BOARD OF SELECTMEN
MEETING MINUTES

February 27, 2006

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

OTHERS PRESENT:
Bob and DJ Lavoie, New London residents
Donald F. Bent, Ph.D., Health Officer
Michael Morrison, Municipal Pest Management Services, Inc.
Laura Alexander, Conservation Commission
Dan Allen, Conservation Commission
Bob & Emma Crane, Conservation Commission
Les Norman, Chair, Conservation Commission
Debbie Cross, Intertown Record
Carolyn Dube, Argus Champion

Chair Kaplan called the meeting to order at 8:05 AM.

Meeting Minutes: Ms. Clough moved to approve the minutes of February 21, 2006. Second Mr. Lyon and approved 2-0 (Chair Kaplan abstained).

Mesa Dam Gift: With respect to the potential gift of the dam behind the Mesa building in Elkins, Ms. Levine said that the buyer of the Mesa property had contacted the State Dam Bureau, which sent someone to inspect the dam. That person, Jeff Blaney, said the dam had not been inspected in ages because it had been graded a AA structure, which meant that it did not pose a threat to downstream properties. Upon inspection, the State's initial reaction is to upgrade the dam to a "B" on a four-step scale of AA-C. The B classification means that it poses a "significant hazard" because failure of the dam could damage structures downstream. Richard Lee has examined the dam and noted at least eight holes that would have to be repaired in order to restore function to the dam. Richard Lee had also pointed out that the Mesa building sits on the dam, which adds to the complication of potential repairs to the dam. Ms. Levine said she called Steve Jesseman, who will return from vacation this week, to ask him to look at the dam before Town Meeting to estimate the cost of repairing the dam.

Mr. Lyon said the dam is currently partly breached and in the summer there has been hardly any water at all, so he does not understand why it is a significant hazard to downstream properties when it holds so little water. Ms. Levine said the summer is not a good indication of the amount of water passing through; the spring and fall months have more water passing through. The State indicated that with the current condition of the dam, the structure would not hold in a major event.

DJ Lavoie asked why the dam should be kept at all. Ms. Levine said that during the Elkins Planning Study in the fall, there was overwhelming support to restore the dam primarily for aesthetics and historical value, but also for fire protection.

Mr. Lyon said that given this new information, the owner would most likely dismantle the dam altogether to avoid the costs of repairing it. He believes that the idea of the gift to the Town is most likely the only way to save the dam. This led to a discussion of who owns the streambed and the surrounding property. Ms. Levine said the Town owns the pond immediately above the dam, and she believes the streambed

below is owned by the property owners surrounding the stream. She will look into it prior to Town Meeting.

Mr. Lyon said this is going to be a tricky issue; it is one thing to accept the gift with no cost and another to accept it with a large potential cost. People in Elkins indicated that they wanted to restore the dam but the tax burden would fall on the whole town. He questioned whether the expense would be for the public good. He said while the town is sympathetic to wanting to restore the dam, generally these projects have been a public/private partnership with some private fundraising. Chair Kaplan said that it's important to find out the costs from Steve Jesseman.

Mr. Lyon said at the time the warrant was drafted, the Town did not know that the State would change the classification of the dam. Ms. Clough asked whose job it is to question the state's ruling, and Ms. Levine said she would look into it. Chair Kaplan said if the Town gets involved with owning and fixing the dam, then all future problems become ours. He questioned the responsibility towards the Mesa building once the Town owned the dam, and Ms. Levine said that is one of the questions that would have to be worked out when negotiating the gift.

Mr. Lyon said the warrant article seems sudden because of the sudden possible sale of the property and the gift opportunity associated with the sale and the wishes of the Elkins folks. It is good to have it on the warrant because it will generate discussion and the Selectmen will be able to see if it's an important issue or not.

Debbie Cross asked if the dam could be controlled by the Pleasant Lake dam. Ms. Levine said that Richard Lee envisioned putting boards in this dam similar to the Pleasant Lake dam, and the boards would be removed in the fall and reinstalled after the spring runoff. Bob Lavoie asked if anyone knew the process of reclassifying the dam or appealing its classification, and noted that there are significant legal and cost implications of owning the dam. Mr. Lyon said that is what we are investigating at this point, although we have no standing to appeal the State's decision. Bob Lavoie said it's incumbent on the property owners or realtors to determine the proper classification of the dam, and it is not our concern. Ms. Levine disagreed, saying we need to know the classification and implications because we will be asking Town Meeting to decide whether to accept this gift, and this could be the only opportunity to have this discussion. Mr. Lyon said he wants to know what the voters want to do and how people feel about the potential gift. Chair Kaplan reiterated the need for more information.

