

**BOARD OF SELECTMEN  
MEETING MINUTES**

**October 9, 2006**

**PRESENT:**

Douglas W. Lyon, Chair, Board of Selectmen  
Mark Kaplan, Selectman  
Ruth I. Clough, Selectman  
Jessie Levine, Town Administrator

**OTHERS PRESENT:**

David Seastrand, Chief of Police  
Richard Lee, Road Agent  
Bob Lavoie, Sewer Commissioner  
Chad Denning, Recreation Director  
Peter Stanley, Zoning Administrator  
Carolyn Dube, Argus Champion  
Debbie Cross, Intertown Record

Chair Lyon called the meeting to order at 8:00 AM. The Board of Selectmen noted, with sadness, the unexpected death of Dana Stanley, who had served in recent years as a Supervisor of the Checklist.

Police Department Request for Tasers: Chief Seastrand joined the Board of Selectmen at 8:10 AM, and said he had wanted to speak to the Selectmen because the Police Department is pursuing the possibility of purchasing tasers, which are a “less than lethal” option to explore adding to the officers’ choice of tools. Chief Seastrand said his request is based on the belief that he and his officers are being put into situations for which the tools that are normally at their disposal are not enough. He then outlined the use of force protocols followed by his officers: 1) presence; 2) verbal comments; 3) hands-on impact, which could include batons, tasers or Oleoresin Capsicum (OC, or pepper spray); and 4) deadly force. The officers must always be one level above the weapon being addressed to them.

Chief Seastrand said that one less-than-lethal tool used by the officers is the expandable baton, which is a metal stick. If the subject does not respond to verbal and visual commands, then the stick may be used to strike the person; officers are trained not to strike the head, neck or chest, and it is difficult not to strike a certain spot when the person is moving or ducking. Under the use of force progression, if the subject draws a knife, then the next level of weapon for the officer to wield is the firearm. The New London Police Department has not encountered a lot of knife wielders, but they have discovered knives on the subject. If the subject is closer than 21 feet, then they may close that distance before the officer can draw and use a firearm.

He said that his staff rely on OC (pepper spray), which is very useful when needed to dispel groups of people, as it is an irritant to the eyes, skin, and mucous membranes. Due to the spray, OC is not ideal to use in a hospital setting, where it can enter the air stream and injure patients or hospital staff, or in a college dorm, where it could affect more than the intended subject(s). It is a useful tool, but not for all applications. Chief Seastrand said that his officers are seeing more and more hands-on activity. At the beginning of his career 20 years, police officer presence was enough to subdue a situation, and that is no

longer true. He is not sure if that is because of alcohol consumption or what, but his staff is finding themselves more and more challenged in their roles.

Specifically, he said the tasers would have been beneficial in the following actual situations:

- 1) Over two weeks ago, a visitor at Colby-Sawyer College assaulted a student and, due to his extreme intoxication, was non-compliant with the police officers. It took three officers to restrain him to put on handcuffs; at about 6'3" and 285 pounds, he had the physical ability to panic all three officers. They sprayed him in lockup with OC, which contaminated an area in which seven others were also under arrest. This subject was so intoxicated that he voided when he passed out, and when he awoke he became aggressive again, kicking and thrashing at the officers and EMS staff. He kicked at a nurse at the Hospital. Had the officers had tasers, he could have been subdued quicker, and the shock could have been applied again if he renewed his violent efforts. Chief Seastrand said that in the training videos he's seen, he has not seen people "want more" after a third time. With tasers, when the trigger is released, the effects are gone.

Incidentally, Chief Seastrand said that the Hillsboro police force has had tasers for over a year and has not had to use them. Hillsboro aggressively marketed the fact that the police officers now carried tasers, so simply removing them from their holsters was enough to de-escalate a situation.

- 2) The second example was when Officer Osgood responded to an incident with a drunken student at Colby-Sawyer College, and Officer Osgood's finger was broken during the wrestling match that ensued. This could have been prevented with tasers.
- 3) The third example was a fight between Sergeant Andersen and a senior in high school who outweighed him and was extremely violent. It took Sergeant Andersen a long time to subdue the subject, and fortunately there were no injuries.
- 4) The fourth example was a female on Otterville Road who was assaultive to an officer and others; and
- 5) The fifth example was a chase and a fight with a drunk person on I89 that would have ended sooner with the use of a taser.

