

Board of Selectmen
Meeting Minutes
September 10, 2007

Present:

Sue Clough, Chair
Mark Kaplan, Selectman
Larry Ballin, Selectman
Jessie Levine, Town Administrator

Also present:

Richard Lee, Director of Public Works
William Gray, Laurel Lane resident
Bob Beach, Laurel Lane resident
John Furlong, Laurel Lane resident
Richard & Tori Simek, Laurel Lane property owners
Peter Stanley, Zoning Administrator
Sonja Phillips, New London property owner
Susan Slack, Attorney for Sonja Phillips
Norm Bernaiche, Assessor
Bill Green, King Solomon's Lodge (Masons)
Christine Walker, Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC)
Debbie Cross, Intertown Record
Philip Stake, Argus Champion

Chair Clough opened the meeting at 8:04 AM and introduced the Board of Selectmen and Richard Lee, Director of Public Works. Ms. Levine announced that residents of Pine Hill Road had asked to postpone their meeting tonight, so those present lived only on Laurel or Hemlock Lane. Ms. Clough referred to the meeting of August 27, 2007, regarding gravel roads, and opened the floor to the public.

John Furlong of Laurel Lane referred to a petition submitted to the Board of Selectmen on July 22, 2007, asking for Laurel and Hemlock lanes to be paved. Ms. Levine read the petition aloud, and Mr. Furlong showed photos of the road.

Mr. Ballin noted that the petition was addressed to the Wilmot Selectmen as well, and asked about the reaction from Wilmot. Mr. Furlong said the Wilmot Selectmen had said they would not pave the road, though he would like to get the Wilmot and New London Selectmen together. Wilmot at one time paved the apron off Route 11 to get into and out of Laurel Lane, but that apron gets washed with dirt debris and stones from uphill and it is difficult to enter onto Route 11, in a 55 miles-per-hour zone. He said there could be a nasty accident, especially with the Feins development going in nearby. Richard Lee said the function of the apron is to allow the grader operator to prepare the grader at the foot of the road and not out in traffic.

Mr. Ballin asked how much of the entrance remained in Wilmot, and Mr. Gray said that it is about the first 600 feet, and he owns the first house over the town line. Mr. Ballin noted that the access to Route 11 is not germane to this conversation, as it is in Wilmot. Mr. Furlong agreed, but said the majority of the roads is in New London and he would be happy to see New London pave the road.

Mr. Furlong said that promises were made in 2003 to pave Laurel Lane. Ms. Levine referred to the Road Agent's December 2003 memo in which Laurel Lane was in the first group of roads that

were prioritized for paving. She noted that the Board of Selectmen did not ratify the paving program. Mr. Furlong agreed that it may not be ratified in “legal terms,” but that he had received a written promise from the Town. Richard Lee said that the criteria changed between 2003 and now, and the current list took into account safety, the amount of traffic, steepness, whether the road is a through road, etc. He said he was never directed by the Board of Selectmen to pave the roads in his December 2003 memo, and no money was ever budgeted for that purpose. Ms. Levine read aloud her January 2004 letter to Mr. Furlong that followed the December 2003 memo, and noted that the letter contained no promise or indication that Laurel Lane would be paved.

Mr. Ballin described the budget process to those present and suggested that they could submit a petition to Town Meeting. Mr. Furlong asked what incentive there is for people in New London to want his road to be paved. He asked if there was another way than to go to voters, and asked how regular road repairs are budgeted. Ms. Clough said that the budget for road repairs is submitted to the Budget Committee and Board of Selectmen.

Richard Simek introduced himself as owning property on Laurel Lane, although he does not live there now. He said that while the road does not get a lot of traffic, there are periods of the year in which the road is not accessible by emergency vehicles. As vehicles pass from Wilmot to New London, the road flattens but gets waterlogged and he knows of a Jeep that dragged its bottom on the road. He would not expect that of a typical town road, and would recommend that Laurel Lane be upgraded to the standard of other town roads. He said it is one of the most impassable roads during mud season and treacherous to drive on. He is concerned about emergency vehicle access.

Bob Beach of Hemlock Lane agreed with Mr. Simek and asked Richard Lee if the intent in his memo was to pave the Wilmot portion of the road as well. Mr. Lee responded in the negative. Mr. Beach asked if he would bring Wilmot into the discussion, and Mr. Lee replied that Wilmot had already indicated that it will not pave Laurel Lane. Ms. Levine asked if Laurel Lane ever had to be closed during mud season, and Richard Lee said there is some softness in the spring but it has never been closed. In fact, no roads in New London have been closed for mud season for quiet some time. Ms. Levine asked if Laurel Lane was constructed to town standards, and Richard Lee replied that it was constructed to the standards of the time (1970s).

