

TOWN OF NEW LONDON
BOARD OF SELECTMEN
MEETING MINUTES-MARCH 5, 2007

PRESENT:

Doug Lyon, Chairman Board of Selectmen
Mark Kaplan, Selectman
Ruth I. Clough, Selectman
Jessie Levine, Town Administrator

ALSO:

Cotton Mather Cleveland, Town Moderator
Linda Hardy, Town Clerk
Bob Lavoie, Sewer Commissioner
D.J. Lavoie, Resident
Debbie Cross, *InterTown Record*
Caroline Dube, *Argus Champion*

Doug Lyon opened the meeting at 8 a.m. The Selectmen addressed eleven areas of business during the meeting, including a discussion with Moderator Cotton Cleveland and Town Clerk Linda Hardy regarding procedures for voting day on March 13 and the annual Town Meeting on March 14.

1. Minutes-February 26, 2007—Mark Kaplan moved to accept. Doug Lyon seconded. No further discussion. Motion unanimously approved.

2. Town Meeting

There was discussion on how best to acknowledge Town volunteers on the night of the meeting, and the details of the special recognition for person(s) who have served the Town over the long-term.

Cotton Cleveland opened discussion on the procedure for paper ballot voting, and said she will refer to her Moderator rules at the beginning of the meeting. As the warrant goes to the Town, there will be four articles that specifically call for a paper ballot: (3) to raise a bond in the amount of \$300,000 for purchase of the Inn land, (4) to raise a bond in the amount of \$160,000 for repairs to Tracy Library, (22) asking voters to dissolve the Sullivan County Regional Refuse Disposal District, and (23) asking New London voters to withdraw from that district if the required majority of Towns do not vote to dissolve it. Jessie Levine explained that State law requires bonds to be by paper ballot. Regarding article 22, she said she understands that there may be some challenges to this in other towns. Cotton Cleveland agreed that it would be a good idea to have a paper trail for both 22 and 23.

It is understood by everyone at this meeting that the votes on the two bonds must be counted that night, but Doug Lyon asked if the results of the waste disposal articles have to be announced that night, or can people put their votes in the ballot box as they are leaving. Cotton Cleveland said she thinks they have to hold the meeting for the hour after voting on those. Jessie Levine said that the one hour rule does not apply to the two solid waste articles, but they would have to continue the meeting to read the results in a public forum. They can't close the meeting until the results are announced.

Cotton Cleveland asked if Selectmen and Jessie Levine feel that articles 3 and 4 will be controversial. Selectmen referred to sentiments expressed at Saturday's Citizens' Advisory Committee meeting, and elsewhere. They agreed that 4 will not be controversial, but 3 may generate discussion on both the price itself, and the process for raising that money. Cotton Cleveland said in that case they will have to have a separate vote for that, contiguous to the discussion. She will have two clearly marked ballot boxes at front and back.

In addition, she can call for a paper ballot on any article for which she thinks voting will be very close, and any person can obtain five signatures to hold a paper ballot on any article. Linda Hardy and Sue Clough asked if people can do that in advance of the meeting. Cotton Cleveland said they can be prepared with their five signatures but cannot actually submit the call for a paper ballot until the particular article in question comes up.

There was agreement at this meeting that in addition to those four articles that require a ballot vote, article 16 on the roundabout and 19 regarding the Sewer Commission should also be by paper ballot.

Doug Lyon asked if all the paper ballot votes could be moved up earlier in the meeting to allow time for counting, and Mark Kaplan seconded that idea. Jessie Levine said typically, budget items come first. She and Sue Clough pointed out that the draft warrant is already out there, and to change the order of articles now might lead to confusion. Cotton Cleveland agreed that the idea of having them early is great, but as some time has been spent on the current warrant as drafted, she suggested leaving it in its current order for this year.