Chief Seastrand read aloud a letter from Butch Burbank of the Local Government Center regarding the fact that the Town's liability insurance would cover the use of tasers as long as the officers follow the Town's written policy. Chief Seastrand would require his staff to qualify annually, as they do with munitions target practice, which would have an additional expense but added to their safety. He hopes his officers would never have to use the tasers, but wants them to know how. Chief Seastrand said he and Ms. Levine had gathered sample policies regarding tasers and the use of force, some of which the Board of Selectmen were given already. Chief Seastrand also downloaded "frequently asked questions" regarding the tasers, which he distributed to the Selectmen.

The Selectmen asked Chief Seastrand for information specific to the model he proposes to purchase. Chief Seastrand said he has looked at the M26, which comes at a slightly higher cost but has audio/video and a light sensor to record the scene. His policy would require the use of recording to show the court, insurance company, or others the circumstances in which the taser was used. He said the Sutton Police Department's tasers have four barbs, compared to the two barbs on the M26. The larger taser is harder to carry and is uncomfortable. He said the taser is approximately 7" long and 4.5" from the butt of the handle to the top. State police have carried tasers for over two years. The model that Chief Seastrand would like to purchase also comes with a memory chip that monitors the use of the taser.

Mr. Kaplan asked if Chief Seastrand wanted a taser for every officer, or if the tasers would be kept in the cars. Chief Seastrand said it would not be beneficial to leave one in the car, because the situation may escalate and the taser would be back in the vehicle. Chair Lyon agreed that there would be a disadvantage to having the taser in the car and not available on the belt. Chief Seastrand said he thought about getting three or four tasers, but he worried that the officers would take them home and then they would not be available to the on-duty officer when needed. He said he had decided to assign one to everyone, and everyone would be trained and the chip would be linked to that officer for monitoring.

Ms. Clough said that Chief Seastrand had mentioned Sutton and Hillsboro as having tasers, and asked about other towns. Ms. Levine said that New Durham, Epping, Moultonborough, Dover, and Raymond have tasers, to name a few. She said that she received a number of sample taser policies from around the country.

Chief Seastrand said he has not seen tasers in action, but a trooper on I89 used a taser within the last year. Chief Seastrand said if he never has to use the taser, great, but if he pulls it out and it calms the situation, then it has served its purpose. It is one more tool to protect the officers and let them go home at night. Chair Lyon encouraged Chief Seastrand to take his request to the Budget Committee, along with the packet of information provided to the Selectmen. He encouraged the Town's investment in tasers and the deployment of non-lethal implements for the protection of the officers.

Mr. Kaplan asked how long the taser charge lasts, and Chief Seastrand said it lasts up to five seconds and can be redeployed if needed. The subject would recover after a few seconds and be back to normal, though the memory would be there. He compared the short effects to the 45 minutes that it takes to process OC through one's system.

Ms. Clough asked if there were safety features to prevent its use on the officer, and Chief Seastrand said there is a safety but no other mechanism. He added that if the subject grabs the taser, then the officer would increase his weapon level to the firearm.

Mr. Kaplan said his questions were answered and he concurred with Chair Lyon's support of the request. The Board of Selectmen watched a few minutes of a training DVD that included films taken with the "tasercam" on the taser itself.

Jim Bewley Painting: At 9:00 AM, the Selectmen were joined by the family of the late James Bewley: Dorothea Bewley, Jay Bewley, and Marcia Bewley. Chair Lyon welcomed the Bewleys to the Selectmen's meeting and said the Selectmen were delighted at the prospect of accepting their gift. Mrs. Bewley unveiled the painting of Whipple Memorial Town Hall, completed by her husband in 1973, during his tenure as a Selectman. She pointed out the lights showing through the basement windows, which used to be the Selectmen's office. Chair Lyon said he had been thinking about where to put the painting so that the maximum number of people can see it, and the Selectmen would actually like to hang it up at Whipple. Ms. Clough suggested a plaque that would explain who had painted it and when, and the connection to the Town.

Mrs. Bewley said her husband had served on the Water Precinct, Planning Board, and Selectmen, and kept a survey of all of the things he had done during that time. He was always looking at other boards' decisions and saying "is this what I would have done?" Ms. Clough said Mr. Bewley's attention to detail has stood the test of time.