Mr. Ballin asked about the quality of gravel on the road, and Richard Lee referred to it as “ledge pack.” He said he used it sparingly, adding it to the roads that need it the most. Most recently, he used ledge pack on Sargent Road. He would be willing to add some to Laurel Lane to see if it makes a difference. The material is expensive – \$11 per ton or \$15-20,000 per mile. Mr. Furlong asked if the material had to be renewed, and Richard Lee replied that it does, although not as frequently as gravel. Mr. Furlong observed that the ledge pack has fewer large stones, but Richard Lee said that the 3/4” material on Sargent Road has a lot of stone. Mr. Gray said he has lived on Laurel Lane for 27 years and recalls when the gravel would not compact and residents were “choking in dust.” He said that the quality has improved over the years.

Mr. Ballin asked if anyone present who lived on the roads were happy with the unpaved surface? There were no responses. Mr. Ballin said that some people find gravel roads charming and effective in slowing traffic. He noted that the roads were gravel when people purchased their homes, and he assumes there was no expectation at the time that the roads would be paved. He asked what changed their views of where they live that they now want their roads paved.

Mr. Furlong said that all but two homes on Laurel Lane and Hemlock Lane signed the petition; one has left New London and the other lives 50 yards in on Laurel Lane and prefers the road to

remain gravel. He said that when he purchased his home, he had assumed that the gravel was temporary and would be upgraded over time. He asked Les Shaw if he assumed the road would be paved, and Mr. Shaw said that he had expected the road to be paved within five years of his purchase, and he has been there 21 years. He said there is dust on his windows sills, cars, etc.

Richard Simek said he knew he was purchasing a house on a gravel road but expected there to be safe passage year-round. He has discouraged visitors to his home because of the condition of the road, which was not his expectation. Bill Gray said that Darrell Palmer has pulled cars out of the mud. He noted that if the Board of Selectmen were on their side and made a recommendation to the voters, that would make a difference. Ms. Levine said that the impact of paving Laurel and Hemlock lanes would be 20 cents on the tax rate, not including drainage work and right-of-way purchase, if necessary.

Richard Lee noted that the Board of Selectmen and staff represent everyone, not just these two roads, and it is difficult to ask other residents to pay even more. If folks want to pay for the gravel roads to be paved, then they can vote yes or no. Mr. Gray said he is not asking the Town to just do it, but to support the recommendation to voters. Mr. Kaplan invited those present to meet with the Budget Committee to see if they would agree to support the request.

Chair Clough said she would like to know if emergency personnel agree that Laurel Lane is impassable at certain times of the year. Ms. Levine said that the last time that argument was raised, with Stoney Brook Road, it was dismissed by emergency responders. Mr. Beach noted that even if they could negotiate the ruts and mud, time matters and lost seconds count.

Chair Clough noted that about 99% of the residents of these roads signed the petition, and she understands their pleas to have the Board of Selectmen support their petition. However, she personally does not think that it is appropriate to pave short roads and roads that are not through roads prior to addressing through roads with more traffic. She wishes it were an easier decisions, but does not believe that Laurel and Hemlock lanes reach the criteria of safety, maintenance, and economics.

Mr. Ballin noted that this is an ongoing process, and that these are two of many roads with similar pleas. The Board of Selectmen need to consider everyone. He asked how many of the homes on the petition were actually in New London. Richard Lee said that there are 15 in New London and 10 in Wilmot. Mr. Ballin said that he can assure those present that there will be no promises, unless we can find a creative way to generate funds.

Mr. Gray asked if there is a budget for paving roads. Richard Lee said there is a line item for rebuilding existing paved roads and to shim paved roads, and another budget to upgrade gravel roads (which would remain gravel), but there is no budget to pave existing gravel roads. Chair Clough reminded those present that the Board of Selectmen would accept no more gravel roads as Town roads.

Mr. Gray suggested setting aside a certain amount of money every year to pave gravel roads. Mr. Kaplan agreed with the idea. Ms. Levine said she would prefer a capital reserve fund over an annual appropriation, because the former could be retained if not spent in one year. Mr. Kaplan referred to the high priority list, which would be a minimum of \$650,000 to complete. He suggested spending \$250,000 per year on the high priority roads. Mr. Ballin noted that the irony is that on some of the roads that are a high priority for the Town, the residents do not want them paved, and on roads that are lower priority, the residents want them paved. So, this will take a while to sort out.