Newport/County Road Intersection: Ms. Levine reminded the Selectmen of tonight's public forum on the Newport & County Road intersection at Tracy Library. Mr. Lyon said he would like to make some introductory remarks about the intersection and roundabouts given what he has learned and read over the past few weeks. He said he talked to two college trustees this week who had experiences with roundabouts and were thrilled with the roundabouts installed in Aspen and Brattleboro. He said we should remember that there are more than 1000 roundabouts across the country that work well and are safe, and we are not in a unique situation. Bob Lavoie said he thinks the issue of entering and exiting nearby businesses should be resolved, and Mr. Lyon agreed that should be addressed during final design. Mr. Lavoie said the focus will always be on the flaws.

Ms. Clough noted that the speed limit signs on Newport Road had been moved west, and Ms. Levine agreed but added that they were installed in the wrong place and she has asked the state to move them another 200 feet west.

Mosquito Control: At 9:00 AM, the Selectmen were joined by Health Officer Donald Bent and Michael Morrison, owner of Municipal Pest Management Services, Inc. Members of the Conservation Commission also joined the meeting. Chair Kaplan welcomed everyone and said the Selectmen had asked to meet with Mr. Morrison to discuss the potential risks in New London and the options for

responding. He asked Dr. Bent to bring the Selectmen up-to-date. Dr. Bent said his request to fund mosquito control came rather late in the year because of the State's recent promulgation of recommendations to towns based upon a publication from national health and disease agencies. The State's recommendation included a list of criteria to determine a town's circumstances and recommended procedures for prevention. Mr. Morrison said the state has tested southeastern NH but did not test mosquito pools west of I93 because it would be cost prohibitive to test the entire state. There was a positive test in Keene but that was not conducted by the state. Dr. Bent said mosquito pools in Lebanon had tested positive for West Nile Virus in the past, and in Andover by the Proctor campus there was a positive test for Eastern Equine Encephalitis (EEE) and Proctor had hired Mr. Morrison to conduct emergency spraying. Dr. Bent noted that the State's report contains recommendations, not a mandate.

Chair Kaplan asked Mr. Morrison to talk about what he does. Mr. Morrison said there are two aspects of mosquito control: surveillance, in which adult mosquitoes are collected, and applying larvicide in swamps and habitats where mosquitoes that carry EEE deposit their larvae. The larvae are vulnerable to control during the 6-8 weeks of their development. The most common swamps for these larvae are red maple swamps, and even larger swamps may have only a parts in which mosquitoes breed. He applies bacteria by putting the bacteria on corn particles which are then deposited into the swamp. The bacteria kill the larvae within 24 hours and is selective, killing only mosquito larvae. The bacterium – Bacillus thuringiensis israelensis (BTI) – has been used safely and effectively for 15 years. It takes the mosquito larvae but no other organisms are effected. He said his business is labor intensive – the majority of the cost is to set traps, collect and test specimens, and locate and treat the swamps; the BTI itself is not expensive.

Chair Kaplan asked if he would do surveillance first and verify positive results prior to applying larvicide. Mr. Morrison said that is unlikely because the adults are not alive for testing until late spring, but larviciding has to take place in early spring. Adults are generally tested in late summer/fall, which would be too late to treat for prevention. April is the crucial time to apply larvicide. Chair Kaplan asked how Mr. Morrison would know where to treat if there had been no testing. Mr. Morrison said that red maple swamps and woodland pools produce mosquitoes, so he would use USGS information and wetlands maps to locate those areas, which are not difficult to find. The eggs hatch in early April but do not become flies until May, which leaves a good window of opportunity for treatment.