Chair Lyon thanked the Bewleys for the gift, and said it is nice to have a painting of a historic town building, and even more meaningful that it was painted by a former Selectman. The Selectmen discussed the possible locations for the painting, and Ms. Clough suggested displaying it on an easel during the November 7 election.

Marcia Bewley recalled her father carrying his painting material with him during family trips, and in particular his paintings of the sugar camps. He encouraged his niece, Jay Bewley's daughter, to enhance her own painting abilities and she is going to pursue art school. Mr. Kaplan said that is the best legacy that Mr. Bewley could have left. Mrs. Bewley said another of her late husband's paintings that can be seen is the painting of Gene Sarazen that the family gave to the Lake Sunapee Country Club.

The Selectmen thanked the Bewley family for their gift to the Town, and the family departed at 9:15 AM.

Meeting Minutes: Ms. Clough moved to approve the minutes of October 3 and 5, 2006. Seconded by Mr. Kaplan and approved 3-0.

Solid Waste: Ms. Levine said that she and Richard Lee had driven to Meredith the previous Thursday to meet with the Meredith Public Works Director and the hauler who brings Meredith's trash trailers from Meredith to Claremont and to Bethlehem. She said that all seem willing to work out an arrangement by which New London could bring its full trash trailer to Meredith and the private hauler would take it to the Mt. Carberry landfill in Berlin, which is run by the Androscoggin Valley Regional Refuse District. Ms. Levine said the tipping fee in Berlin is \$48 per ton, compared to \$79 per ton for the Haverhill incinerator, and \$92 per ton in Claremont. The cost of the private hauler would be \$425 per roundtrip from Meredith to Berlin, or about another \$20 per ton. For the Town's 3500 tons per year, this would be a savings of about \$80,000 per year and \$35,000 per year over going to Haverhill. The Town would most likely need to purchase a third trash trailer for ease of operation, but the cost of that trailer, about \$65,000, would be recovered in the second year.

Ms. Clough said she likes the plan but has questions about the long-term environmental safety of the landfill compared to the incinerator. Ms. Levine said that she would do some research on the two. Ms. Clough said a lined landfill may be the way to go, but she would like more information.

Ms. Levine said she and Richard Lee talked about the future of trash in New London, and the apparent support of the Citizen's Advisory Committee for a pay-as-you-throw program. Richard Lee had suggested putting together a committee to look at the whole solid waste picture: waste, recycling, and facilities. The Selectmen supported this idea, and Chair Lyon suggested that the large users, like the Hospital and College, should be represented. Ms. Levine agreed, and said that Richard Lee had also recommended that the Town pay the first portion of those entities' tipping fees when the new contract starts, since it is unlikely that their private haulers will want to haul trash to Berlin.

Ms. Clough suggested that a committee on solid waste should also look for ways to improve the traffic flow and circulation at the Transfer Station. Ms. Levine agreed, and said it would also look at how to increase recycling in private developments, such as the Seasons, which does not recycle as a community but relies on individual homeowners to do so. Chair Lyon said the committee should look long-term and plan for the next 20-30 years. All agreed.

Comcast: Ms. Levine said that a representative from Comcast would meet with the Selectmen on October 16, and distributed recent correspondence from Comcast regarding their takeover of the Adelphia network.

Cross-Country Skiing: Recreation Director Chad Denning joined the Selectmen to discuss the proposal to John Schlosser and John Chiarella to offset 50% of the cost of New London residents' seasons ski passes. Ms. Levine said that in her conversation with Mr. Chiarella last week, he agreed with the proposal but questioned the residency form and asked for a porta potty at the Lake Sunapee Country Club parking area, since he would be unable to access his trails from the Town Pit. Ms. Levine referred to a three-page letter from John Chiarella that she received over the weekend that indicates Mr. Chiarella has changed his mind with respect to the overall proposal.

Mr. Denning said Mr. Chiarella had also asked for a 7-day payment of the Town's portion, but Mr. Denning was inclined to provide reimbursement at the end of the season. Ms. Clough suggested a compromise that could be spelled out in contracts with both providers, should the plan move forward.