Bob Lavoie asked how amendments can be made to warrant articles. Cotton Cleveland said anyone can amend an article from the floor. It is advisable to have the amendment written out beforehand. The order of procedure is:

1. The voter may raise his or her hand at the meeting and read the proposed amendment.
2. The amendment will be discussed.
3. The amendment will be voted in or out.
4. The meeting will return to the original article if the amendment is denied, or to the amended article if the amendment is passed.
5. If someone wishes to make another amendment, the same process will be used for that. (In other words, there will not be amendment upon amendment. There will be a separate vote for each amendment, before going on to another.)

Note made at this meeting that in the articles that include several budgets (for example, article 5 includes all the budgets for General Government Operations, article 6 includes all the budgets for public safety, article 7 includes all the budgets for Highways, Streets & Sanitation), if one line is changed, the bottom line also changes. Mark Kaplan raised the question of what will happen if one item within the article does not pass—the whole article would fail under that circumstance, and for that reason, he suggested that Selectmen may call ahead of time for each item to be voted on separately. Bob Lavoie pointed out that if discussion shows that a problem is anticipated, the Selectmen could amend the article at that time, to separate out each item. There was agreement at this meeting that it is unlikely voters will vote down an entire article because of one meeting, particularly as there will be opportunity to amend a given line during discussion of the article.

Jessie Levine pointed out that the budgets have been thoroughly vetted by the Budget Committee. There will be decreases in Solid Waste and Health Department. The increase requested by the ambulance and COA have been analyzed by the Budget Committee.

She does anticipate some discussion on Article 9, particularly regarding the Recreation Department with its cross-country ski program, though the ski program is fully funded by the revolving fund. At Saturday's CAC meeting, Harmon Lewis said he feels that the revolving funds should be subject to the same review as other budget items, and Selectmen feel that sentiment is likely to be expressed again at Town Meeting. Mark Kaplan suggested that people might not understand how the revolving fund works. It is entirely outside the Town's budget.

Under Article 12 which asks voters to raise and appropriate \$210,600 for vehicles and equipment, and to fund that with withdrawals from the existing capital reserves, Selectmen agreed that there is ample data and statistics available to support purchase of the ten-wheeler truck for the Highway Department. Mark Kaplan said it should be stressed to people that the rationale for the ten-wheeler is that it can haul twice the amount that the department's current 6-wheeler can, and there will result a significant savings. Bob Lavoie said it will be important to give people the breakdown for that line. Agreed. Of the \$165,000 budgeted for Highway Equipment, \$70,000 will be for a new refuse trailer and \$95,000 for the ten-wheeler. Selectmen will explain at Town Meeting that that they generally budget for higher than the expected price so as to leave room for negotiation. The Town will go out for bids on that, and will probably end up spending less. Jessie Levine said she will be meeting with Barry Wright next week, to discuss how Budget Committee members can best provide input on these items at Town Meeting.

Article 14 refers to the work at Whipple Memorial Hall, and Selectmen noted that there were no questions raised on this at Saturday's CAC meeting, and none are anticipated for Town Meeting—except perhaps why is it taking so long.

Mark Kaplan referred to the statement below each article that notes the impact of that article on the tax rate, and asked if Selectmen should also make that clear on their verbal presentation of the articles. There was agreement at this meeting that yes, that should be made clear in the presentation, and Cotton Cleveland said there is nothing to prevent the Selectmen from going back and re-reading the entire article if he or she wishes. Bob Lavoie suggested that it is somewhat aggravating to people to be told that an article such as 12 which funds these purchases, will have \$0 impact on the tax rate, when in fact, residents have paid for this by funding the capital reserve in the first place. Selectmen agreed, and clarified that the impact line refers to this year only.