Dan Allen, member of the Conservation Commission, said vernal pools are critical habitat for newts and salamanders, and asked what assurance there was that the larvicide would not kill other organisms. Mr. Morrison said vernal pools with other life forms are not mosquito habitat, and even if they were, the BTI only affects mosquito larvae and is not harmful to other organisms. Dr. Bent said 50 years ago, bacillus thuringiensis was sold to treat Japanese beetles, so it is not new technology and biological control is the better way to go.

Chair Kaplan referred to the presence of the Conservation Commission and asked Les Norman, chair, if he had any comments. Mr. Norman said there are certain habitats where species of mosquitoes live that could carry EEE, but we do not know that they carry the disease until they are tested. Mr. Morrison said the mosquitoes we are trying to kill are bird-feeding mosquitoes (meaning they feed on birds), so the goal is to take those mosquitoes out of the population so they do not infect birds. Mr. Lyon said this is the question raised over and over: do we apply larvicide before we have collected and tested mosquitoes for EEE or WNV? He said it sounds like the vendor would pinpoint habitats where the larvae are known to be and eliminate the larvae that could potentially have a problem. We don't know that we have a problem, but this type of mosquito could be a problem and if we eliminate that mosquito we could eliminate the problem.

Mr. Morrison said when he tests mosquitoes in the fall he won't catch only bird-feeders but also species that bite humans. He separates the species and tests them, which is also labor intensive. He explained the process of setting up gravid traps and box traps. Chair Kaplan asked if it is possible to test adults without larviciding, which would tell us if there are positive mosquitoes in the area and if New London needs further treatment.

Mr. Morrison said that is good reasoning but if the mosquitoes were positive, he could not do anything other than spraying adulticides, which is expensive. Dr. Bent said from a public health standpoint, it is backwards to test first; it's like waiting until there is a flu epidemic before immunization. Ms. Clough said Andover had a situation that required treatment, and the close proximity triggered Dr. Bent's concern for New London. Mr. Morrison said Proctor was responding to concerns from parents, and the emergency measures were difficult and expensive. He had to spray a perimeter area with insecticides; most of the time he would recommend being proactive, not reactive.

Laura Alexander asked if it was possible to be even more proactive by educating people to wear long sleeves, stay inside at night, and wear bug repellant. She would rather see education and research and test for EEE before resorting to larvicide. She gave two reasons: first, we do not know for sure that it is in New London; and second, mosquitoes don't stop at the borders, so even if we treat here we could have mosquitoes from neighboring towns. Dr. Bent replied that just because other towns are unenlightened doesn't mean that we have to be, and if the same argument regarding testing were used every year, we would never have an opportunity to lower the chances of infection. Ms. Alexander said she would like to know the effects on the environment and the ecology before treatment. Dr. Bent said part of his campaign is to spread the word regarding the collection of water in old tires, puddles, etc.

Mr. Lyon said suggestions have been made to skip larviciding and test this summer to find out if we have a population of dangerous mosquitoes, which would then be too late to larvicide so we would have missed the window for more benign treatment and would have to spray. That's the problem with waiting, and if we did that we would find ourselves in the same situation every year. If three people die, we'd have wished we had acted sooner. He said there are two approaches, so we should evaluate the danger. He asked Mr. Morrison to tell us more about BTI, how it works, and its impact on the environment.

Mr. Morrison said it is applied once per year; it is a soil bacterium that was identified 25 years ago by a bacteriologist in Israel who said dead mosquito larvae and found the bacterium. It is not native to the United States. It can be introduced again and again because it is consumed and gone. About 15 years ago there were mixed results from adhering BTI to corn particles, and now there is competition in the corn adherence market. BTI is a very selective product; it does its job and is gone. The downside is that there is only one time for application, and that is the early spring when the larvae are new. It does not work with mature larvae because they do not feed in the final stages prior to becoming flies. Incidentally, he said that with respect to mosquitoes crossing borders, mosquitoes have very short flight ranges. Most melanura mosquitoes don't fly more than 1000 feet, and EEE mosquitoes that tare in the red maple swamps also have very short flight ranges. So, the impact will truly be felt in the towns that treat for it; it is not a waste of money.