Mr. Furlong said that all are taxpayers and are paying for those other roads to be improved with no say in what's being done, so the rest of the roads should not get a chance to weigh in on their road. He said that he and his neighbors have no water, sewer, or fire hydrants but are paying for those services for others in New London, and when he and his neighbors say that they would like their little road paved, voters should be able to listen to them. Chair Clough agreed and said there are several avenues for that to happen, including the Budget Committee and Town Meeting.

Ms. Levine clarified that only users pay for water and sewer, so it is not true that residents of Laurel Lane are subsidizing those services. Mr. Ballin said that the argument that they do not get the same services does not fly because it costs the same to maintain gravel roads and paved roads over a 15-year time period, so those who are on paved roads are paying to maintain the gravel roads, and vice versa. He noted that the budget also goes to support roads that everyone uses, such as Seamans Road. The argument does not hold water with him.

Mr. Furlong asked if the cost of maintaining a gravel road isn't canceled out by paving it. Ms. Levine said that for higher traveled roads, that is true, but for roads that see fewer than 200 cars per day, it is not true.

Mr. Ballin invited those present to the Budget Committee meeting on September 19, to continue the discussion. Mr. Furlong asked what the purpose of the last meeting and today's meeting is. Ms. Clough said that it is to have a discussion about the criteria that are considered, and to hear their input. Mr. Furlong asked where to go from here, and Chair Clough said that the Board of Selectmen could make a recommendation to the Budget Committee and Town Meeting, but she does not get the sense that that is what the other Selectmen want to do, nor does she. She said that Mr. Ballin's proposal to meet with the Budget Committee is a good place to start, and perhaps the recommendation of starting a capital improvements program to pave the priority roads.

Ms. Levine suggested a hybrid program, such as an expendable trust fund that would allow funds to be spent and saved for future years, which would allow contributions to be level-funded so as not to fluctuate on the tax rate. Mr. Kaplan said the idea also eliminates emotionality and highly-charged discussion.

Mr. Ballin asked Richard Lee for an update on the maintenance schedule for Laurel Lane. Mr. Lee said that more material should be added next year, and he would see if he has funds in the budget to add ledge pack this year. He knows he does not have the funds to add the material to the entire road, as there are other roads with more significant problems that will be addressed this year. Ms. Levine noted the delicate balance between Richard Lee's priorities and the squeaky wheel. Richard Lee warned those present that the ledge pack is even dustier than gravel when it dries. Mr. Furlong said there are spots on High Pine Lane with the same material that has held up better than crushed gravel. Richard Lee agreed, but credited the difference to the shade and reduced level of traffic. He again warned that it will be dusty and would need calcium to treat it. Mr. Furlong promised that he would not complain.

The discussion then moved to the placement of a stop sign on Hemlock Lane, where it meets Laurel Lane, and the placement of speed limit signs on Laurel Lane. Mr. Lee said he will review those requests in the field.

Ms. Levine said she would talk to emergency personnel about mud season access to the road, and Mr. Ballin said he would contact New London Ambulance with that question.

Chair Clough thanked those present and they departed at 9:10 AM.

Public Works Projects: Richard Lee remained to give an update on construction projects. He will start work on the Main Street sidewalk shortly, to run from the College Café to CB Coburn and again from the Library to Hayes Road and in front of the Kidder building. Ms. Levine said the sidewalk will run the whole way, but there will not be parking in front of every building. Mr. Ballin noted that the new sidewalk may affect the crossing pattern of kids coming from the schools to the Library, and that the Police Department should take note. Ms. Levine said the crosswalk locations will probably not change, but agreed that different crosswalks may be used in the future.

Sonja Phillips: At 9:30 AM, the Selectmen were joined by attorney Susan Slack and her client, Sonja Phillips, to discuss Ms. Phillips's building permit application, which was denied due to not meeting the corner lot setback. The appeal to the Zoning Board was also denied. Ms. Phillips has returned to the Board of Selectmen to argue that the lot is not a corner lot because the property line does not border the right-of-way.

