

JOINT BOARD OF SELECTMEN

MAY 29, 2007

SPRINGFIELD TOWN HALL

7:00 P.M.

PUBLIC HEARING ON PETITION TO REDEFINE BOUNDARIES OF NEW LONDON/SPRINGFIELD WATER PRECINCT

The following are to be considered draft minutes only until approved by the Board at their next meeting.

PRESENT:

SPRINGFIELD SELECTMEN: Neal Huntoon, and John Chiarella. Absent: Robert Anderson.

NEW LONDON SELECTMEN: Ruth Clough, Mark Kaplan, and Larry Ballin.

NL/SPRINGFIELD WATER COMMISSIONERS: Ken Jacques, Jim Cricenti, and John MacKenna.

Other New London/Springfield Water Precinct Residents. Residents will be identified as they spoke.

Neal Huntoon, Vice-Chairman of the Springfield Board of Selectmen chaired the meeting in the absence of the Chairman, Robert Anderson. The meeting was called to order at 7:00 p.m. Neal introduced the joint boards. Neal apologized for missing the April 30, 2007 meeting.

Neal read the petition from the 17 residents of the water precinct. Neal stated he has been informed that one party has withdrawn from the petition. (Crozer, on Burpee Hill Road).

The Minutes of April 30, 2007 have been posted and have been approved and accepted by the New London Board of Selectmen.

Neal reported the minutes are being recorded for minute taking purposes. He asked speakers to state their name and residence for the record. He stated that based on the April 30, 2007 minutes, it is not necessary to review the whole presentation again. He would like to ask for any new information. He reminded those present that the Selectmen's role is to redefine the boundaries; they cannot do anything to change the tax structure. He stated the procedure will be to close the public hearing following the discussion. He will ask for the Selectmen's vote whether the boundaries should be changed.

Neal was asked if there was a Springfield Selectman missing? Neal stated Bob was absent and he would rely on the minutes for the outcome of this meeting. Neal stated that

everyone present has heard the presentation with the exception of himself. He has reviewed the minutes of April 30, and he attended a meeting similar to this one regarding the same topic a few years ago.

Jack Huges questioned if the Selectmen who attended the last meeting felt the minutes were comprehensive and captured the key elements that were discussed?

The New London Selectmen felt the minutes represented what was presented. John Chiarella stated it represents what he heard.

Bob Anderson (White Pine Lane), asked to clarify that the approval of the Selectmen would only allow the decision to go on the warrant of the water precinct? He was told that is correct.

Roger Ryan (Burpee Hill Road) stated he is several hundred feet away from the last hydrant and was told it would cost a few hundred thousand to bring water to him. \$6600 dollars isn't much, but he says he has been there 12 years and if you multiply the \$6600 by 12 years that is \$70,000. He was away for the last meeting. He says he has not seen the April 30 minutes. He asked for consideration along the way in asking questions that may have been covered in the previous discussion.

Stanley Richards (Fieldstone Lane) stated he disagrees with the analogy comparing the water services to the school or fire department taxes. His argument is that everyone pays for the schools and everyone pays for the fire, but in this case only people who use the water services or were randomly selected because of the way the boundaries were determined pay for precinct taxes. To continue the analogy that was given, schools and fires would be paid by a randomly selected group of people.

With regard to the properties on Fieldstone Lane and beyond, the only way to bring water to that road would be to extend the main on County Road. It is his understanding that the County Road Main would be inadequate to supply the properties down there. So in effect there is no water available to this group. If proximity of the water is a criterion for inclusion in the precinct, those properties fail that test.

Stephen Wolfe (Newport Road) presented mapping. The first map was from a report prepared by Dufresne Henry in January 1992 titled water supply alternate study. This is when the water supply was still being taken from Morgan Pond and the precinct was evaluating an alternate water source. He highlighted the areas of the petitioners and according to the 1992 map none of the petitioned areas were within the water precinct boundaries. Another map he obtained from the Town Office dated 2000 shows other water district boundaries. The 1992 map corresponds to the areas with water mains. Neal questioned whether the 1992 map was a survey map? Mr. Wolfe stated the 2000 map was a survey map, completed by Bristol Sweet.

Mark Kaplan asked which map is the water precinct. Mr. Wolfe stated that the two maps being presented show that there are discrepancies. Board members discussed the difference between the two maps and the reasons for the two mappings. Neal stated the map from Bristol Sweet from 2000 is the map that New London and Springfield are using.

