one that the town would probably want to stay out of. Mr. Johnson went over all of the responsibilities of ownership TRM would incur including cost to build the tower (\$225,000-\$250,000), time and manpower to market, management of the leases, collection of the rents from all the carriers, maintenance of the tower, problem-solving when problems occurred, etc. Ms. Levine responded by pointing out that the town wouldn't be able to bond for the tower right now anyway.

Chair Ballin asked Mr. Lee to show the audience the proposed sight of the tower on a map.

Chair Ballin closed the cell tower discussion by stating that the cell tower lease is on the Town's Warrant, and that the town would be in touch with TRM.

Minutes from the January 19, 2010 meeting: Chair Ballin said that the minutes hadn't been approved before today because of Mr. Kaplan's absence at the last meeting. Ms. Levine said a few corrections had been made by Bob Lavoie on page 7-8. Chair Ballin asked Mr. Kaplan if he had had a chance to review the changes. Mr. Kaplan agreed with the changes. IT WAS MOVED (Chair Ballin) AND SECONDED (Mr. Kaplan) to approve the minutes of January 19, 2010, as revised. THE MOTION WAS APPROVED 2-0 (Kaplan and Ballin).

Minutes from the February 1, 2010 meeting: IT WAS MOVED (Chair Ballin) AND SECONDED (Tina Helm) to approve the minutes of February 1, 2010, as circulated. THE MOTION WAS APPROVED 2-0 (Helm and Ballin).

Review of the Town's Draft Warrant: Since last week, the proposal for use of the Little Common has been removed. Ms. Levine confirmed this.

Ms. Levine changed Article 22 regarding single-stream recycling and removed the name of the other party in the contract. The same change was applied to Article 23, i.e., the name of the company has been dropped from the Article regarding the cell tower.

Ms. Levine announced that the marriage amendment by petition had been received, as well as a petition warrant article to add \$25,000 into the Conservation Land Fund. Both of those have been added to the draft warrant.

Ms. Levine said that the first draft did not have the non-lapsing funds for the Planning Board fees, which does not change the budget but still requires a separate Warrant Article.

Ms. Levine said that Article 3 had been reviewed by David Barnes, Bond Counsel, and that the language in that Article should now be acceptable.

Also, Ms. Levine has sent the draft to the Department of Revenue Administration for review before it is finalized.

Ms. Levine said that tonight at Budget Committee Meeting they would be getting the Committee's recommendations on some of the Articles (the Articles that mention the recommendation of both the Selectmen and the Budget Committee).

Ms. Levine requested the direction of the Selectmen with regard to Articles 17 (the Conservation Petitioned Warrant Article) and Article 18 (the American Red Cross Petitioned Warrant Article). Chair Ballin asked if this was needed straight away. Ms. Levine said that she needed to know before the Budget Committee Meeting that evening so she could inform the Budget Committee accordingly.

Chair Ballin asked the Selectmen if they wanted to discuss the Articles now, and they agreed. With regard to Article 18, Ms. Helm had some concerns about entering into a relationship with the American Red Cross. Ms. Levine said the town wasn't entering into a relationship with them, however, they had petitioned the Town Meeting for this money. When the Red Cross had initially approached the town, and asked for a contribution, the Budget Committee voted against it. When the town advised the Red Cross that their request had been denied, they were also told that they had the right to petition, which they did. In the warrant, Ms. Levine is required to state the recommendation of the Board of Selectmen and the Budget Committee. Ms. Levine does not recommend the Board of Selectmen to support this Article. Chair Ballin agreed with Ms. Levine. He feels that the Town's contribution in this area is already substantial.

Chair Ballin asked if a motion would be necessary. Ms. Levine said no, that the Selectmen's action would be clear from the minutes.

With regard to the Article 17, Mr. Kaplan said that he does not see a need to add \$25,000 to the Conservation Commission Land Acquisition Fund. Chair Ballin was in agreement, and said he felt the Board of Selectmen's recommendation should be "no." Other departments had been asked to hold back on their transfers to Capital Reserve Funds.

Ms. Helm said she is in favor of supporting it even though she sees a need for fiscal restraint. Mr. Kaplan asked what the current balance was of the fund. The balance is currently \$391,000. Chair Ballin said he is confident that if necessary (i.e., in an emergency) the people of New London would quickly find a way to collect those funds.

Chair Ballin proposed to have a vote on Article 17. The Board voted (2-1) not to recommend the Warrant Article (Chair Ballin and Mr. Kaplan were not in favor, and Ms. Helm was in support of it).

Chair Ballin asked if there were any other questions about the Draft Warrant.

Mr. Bianchi had several questions.

Mr. Bianchi had some concerns with regard to Articles 22 & 23, although he is neither in favor nor against either of the proposed projects. He is concerned that both of the articles authorize the Selectmen to negotiate and enter into a contract. The length of the proposed contract in Article 22 is 15 years, and the length of the proposed contract for Article 23 is 20 years. Mr. Bianchi said that in light of the length of these contracts there are too many open questions and concerns, and a vote that would authorize the Selectmen to enter into a contract is premature at this time.