Selectmen anticipate discussion on article 16 regarding the roundabout at the County and Newport Roads intersection, and will have a power point presentation ready. Sue Clough suggested having only one schematic of the proposed completed roundabout, and focus discussion on that. Everyone agreed at this meeting that having just one for people to view would be best, but at this point in time, the only complete one is not the most current plan. Jessie Levine said she may be able to use the landscaped rendition. D.J. Lavoie asked if the College students could be asked to do a 3-D model, as those that were done for the Highway Department building and new Fire Station. Selectmen agreed that it is too late to do that before Town Meeting, and there was some feeling that an intersection would not show up as well in one of those models as a building does.

Selectmen anticipate that Planning Board Chair Karen Ebel will speak on Article 17 asking voters to fund the work for the master plan.

Jessie Levine explained that the funding requested by Article 18 for Pleasant Lake dam, will actually be for the gate of that dam.

Regarding article 19 asking voters to dissolve the Sewer Commission and returning authority over the Sewer Department to the Board of Selectmen—Doug Lyon will present this, and Sue Clough has asked to make some comments at the end of the presentation. Bob Lavoie asked if Selectmen have a script prepared for their talk on this at Town Meeting. Not yet, but Jessie Levine said it will contain the same bulleted talking points as the informational ad which Selectmen have placed in the *Shopper*. Bob Lavoie asked if the Sewer Commission could get a copy of the Selectmen's script ahead of time. Jessie Levine provided him the text from the ad. Sue Clough asked if Selectmen could get a copy of the Sewer Commissioners' script as well. Bob Lavoie said it is not prepared yet, but he would like it to be a response to Selectmen's presentation. There was agreement that scripts will be shared before Town Meeting, as soon as those are available. Jessie Levine said the law does not require this article to be a ballot vote, but the assumption is that it will be.

At this meeting, Bob Lavoie said the Sewer Commissioners do not disagree that the funding asked for in Articles 20 establishing a capital reserve for the Sewer Department, and 21 withdrawing \$40,000 from that reserve for equipment repair and replacement in 2007, is necessary. No one (among Selectmen or Sewer Commission, or the CAC) has disagreed that the CIP for the Sewer Department is crucial—thus those articles 20 and 21 will still be necessary no matter which way article 19 goes.

Cotton Cleveland said that Article 19 will be a paper ballot vote, and the meeting will stop as the boxes are going around. She asked if people can move on while the counting is being done. Sue Clough said that both sides agree that a CIP for Sewer Department is crucial. Bob Lavoie agreed, there is no disagreement on that; Sewer Commission, Budget Committee and Board of Selectmen all worked together on those numbers. Cotton Cleveland suggested that discussion stop while the ballot boxes are going around, but she asked again if people can move on while the counting is being done. At this meeting, everyone agreed that that would be okay.

Jessie Levine said that someone from the Conservation Commission will be prepared to speak on the two easement articles. Maps of those easements will be on display on easels.

She said the petitioner will speak on Article 26.

Otherwise, she gave Cotton Cleveland a "heads up" that at least one resident may express a desire to change the date of Town Meeting to May, and also to change the Town's budget process.

Bob Lavoie asked why New London can't do all of its ballot voting the day before Town Meeting (along with the election of officials and voting on the proposed zoning amendments). Jessie Levine said state law requires town meeting towns to have the ballot voting during Town Meeting with the exception of proposed zoning amendments and anything that requires an official ballot. If the Town were a charter town or an SB2 town, the rules would be different.

Jessie Levine also advised the moderator that a petition has been submitted to change the boundaries of the water precinct. Specifically, the petition is to redraw the line so that the precinct excludes the 17 properties that are in it but which do not receive public water supply. This issue was raised previously in 2003, and was denied. She read NH RSA 52:5, and she said that Town Counsel has reviewed this and has not found that circumstances have changed between 2003 and now. It is basically the same request, and his advice then was and remains today that both the New London and Springfield Boards of Selectmen must hold a public hearing on this. If both Boards do not approve the petition, it is a dead issue. If the Boards of Selectmen approve the petition, the petition will then go on to the water precinct's annual meeting, to be ratified by voters there.