Mr. Wolfe stated there are two separate areas these petitioners are from. There is nothing in his deed that says he is in the water precinct. He stated when he first moved there the tax bills just said precinct and they did not pay much attention to that. In 2002 the bills changed to say water and that is when more questions were raised. Tax bills now say water precinct.

Ken Jacques, Water Commissioner stated there are no deed descriptions for anyone in the water precinct.

Mr. Wolfe stated the Dufresne Henry Map did not show the boundaries of the water precinct extending to the areas that were parts of these subdivisions.

John Chiarella asked Ken what the origin of the mapping was. Ken reported the Dufresne Henry mapping was an engineering report to study the feasibility of various options of water availability to decide whether Morgan Pond could be used or not. It is not an official boundary survey. Bristol Sweet was hired because the commission was getting requests to get in or out of the precinct. This was triggered when the Kelsey Fields were put in at Colby Sawyer College, owned by Cleveland. A service request application was filed with the precinct. The precinct determined this area was not in the district. At that time Bristol Sweet was hired to delineate the boundaries based on ownership showing in deeds of 1925 and that map was generated. Kelsey Fields was not in the precinct. That map was generated as a way to show the precinct boundaries. Bristol Sweet researched the deeds and determined the boundaries based on land ownership shown on the original charter of the precinct in 1925.

Mr. Wolfe asked Jack Hughes to speak about "Mirror to America" a document that spoke to precinct boundaries up to about 1950. Jack Huges (White Pine Lane) stated this said the original lines were established in 1925. There was a major revision in 1950. There didn't seem to be any rationale between the changes in 1950, they referred to it as a highly irregular boundary setting. He stated it was found in the first edition of "Image to America." It also spoke about water main on Burpee Hill that used to be above ground and was buried in about 1950.

Ken Jacques stated that a lot of the water of the precinct used to be above ground.

Mr. Hughes addressed an issue of precedent which he says was not discussed in the last meeting. On January 30, 1985, the Board of Selectmen from New London and Springfield met to determine a decision with respect to a petition by Andrews to change

the boundaries which dealt with properties on Camp Sunapee Road. He read a portion of the petition. Marilyn Andrews was a New London Selectmen at that time and recused herself from the Board and sitting in her stead was former NL Selectmen William Dodge. Both Boards of Selectmen decided in favor of the petitioners and they were permitted to leave the precinct. Their argument, at that time, being lack of availability which has been the core of the current petitioner's argument.

Ken Jacques responded by saying not to look backwards, just look forward. On the Andrews petition Camp Sunapee Road was served by a summer service that went out to Camp Sunapee which was mostly seasonal. Andrews was not seasonal. Ken stated they had a legal opinion that the original charter was incorrectly written. In 1985 the precinct changed their name from the New London Water Precinct to the New London Springfield Water Precinct and rewrote their charter to make it legal based on the legal opinions that came in to play. There were year-round homes at the end of Camp Sunapee Road that were taken out of the precinct. These people were not petitioners. The Commission at the time had spoken of using Camp Sunapee Road as a way to grid water to Newport Road which now is not possible. He stated he did not think the Andrews petition is a good precedent to use as an example.

Mr. Jacques stated there were a couple of statements regarding the cost to put in water mains to service various houses. That is in the eye of the beholder. He states that lots of properties have been developed that have cost a lot of money. Design plans for Woodland Trace shows a water hydrant and easement for development of White Pine Lane and Fieldstone Lane that was not there at the time. It was all part of that property and was part of the precinct boundaries. Mr. Bell, the developer was asked to bring the water in. The precinct would have done a grid for that. However, the Planning Board and the Fire Departments did not require that at that time. The grid would have come up through Knights Hill Road and Woodland Trace, not County Road and it would have been a nice grid with all kinds of water service.

Mr. Jacques stated the precinct tax bills are based on the software the town's offices use for billing.

Peter Stanley (Former Fire Chief) stated the Crozer's have withdrawn from the petition as they did not feel they were fully informed on the consequences of their action. They are developing a green house business on their property and they are concerned that they will not be able to have enough water through wells on their property to serve their needs. They are patient and industrious and they believe they can perhaps, over time, find grant money to assist in running a water line to where it needs to go. If that opportunity arose, then those people in that area would want to go on the water. The Crozers are looking down the road realizing the opportunity may present itself in the not too distant future to have some financial assistance in extending those water lines, and having a clean, reliable source of water available on a year-round basis.