Chair Ballin said that the Board disagrees, and that eventually you have to enter into a contract. Mr. Bianchi said he thought the Selectmen should come back to the town (with all of the information) before they enter into a contract.

Ms. Levine said that the Selectmen had been negotiating both of these contracts all along, and that that was their job as the governing body of the Town. However, she said they need Town Meeting authorization to enter into a contract. Ms. Levine explained that the purpose of Town Meeting was not to negotiate the contract terms on the floor of the Town Meeting; it was to authorize the Selectmen to enter into a contract. She said that the Selectmen had been negotiating both of these contracts for some time already, and that the terms of these contracts were known, especially as it related to the cell tower. Since Town authorization is required to enter into a contract, they would have to wait another year if the vote was postponed for the purpose of gathering more information.

Mr. Bianchi replied that in his opinion there wasn't enough information available yet (e.g., exact costs, health risks, etc.) to make an informed decision. He expressed concern about entering into two big long-term contracts without all the information. From his perspective, it doesn't matter if these projects get postponed for another year as they are not urgent, and should be further defined before entering into a contract.

Mr. Kaplan stated that it would be difficult to know ahead of time how people will react or respond once these projects are completed.

Ms. Levine acknowledged Mr. Bianchi's request for more information.

Ms. Levine added that the town was not negotiating the tower site issues. Those issues would be dealt with by the Planning Board after the contract is authorized. Ms. Levine said many questions had been answered by Mr. Johnson in today's meeting. Ms. Levine said she would make sure the Town had the full picture (including a cost analysis) for both of these projects ready for the voters. She reminded the audience that Articles 22 & 23 authorized, but did not require, the Selectmen to enter into a contract. The contract would only be entered into if the Selectmen were happy with the contract.

Mr. Bianchi asked another question about the zoning regulations for the cell tower, and wanted to know under what circumstances the tower would be exempt from the Town's zoning regulations. Ms. Levine said only governmental uses are exempt from the zoning regulations, and because the tower is being used for commercial use, it had to follow the zoning regulations regardless of where it is located, even if it's on town property.

There was some concern from the audience that the Planning Board would be conflicted in enforcing the zoning requirements because the town will have financial benefits from the tower. Ms. Levine stated again that TRM would still be required to follow all of the requirements, even though the tower is on town property. Ms. Helm added that she hoped the Town was on a higher ethical plane than that.

Ms. Lavoie endorsed what Mr. Bianchi had said, and added that he had made some important points that everyone should hear.

Ms. Levine read the information published in the 2010 Town Meeting Preview (Cell Tower Lease article) as follows: "If Town Meeting agrees to allow the Board to contract with TRM, and if the parties agree to terms, TRM would identify the actual site and begin the process of Site Plan Review and other approvals before the Planning Board and Zoning Board of Adjustment (ZBA). The New London Zoning Ordinance governs tower height and other requirements that would be overseen by the Planning Board. Both the Planning Board and ZBA meetings are open to the public, and public hearings will be published in the local papers."

Chair Ballin asked if there were any more questions.

A member of the audience wanted to know the height of the stack on the power plant in Springfield. He wanted a visual of the height of the proposed tower. No one knew the answer, exactly, but Mr. Kaplan said that it would be higher than anything else in town.

With regard to the Town Warrant, Ms. Levine made reference to an email she'd sent the Selectmen about Neil Cheseldine, the engineer from Wright-Pierce working with Sunapee and New London on the wastewater project. Ms. Levine thought it would be a good idea for Mr. Cheseldine to develop a short presentation for the Bond Hearing, and if he's available, he should be present at the Town Meeting to answer any questions. Ms. Levine would prefer he not give a presentation at the Town Meeting. Chair Ballin is in agreement with that suggestion. The Bond Meeting is Wednesday, February 17<sup>th</sup>.

Legislative Update: Chair Ballin said that he and Ms. Levine had spent a fair amount of time in Concord during Mr. Kaplan's absence. He testified at the Senate Hearing last week regarding the statewide property tax issue and extending the collar. Chair Ballin said that his testimony had mirrored Mr. Kaplan's previous testimony at the House. He also went into the Town's Representative Randy Foose's office prior to the House of Finance Committee Meeting, and discussed with him the Board's concerns. Chair Ballin said that the Senate Finance Committee was more likely to vote in favor of extending the collar just due to fact that the Governor's office now appeared to be backing away from support of the collar due to some issues that they feel the Attorney General's office has raised. The House voted against extending the collar on one bill, and voted to send it to the committee on another bill. Chair Ballin told Mr. Kaplan that they had quickly generated a citizen's petition, and that they had sent it around the Citizen's Advisory Committee Meeting last Saturday. Chair Ballin hoped that people would sign it at tonight's Budget Committee meeting. He encouraged the audience to pick up a blank copy for their friends, and encouraged the audience to help on this issue. He said that if the collar comes off and the statewide property tax comes back into play, New London stands to pay anywhere between 30 cents and \$1 in additional money per \$1000 in property value.