Dan Allen asked how the funds would be spent in New London and how many areas would be covered by the contract. He said he was concerned about the watershed impact and asked how much Mr. Morrison planned to do. Mr. Morrison said that most of the bodies of water that he will be treating don't drain; they are static, stagnant pools that are primarily independent of watersheds. He said he will look at watersheds to see the associated wetlands. The budget for a town this size allows enough labor hours to cover the town. This is not a coastal town with lots of flat areas; he will be looking for red maple swamps and then in specific parts of the swamp. Next year he would know exactly where to go and in 3-4 years

would have an even better idea of where to go. Ms. Clough asked if he would use GPS to identify the locations and the results, and Mr. Morrison replied in the affirmative.

Dr. Bent said his primary areas of concern from a health standpoint are the school and New London Outing Club area because it is used by people at the times of day when mosquitoes are most active. He will also try to get people to use repellents and keep covered.

DJ Lavoie asked how the bacteria is applied and once it is applied, if it could splash into the faces of children playing in the area of the swamps. Mr. Morrison said the bacteria is applied on corn particles; 3-4 particles would treat an area about the size of the conference table (roughly 5' x 2'). The larvae feed on detritus on the water so they eat the particles. Human exposure is minimal, as humans are not hosts to the bacteria. With every breath we take we are inhaling tree diseases and the like, but we are not susceptible. The same applies to BTI. He said that workers at the corn particle factories have been studied and there has been no evidence of a human threat. He said if he were applying pesticides he would want to keep them away from children, and added that to put anything in the water in NH one needs an applicator's license, which he has.

Ms. Clough noted that BTI had been used for 15 years, and Mr. Morrison agreed that it has been used around the world except in the third world, where it is unaffordable. Here, BTI is not expensive. There are 2800 catch basins in Portsmouth and one bag of BTI will cover the entire city. Mr. Lyon asked how effective the BTI is in a table-size area. Mr. Morrison said there could be 10,000 mosquito larvae in that area and 3-4 particles would have a 95-100% success rate in a few days.

Chair Kaplan asked what happens after the BTI is used and the mosquitoes are tested later in the year. Mr. Morrison said there would be no more larvae that year; eggs have to be frozen to be viable the following spring. The only remaining treatments would be catch basins, because the culex mosquitoes, which carry WNV, lay eggs after thunderstorms. There is a new mosquito that could carry both WNV and EEE and that was found in Keene four years ago.

Laura Alexander asked how the virus traveled to humans if melanura mosquitoes fed on birds. Mr. Morrison said the mosquito larvae hatch in mid-May and feed on birds in the trees around the swamps. As the birds are bitten they build up the viremia and contract the virus. Then, the mosquitoes that feed on anything bite the birds and then bite mammals, transferring the virus. Human cases are more common later in the year because the virus builds in the birds and there are more mosquitoes around later that are capable of biting humans. Les Norman asked about the progression of the risk. Mr. Morrison said EEE has always been here; it was present in Exeter and Brentwood when he was an entomology student at UNH in the 1970s. It comes in waves of 3-4 years and is fairly unpredictable. Ms. Clough asked how many cases had been identified recently, and Dr. Bent said that in 2005, there were the following cases of EEE: 7 humans (in Newton, Manchester, Loudon, Hooksett, Goffstown, Derry and Concord); 5 alpaca, 54 birds, 9 horses, and 15 mosquito pools. He noted that it is possible that not all human cases were identified because symptoms can mimic the flu.

Ms. Alexander asked if this had to be done every year, and Mr. Morrison said it is generally an annual program and that he would present the data from the testing and if it was decided that EEE had gone away, no treatment would be necessary. Ms. Clough asked what the cost for emergency measures would be. Mr. Morrison said that emergency measures would be needed if there were a human case and we needed to do something quickly. The only way to do anything is to kill lots of mosquitoes in a short period of time, which is done by spraying barriers. It is very difficult and expensive: it cost $2000 for one night of spraying at Proctor and would last for 2-3 weeks at best.

Mr. Lyon asked how he would go onto private property with the BTI. Mr. Morrison said that with a brand new program he would spend time contacting the property owners and would appreciate the

Town's help with notification through tax bills or some other method. Dr. Bent said as the health officer he is not a stranger and would also help.