Mr. Kaplan said that at this point, he would like to get out of the deal altogether. He does not think that this proposal helps anybody, and he does not want to see the Town get into a controversy between the two entities. Ms. Clough said the desire was to provide an incentive to increase winter recreation. Mr. Kaplan asked, then, why there is a controversy. Mr. Denning replied that he and Ms. Levine did not know that Norsk intended to return until about one month ago, well after they had made a proposal to John Schlosser and the Pine Hill Ski Club. Ms. Clough said she is reluctant to give up on the concept of enhancing recreational opportunities because of the hornet's nest. Ms. Levine said she does not like the word controversy, as most of the negativity is.

Mr. Kaplan asked if it is too late for the Town to go out to bid. Ms. Levine said that was not preferable, as then the Selectmen would have to pick one organization over the other. Chair Lyon asked Mr. Denning what he would like to see, and added that no matter what the Selectmen decide, Mr. Denning would have to play referee. He asked Mr. Denning if he would prefer to back off and work on his own trail proposal.

Mr. Denning said he sees the future of the Town's ski program in working something out with the Outing Club and Knights Hill Nature Park. He plans to showcase the trails this winter with a special event, and would like to develop the trails for free skiing next year. He was happy with the initial proposal to the Pine Hill Ski Club that would have enabled free skiing, but he was also happy with the new proposal to subsidize skiing for New London residents.

Chair Lyon suggested taking a step back and planning for the future. He does not want the Town to be in a hornet's nest. Ms. Clough said they had tried to come up with a level proposal for both, and asked rhetorically if the Selectmen should turn down both just because one entity does not want the offer. Chair Lyon said there had been no arrangement between the Town and others in the past, so this year would be no different. Mr. Denning said he feels sorry for John Schlosser and what his club represented, and Ms. Levine agreed that this seems like a one-sided controversy, with the negativity coming from one direction. She believed that the proposal was fair to both organizations, and Ms. Clough agreed, adding that the proposal would allow both to use the Shepard Pit. However, she acknowledged that there have been questions from people wondering if the Town would subsidize other activities, such as swimming lessons and a Mt. Sunapee ski pass. Chair Lyon replied that taxpayer funds subsidize many recreational activities, such as the Town beaches and the skating rink.

Chair Lyon suggested limiting the offer to use of the Pit with plowing and a porta potty provided by the Town. He said it is not the Town's obligation to provide access to trails from the Pit, but it would be willing to provide parking. Ms. Clough suggested the decision be put off until the next meeting, and Mr. Denning will notify both parties that a decision is pending.

Sewer Department: Chair Lyon recognized Richard Lee, Road Agent, and Bob Lavoie, Sewer Commissioner. Chair Lyon said the Selectmen had wanted to meet with Richard Lee in advance of tomorrow's meeting with the Sewer Commissioners, when the two boards would review the progress of the Memorandum of Understanding. He referred to the MOU and asked Richard how he felt things were running, since his staff was spending an average of 4 man-hours per day on sewer operations.

Richard Lee said that on a daily basis, his staff physically checks the main plant and the Georges Mills Pump Station, and checks all pump stations on Friday. On the other days, they get reports on the other pump stations from the automatic dialers. He said that Ann Bedard brings him Digsafe requests and he reviews them for approval. He said they have tried to keep up with repairs as they go along, but that will be easier now that they have hired a new employee for sewer operations. He said that he and Ms. Levine

had gone through two rounds of interviewing to find the right person for the position, and this person has a background in public works.

Ms. Levine asked what kind of repairs had been addressed. Mr. Lee said that last week, the grit chamber was cleaned out, removing about 1000 gallons of gritty sludge. This should have been done regularly but it does not appear to be. Ms. Clough asked if there were records of the clean-out, and Richard Lee said that he has been unable to find any documentation. Ms. Clough asked what documentation is being kept now, and Richard Lee said that he records everything that he and others do on a day-to-day basis, and will figure out how to transfer that to electronic format. He said that he keeps track of employee time spent mowing, checking things, and making repairs, but that every time they try to fix one thing, they find ten others that need fixing. A week ago Friday, they were in the basement in the main plant trying to connect a supposed brand-new sump pump. The work involved electrical and plumbing work to line up the pipes, and everything was connected but the pump wouldn't work. Every time they try to go forward, they are pushed six steps back. He said last night, and again this morning, alarms at the main plant went off because the breaker seemed to be failing. They have ordered a new breaker and that should be installed tomorrow.

Chair Lyon asked about Standard Operating Procedures (SOPs). Richard Lee said he has not thoroughly reviewed the SOPs prepared by Aquarion for the pump stations, but he was not satisfied with his initially review. He would like to see some changes.