Doug Lyon said the argument is that those who live in the precinct but do not have reasonable access to the water mains, and for whom it would be cost prohibitive to connect to the water mains, are paying water precinct taxes. Jessie Levine pointed out that there is significant benefit in having the water precinct—including fire protection. She noted that these 17 residents do not pay the user fees, but rather pay a portion of the capital costs of the water precinct. The total for the 17 is \$6600. She said the water precinct taxes are not about the users but about the precinct. Doug Lyon said that Jack Hughes, who is presenting the petition, said that when he bought his house it was not his understanding that he would pay water precinct taxes. He said he thought the word “precinct” on the tax bill referred to the school district.

Doug Lyon suggested that an abatement could be worked out which that recognize the benefit of living in the water precinct, but also recognize that these 17 residences have a slightly different situation. Jessie Levine said that the water precinct does not have an abatement process; abatements are a Board of Selectmen duty. The Selectmen collect the taxes, so abatements would come to them. Doug Lyon then suggested the possibility of setting up a special fee class for these 17. He said he feels it will be a tough sell to try to change the boundaries of the water precinct.

Mark Kaplan said he would like to see a map of the boundaries, and what it would cost to connect those 17 residences. Jessie Levine pointed out that when Bob Bell developed Fieldstone, he chose to not bring the public water supply down to that development. He would not be allowed to decline to do so now.

She said that they have only received this petition on February 8, so there would not be time to bring the vote to the Water Precinct voters this year. It is not certain whether or not Jack Hughes has presented the petition to the Springfield Board of Selectmen, but Doug Lyon said he has discussed the process with Mr. Hughes. Selectmen agreed that there should at least be the public hearing on this to allow discussion.

3. Voting Day-March 13—Cotton Cleveland asked if Selectmen have any questions about voting day. The two Selectmen who are not up for reelection should be present. She suggested that they help with the transitioning, and that the post sitting next to the ballot boxes be given to the extra ballot clerks.

Linda Hardy said that there will be three ballots per person. The first will be Town related and will be printed front and back. The second will continue the Town related issues but will only be printed on one side. The third will relate to the school district. She said she has tested the ballot box, and there should not be a problem as long as people slide in one at a time, slowly. If the ballot box pushes the ballot all the way back out, they are supposed to do another ballot. There was agreement at this meeting, that in that instance, it would be better to try inserting it again, more slowly.

Sue Clough suggested that there be more “privacy envelopes” available. Cotton Cleveland agreed that they have been criticized on the process in the past. No one other than the voter is supposed to touch the ballot, but there really shouldn’t be a need to have privacy envelopes. Sue Clough suggested that in the future they have the ballots printed on one side only so it could be inserted print side down. Linda Hardy said it would be more expensive, but there was general agreement at this meeting that the extra cost might be worth it to eliminate some of the concerns that have come up in the past relative to privacy, privacy envelopes, and proper insertion of the ballots. In the meantime, for this election, there will be signage instructing people to insert one ballot at a time, slowly and gently.

4. Other

- o While she was meeting with the Selectmen, Linda Hardy informed them that her office will be on-line with NH Department of Motor Vehicles as of March 16, and will be able to register vehicles over 26,000 pounds, handle replacements of lost registrations, moose plates and initial plates. There will be someone from Motor Vehicles present on March 16 for all day training. Eventually, they will be able to register boats as well, but that will require more training.
- o Bob Lavoie asked if the taxpayers paid for the Selectmen's *Kearsarge Shopper* ad on Article 19. Jessie Levine said yes, because it was for informational purposes. She vetted the wording with Town Counsel Bart Mayer before placing the ad. Bob Lavoie asked if the Town can pay for a similar ad for the Sewer Commissioners. Jessie Levine said yes, but advised that they do the same—run the wording by Town Counsel to make sure it is informational and not political. Doug Lyon encouraged them to do that, saying that the more information people have, the better.
- o At tomorrow's Sewer Commission meeting at 3 p.m., Selectmen and Sewer Commissioners will discuss their different ideas for a date of transition should Article 19 pass at Town meeting.