He went on to say, Mr. Bell was forced to put the water in up above. Before that he had not been required to put the water lines in. Mr. Bell did a series of minor subdivisions and was trying to avoid oversight by the Planning Board, and ultimately ended up having to show what his entire development plan was at that point for that area. By then he had all ready started White Pine and Fieldstone Lane. His extension of Woodland Trace was required to have water all the way out which was a result of a fire department policy adopted in 1987 because the responsibility of the developers was being avoided. It was the developer's choice prior to that not to put the service in.

Alan Gepfert (Little Sunapee Road) asked to make a point of new observation. He stated, when making a difficult if not contentious decision, individual anecdotes are interesting, but they do not guide the decision making process. His comment is regarding policies with the water precinct decision making. The Selectmen state they deal with precinct boundaries, when discussing precinct accounting and rates, they have to deal with the precinct board. His policy suggestion for the Selectmen is as follows:

The Selectmen's criteria about boundaries should consider only one factor, practical accessibility to the precinct's water distribution system. If anybody cannot realistically tie in their property, then it doesn't belong within the precinct boundary, and realistically means both physically and economically. Suppose system accessibility opens up over time for some area because of new facilities, then the Selectmen should promptly revise the boundary to include that area further. The relation should occur whether there are property owners in that area, and whether or not any such owners decided to tie into the system. Suppose the Selectmen state that boundary revisions shouldn't be made because of adverse impact on the rates for the remaining governing property owners, then they would be violating their statements regarding authority to boundaries. After any boundary decisions the Selectmen might make, then the precinct would be the best and appropriate organization to address financial consequences of those adjustments.

Mark Kaplan stated Mr. Ryan had indicated his property was several hundred feet away from a water main and had stated it would cost \$100,000 to connect to water. He questioned whether someone could tell him how much it would cost. Peter Stanley stated Mr. Ryan is about 500 to 600 feet away. No one had an estimate for the cost.

Mr. Ryan stated he knew he was paying a fee when he bought the house, and he knew he had his own septic and well. When he was called and had this explained to him it never set right with him. He cannot understand why this has become such a log jam. He attended a meeting where there was a vote made to table the discussion about taxation and this would be looked into to see what could be done. He thinks the cleanest things to do is to put this item on each town ballot and let the citizens of these two towns vote and close this once and for all.

James Cricenti, Water Commissioner reported in the early 1990's Dufresne Henry was charged with finding water and study how much water the well field would produce and

to take their best guess on what the growth would be on the community serviced. They were not charged with delineating property boundaries. The scope of their report was for a 30 year span. At that time the precinct said there could not be any changing boundary lines because that is the supply for the district as it exists. RSA 52 talks about boundary changes but does not differentiate between letting anyone in or out. The Commissioner's argument is in trying to preserve the precinct. Changing boundaries now opens the door also for additions. Once the precedent is established for changes, the water supply could be compromised. For the sake of the water supply, the commissioner's intent to leave the water supply alone.

Neal asked if there were further discussion? Hearing none, Sue Clough moved to close the public portion of the hearing, seconded by Mark Kaplan and unanimously approved.

Neal asked if based on the information that they have heard tonight and in the past, are Board members in favor of changing or not changing boundaries? Mark Kaplan moved to not change the boundaries, seconded by Sue. Sue Clough requested the vote from New London. All three members voted not to change the boundaries.

John Chiarella stated that both sides have presented good arguments. The only real purview the Selectmen have is setting and defining boundaries. He voted to keep the boundaries as is without change.

Neal stated that he understands what is being said. He stated changing the boundaries is not the right direction to take. He indicated the petitioners should work with the commissioners to find some way to come up with an agreeable arrangement to justify the benefit of being located within the district boundaries. He does not want to see the boundaries change.

Sue Clough stated she agrees with Neal, there has been excellent argument in not deleting the precinct but in changing some component somewhere within the water precinct as far as taxation is concerned and couldn't agree more that it would be a great thing if this could be worked out. The water precinct needs to be kept in tact.

Neal stated Mr. Cricenti's statement summed it up very well. 16 people being allowed to leave now could open the doors for increased problems for the precinct.

Mr. Hughes stated he felt there needs to be some research in alternatives to fund generation of revenue.

The meeting was adjourned at 8:10 p.m.

Respectfully Submitted,
Janet Roberts,
Recording Secretary.