Richard Lee said the new person starts tomorrow, and will likely spend 40 hours per week on sewer activities to start. He will not be alone most of the time because of the projects that need attention, such as pulling a pump for service, etc. Chair Lyon said that there was a benefit that the Highway staff cleaned the facility in the beginning, and expects that a lot of progress will be made with dedicated staff. He said that with the aging facility, it will take time to catch up, rebuild, and then upgrade. He said he would like to see a third pump purchased for rotation at the Georges Mills Pump Station, and Richard Lee agreed that would be useful for the future. Richard Lee said he wants to put in soft starts for both large pump stations, and he does not know about the condition of most of the rest of the facilities. He said that there are parts in and out of boxes and it is hard to tell what is used, what is new. Part of what the new employee will do is take an inventory of equipment, and he may change some of the equipment used.

Ms. Levine said it appears that most of the staff are helping in the transition, and Richard Lee agreed. He said a few do not want to be on call for sewer, but have put in time when asked and there have been no complaints. Ms. Levine commended their teamwork.

There was discussion about duties and responsibilities, and Richard Lee said it would be helpful, as the MOU sets forth, for a list of duties and procedures that the Sewer Commissioners would like him to follow. He has been working without that information, and wants to avoid finding out that he should have been doing something that he was unaware of. Richard Lee said he is under the impression that things are going well, and he is here to make this agreement work. He said if it does not work, fine, but he feels like he is in the middle of something between the two boards. He asked them to let him know if there would not be a Public Works Department, so he would not invest more time in making it work. He would like to make the facility a better one than the one he walked into in May.

Following brief discussion, Richard Lee and Bob Lavoie departed. Ms. Clough also departed the meeting due to a family emergency.

Colonial Farm Inn: Peter Stanley, Zoning Administrator, joined the Selectmen to discuss the Colonial Farm Inn zoning violation. He reviewed the history with the Board of Selectmen, and said that what at first appeared to be an agreement to correct the violation is now falling apart, and the matter is in the hands of Town counsel Bart Mayer. After some discussion, the Selectmen authorized Mr. Stanley to

proceed with Mr. Mayer to pursue filing an injunction against the illegal operations at the Colonial Farm Inn.

There being no further business, the Board of Selectmen signed the items below.

**Building Permits:**

- 35 Little Sunapee Road LLC, 35 Little Sunapee Road (Map 060, Lot 003), permit to renovate 20' x 23' garage to serve as a training conference room. Garage is existing and attached, also install door on second floor to access office space – Approved (Permit 06-127)
- New London SC LLC, 277 Newport Road (Map 059, Lot 008), permit to install smoker's hut – Approved (06-128)
- Charles and Catherine Adams, 65 Castle Lane (Map 130, Lot 015-003), permit to build 16' x 20' shed – Approved (Permit 06-129)
- Jerry Barnes, 800 Lakeshore Drive (Map 051, Lot 005), permit to change present garage into exercise room and incorporate a furnace room – Approved (Permit 06-130)
- Twin Lake Village, Inc., 885 Twin Lake Villa Road (Map 032, Lot 003), permit to remove existing 11' x 17' storage building, relocate and construct 12' x 16' pole structure. Fill would be required where the old shed sits and under the new structure – Denied (Permit 06-131) referred to ZBA per Article V, C, 1, does not conform to front yard requirement. Also, Article XVI, C, 2, does not conform to 50' setback from lake.

**Sign Permit Applications:**

- Temporary Sign Permit Application by The Fells for a 6' sandwich board sign to be place at the Information Booth indicating "Christmas at the Fells" for November 4-5, 2006 and November 11-12, 2006 from 11:00 AM – 4:00 PM – Approved
- Permanent Sign Permit Application for First Colonial Leasing Corporation by La Dolce Vita, LLC for two 15 SF signs, one freestanding and one wall mounted indicating "La Dolce Vita" - Approved

**Other Items for Signature:**

- Disbursement Voucher for the week of October 9, 2006 – Approved
- Application for the Use of the Town Commons by Anne Copp for State Representative for band event on November 7, 2006 from 11:30 AM – 4:30 PM - Approved

There being no further business, the Board of Selectmen adjourned the meeting at 11:30 AM.

Respectfully submitted,

Jessie W. Levine  
Town Administrator