Bob Crane said it would seem like we would have to control mosquitoes that bite humans as well as mosquitoes that bite birds. Mr. Morrison said the priority is to control melanura mosquitoes first and target the mammal biters later. Mr. Crane questioned if a bird in Sutton contracts a disease and flies here, it could be bitten by a mammal biter and could still post a problem. Mr. Morrison agreed that it's a numbers game as far as the travel of birds. He advised not give up on our strategy just because a neighboring town isn't doing anything. Dr. Bent reminded folks that the same project will reduce the chances of WNV as well.

Mr. Lyon said that if we apply larvicide, we prevent the local bird population from carrying the disease in large quantities, but it won't prevent other birds from flying in. It is a matter of odds and this would reduce the odds, but there is no guarantee. Ms. Alexander asked how we would treat for human biters. Mr. Morrison said that he would primarily look for flooded areas like golf courses or other places that held rainwater for ten days or so, such as roadside pools, catch basins, ditches. He would look for man-biters in areas where people lived but it is not as big a player where EEE is concerned.

Ms. Levine asked what other towns Mr. Morrison had worked for or is working for now. He said Portsmouth has been treating since 1979, and he is also in Dover, Keene, Greenland, Newington, and southern Maine, for example. He had 22 programs last year in NH and now has 40-50 permit applications.

Mr. Lyon said this is clearly a proactive, preventative program. It is different for the Board of Selectmen this year because the state has made recommendations for towns to consider. It is voluntary, not mandatory, but we have to consider the recommendations. He encouraged the Conservation Commission to do research and advise the Board of Selectmen as to environmental considerations. The voters have to decide if this is an advisable program based on the best information they can find and make the judgment as to whether the danger is worth the expense. The Selectmen's recommendation at Town Meeting will take into account the Conservation Commission's input.

Ms. Clough thanked Mr. Morrison and Dr. Bent and the Conservation Commission for coming in this morning. Dr. Bent said if the Town spent $30,000 and saved one person it would be worth it.

Mr. Morrison said there had been a positive mosquito pool tested in Dublin by chance; one of his employees drove by a red maple swamp and set a trap and it was positive. If not for that test, no one would have tested the area because it was west of I93.

DJ Lavoie asked what to do if one found a dead bird. Dr. Bent said that starting in mid-May (dead birds prior to that time probably died of something else), people who find dead birds should contact him. Dr. Bent said with respect to the Conservation Commission's concerns, he thinks the conservation of human beings should be put before conservation of the environment. Mr. Morrison said that BTI is a living organism like birds and bats, yet does far more for mosquito control. Dr. Bent said birds and bats would much rather eat moths than mosquitoes, so we would not be taking away a source of food.

All departed at approximately 10:30 AM.

<u>Town Meeting</u>: The Board of Selectmen reviewed the warrant and assigned which warrant articles each Selectmen would present. The Selectmen will meet with Town Moderator Cotton Cleveland on Monday, March 6 at 3:00 PM.

<u>Leave Policy</u>: Ms. Levine said that the Town of Tilton had been fined by the Department of Labor for converting its leave policy and buying out employees' accumulated sick time at less than a one-to-one

rate. The leave time conversion that she had drafted had used a format similar to Tilton, so she has spoken to the Town's employment attorney and has revised the plan to comply with the DOL's decision. Basically, the decision says that towns cannot retroactively change the leave time conversion, because employees did not know that they would receive a reduced buyout at some future time. Going forward, there can be a buyout provision, but retroactively time must be converted one-to-one. Unfortunately, that means that with the $15,000 budgeted this year, the buyout is limited. She suggested allowing employees to covert time accrued over 60 days, rather than 30 days as originally proposed.

After some discussion, the board of Selectmen approved that suggestion and also suggested whittling down employee sick time by allowing them to convert a certain amount of accrued sick time to vacation every year. Ms. Levine will look at different options and return to the Selectmen.

Building Permits:

- Jonathan and Sheryl Mellin, 273 Brookside Drive (Map 121, Lot 016), permit to remove existing deck structure, install new deck along side of house and tie into area where current deck is, increase size of existing deck footprint to 530 square feet – Approved (Permit 06-009)

Sign Permit Applications:

- NONE

Other Items for Signature:

- Disbursement Voucher for the week of February 27, 2006 – Approved

There being no further business, the Board of Selectmen adjourned the meeting at 11:45 AM.

Respectfully submitted,

Jessie W. Levine
Town Administrator