5. Budget Committee-Subcommittee on Personnel—Jessie Levine briefed the Selectmen on the first meeting of the Budget Committee's personnel subcommittee, and distributed copies of a draft memo she has sent to that subcommittee. Over the course of the next year the subcommittee plans to study the new salary study and the assumptions that went into it, the health insurance and retirement situations, and the Town's leave policy. Bob Lavoie asked if there is potential for anything to change as a result of recommendations from this subcommittee. Yes, but any changes would have to be approved by both the Board of Selectmen and Budget Committee working together.

6. Lakeside Lodge Inc.—Selectmen received copies of the ZBA's March 1 decision to limit the non-conforming use of the dock at Lakeside Landing to six boats at any one time. Sue Clough recused herself from this discussion.

Doug Lyon and Mark Kaplan noted that the ZBA's number is based on the fact that there are three owners and each may have one guest, and that in their decision, the Board considered the renter or "fourth user" referred to in affidavits and public hearings as a guest. The two Selectmen noted that in this decision, the ZBA states that it will not examine who occupies the six slots, how long they are occupied by a given individual, or whether rent is paid. The decision simply states that there may be no more than six boats at a time.

Jessie Levine noted that the decision does refer to the separation of the waterfront lot from the lots in the cluster subdivision on the other side of the road. The decision refers to the assurance Lakeside Lodge Inc. owners gave to the Planning Board in 1990 that the waterfront lot would be only for personal use by the three owners of Lakeside Lodge Inc., and would not be used by the separate owners in that new subdivision.

7. Fiber-Optic Project—Jessie Levine reported that there is nothing in the proposed 2007 budget for this. They do not have enough data yet, to present a plan.

8. Androscoggin Landfill Contract—Jessie Levine said Bart Mayer has reviewed this, and the Selectmen may sign it any time. It does not need to wait for the Town Meeting vote. Mark Kaplan agreed. The only obligation the Town had to Wheelabrator was to the bonds, and that obligation ends on June 30. Even if

the district is not dissolved, New London has no further financial obligation to it. The Selectmen signed the contract at this meeting, and authorized Jessie Levine to sign the contractor's certification for hauling.

9. Building Permits:

- o Todd and Marybeth Westward, 344 Brookside Drive (Map 121, Lot 015), permit for after-the-fact footbridge to cross drainage ditch/seasonal stream. The bridge is 6' x 12'. Additional request for after-the-fact permit for 12' x 20' tool shed – Approved (Permit 07-007).
- o Jane Brock-Wilson, 115 Lighthouse View Drive (Map 126, Lot 011), permit as shown on plans. Approved by DES – January 5, 2007. Variance approved by ZBA with Amendment March 13, 2006 – Approve (Permit 07-008).
- o William and Nancy Olson, 770 Lakeshore Drive (Map 051, Lot 009), permit to remodel kitchen and bedroom, new entry, new deck and window, siding and roofing replacement. Also a new heating system – Approved (Permit 07-009).
- o Richard and Victoria Simek, 438 Brookside Drive (Map 121, Lot 013), permit for demolition of driveway side of garage roof and installation of shed dormer on same. The dormer will be approximately 30' wide and 8' high, not extending beyond the existing footprint of the garage or above the existing roof peak – Approved (Permit 07-010).

10. Other Items for Signature:

- o Disbursement & Payroll Vouchers for the week of March 5, 2007 – Approved.

11. Abatement Recommendation:

- o Colby-Sawyer College, 541 Main Street (Map 096, Lot 003), for 41% of 2006 taxes on the former DiLorenzo building, per Selectmen's meeting of February 26, 2007 – Approved.

There being no further business, the Board of Selectmen adjourned the meeting at 10:30 a.m.

Respectfully submitted,

Sarah A. Denz
Recording Secretary