Chair Ballin said that at the Senate Hearing there were representatives from Windham, Bedford, and other towns pleading for this money because they wanted to have the ability to continue their excellence in education. Ms. Levine added that it was not a state law to offer excellence in education, just adequacy.

Mr. Bianchi said that he had read an article in the Union Leader about a number of towns that were bringing a suit against the State, and he asked if New London was a part of that suit. Ms. Levine said that

it was a lawsuit objecting to an unfunded mandate caused when the State decreased its share of the retirement payments for police, fire and teachers, increasing the local share. She said that New London had joined the suit and had contributed about \$800 out of the legal budget. The Town's contribution is being held in escrow while they work on the case. She said that a letter of protest over the portion that was added by the state in the last legislation is included with every payment sent to the NH Retirement System.

Chair Ballin recalled that the retirement system was the issue that he and Ms. Levine had fought that in Concord last year.

Ms. Levine had another legislative update. She had been there working the broadband bonding bill, which she said was "politics at its finest." The third work session will be this Thursday at 11:00 a.m. which she was not sure she could make due to a Strategic Planning Committee Meeting at the Local Government Center. Also, Ms. Levine advised that on Thursday there is a work session on the federal stimulus Application for broadband. She said that it was an interesting process because the Science and Technology Committee by and large seemed favorable to the bill, which seeks to let voters decide whether they can bond. The chair, however, has been obstructive.

Chair Ballin asked Ms. Levine to mention to Pat Remick that there was some talk that there may be another hearing on the state-wide property tax on Wednesday. Since Chair Ballin cannot make the meeting, Mr. Kaplan will attend.

Chair Ballin asked Ms. Levine if she'd heard anything about the reverse 911 bill. Ms. Levine said she hadn't heard anything, but that she assumed it was going to get shot down. Earl Sweeney, Assistant Commissioner of the Department of Safety, wrote a letter against it, implying that if the state were to share the 911 database, it would be in the hands of personnel who were not capable of handling it, and that town employees didn't have ability of handling highly confidential material. Ms. Levine pointed out that this so-called confidential material was published for free in the phone book.

### **Committee Meetings & Reports**

Citizen's Advisory Committee: Chair Ballin, Ms. Helm, and Ms. Levine attended the CAC meeting. It was a good meeting. Everything that was discussed at today's meeting had been discussed at the meeting. The budget handout and the draft Town Warrant were distributed, and most of the discussion revolved around the cell tower, single-stream, and a little bit about the budget.

Ms. Levine also said that they had spent some time talking about the fact that there is no moderator or a school board representative running for office. She said that there had been a discussion about the possibility of nominating Gary Markoff for the school board seat. Chair Ballin spoke to Gary after the meeting to give him a head's up and he seemed interested in the prospect. Chair Ballin said he was a guy with young kids, was interested in the school, and was good with numbers. Chair Ballin didn't think Gary would be opposed if he were to be nominated. On the other hand, the "write-in" process can be somewhat tricky. The Board discussed how the "write-in" ballots are counted. Ms. Levine said it's up to the Supervisors of the Checklist to appoint the moderator if none is elected.

Upcoming meetings: The Budget Committee Meeting is tonight. The next Selectmen's Meeting is on February 17, 2010.

Other Business: Mr. Lavoie had a question regarding Main Street's repaving plan. Chair Ballin explained that Main Street is on the State's 10-year plan. He said it was better to be on a 10-year plan than not be on a plan, and that it was better than the old plan, which was a 60+-year plan. Chair Ballin said that \$2.2 million has been allocated for fixing Main Street, and that it appeared Main Street will be paved next

year. Ms. Levine said that the town agreed sometime ago that once they were put back on a plan, they would continue to stay in touch, and try and pressure them to move ahead.

Mr. Lavoie asked about generating a petition to move up the paving of Main Street. Chair Ballin told Mr. Lavoie to go ahead and generate a petition if he wants to. Ms. Levine explained that the relationship with the state is delicate. She was concerned about the risks of pushing too hard. She suggested waiting a few years, and only taking action if the town got the sense they were continually being pushed back. Ms. Levine said she felt the Town was in a good place right now.

Chair Ballin said that the state had allocated \$2.2 million to the project, and the Town had made it clear to them that they were willing partners. Mr. Kaplan added that was important for everyone to understand that the State owns the roads. He added that the town had committed our help, but not our funds.

Application for Building Permits:

- Stephen Jesseman, 63 Hastings Landing, (Map & Lot 116-006-000) temporary trailer – Permit #10-007 – Approved.
- Gerry & Sheri Weber, Elkins Road (Map & Lot 077-010-000) interior renovations to existing cottage – Permit #10-008 – Approved.

Application for use of Sydney L. Crook Room:

- Adventures in Learning – 3/31/2010 & 4/1/2010 – 10AM – 12PM – Approved.

Other:

- Disbursement voucher week of February 8, 2010 - Approved.

There being no further business, Chair Ballin moved to adjourn, seconded by Mr. Kaplan and approved 3-0. The meeting adjourned at 9:55 AM.

Respectfully submitted,

Judith Guyer-Almstadt  
Recording Secretary