Chair Clough recognized Susan Slack, who spoke of her client's attempt to build an addition that has been confounded by the Town's interpretation of the setback. Peter Stanley summarized the Town's position, which is that the property is a corner lot and that the right-of-way passes within 20-feet of the rear of the property. After considerable discussion, the Board of Selectmen requested that the right-of-way and the property lines be surveyed prior to the discussion continuing. Ms. Phillips was directed to contact a license surveyor and submit the result to the Board of Selectmen.

King Solomon Masonic Lodge – Application for Tax Exemption: Chair Clough called on Assessor Norm Bernaiche to describe the instant issue. Mr. Bernaiche referred to his July 27, 2007 memo about the Masons' application for tax exempt status, and his determination that they are basically a fraternal organization that did not meet the requirements of a charitable organization because their articles of incorporation did not create an enforceable obligation to conduct charitable acts. He acknowledged that the Masons do great work and that this is an emotional topic. He also noted that the bylaws and articles of incorporation could be changed, which some Masonic Temples have done.

He noted that Ms. Levine's assistant had conducted a survey of towns that have Masonic Lodges, and Ms. Levine read the results. There were mixed results, with most towns will full-time assessing staff taxing the lodges, and most smaller towns considering them tax-exempt. Mr. Bernaiche said this is the purview of the Board of Selectmen to decide as they would like, but cautioned that there may be other similar applications for tax exempt status, and this decision would set a precedent. In other words, their decision could be used against the Town in the future. Mr. Ballin asked the value of the Mason property, which is \$223,000.

Chair Clough recognized Bill Green on behalf of the King Solomon's Lodge, and Mr. Green said the question is, what is charitable? He read aloud the mission statement from the Grand Lodge of New Hampshire, which does not discriminate membership based on gender (Eastern Star chapters are available for women), nationality, religion, etc. He said that nationally, the Masons give over \$2,000,000 to charity, and listed the charitable activities of the local lodge, including \$12000 to the Kearsarge Community Playground, donations to Relay for Life, and the fact that they have just started a scholarship program that will provide approximately \$5000 in scholarships every year.

He noted that as a volunteer organization, members copied the application form from year-to-year without thinking about the intent of the form and so as to now blow their own horn. He gave the Board of Selectmen a list of the Lodge's charitable activities, and added that the Lodge parking

lot is used by boat trailers and by people attending the Elkins Bandstand concerts. He said that the Lodge is not a social organization, such as the Franklin Elks with karaoke Fridays, and is a 501(c)10, which is charitable under IRS rules.

In summary, he said that in the past the organization was recognized by the Town as charitable and has received the tax exemption for quite some time. Ms. Levine asked if the Masons would be willing to amend their by-laws to reflect the obligation to perform charitable activity, and Mr. Green replied in the affirmative.

Mr. Kaplan noted the long list of charitable acts performed by the Masons. Ms. Levine agreed, but noted that the Masons still do not meet the letter of the law, although it sounds like they would agree to amend their by-laws to comply. Mr. Ballin said the financial statements do not reflect the charitable contributions, and encouraged Mr. Green to file more detailed information. Mr. Green agreed to provide more information and update the by-laws to reflect the obligation to perform charitable acts.

Mr. Bernaiche said that ultimately it is up to the Board of Selectmen to determine if the organization is charitable enough to receive the exemption. In the Belmont case, the Town did not present evidence to support its position and filed no objection to the facts stated by the Masons. It is up to the Board of Selectmen to determine if enough charity is being performed.

Mr. Kaplan made a motion to declare King Solomon's Lodge as tax exempt. Mr. Ballin seconded the motion, and asked for it to be amended that the approval is conditioned on amended by-laws and more documentation on their charitable giving. Mr. Kaplan accepted the amendment, seconded again by Mr. Ballin and approved 3-0.

Cook Property dedication: The Board of Selectmen discussed the suggestion of a dedication of the Cook property gift on Saturday, November 3. Due to scheduling conflicts, the Selectmen proposed a new date of November 17.

DOT Hearing: Ms. Levine reported on the DOT hearing on the 10-year plan that she and Richard Lee attended in Lebanon on Thursday, September 6, and asked the Board of Selectmen to attend the hearing in New London on October 18.

Upper Valley Lake Sunapee Region Planning Commission (UVLSRPC): At 11:00 AM, the Selectmen were joined by Christine Walker, the new Executive Director of the UVLSRPC, and by Peter Stanley, New London's representative to and current president of the RPC. Ms. Walker said that she now has a few months under her belt and is making rounds to the member communities to introduce herself and to have a discussion about the communities' issues, services that are needed, etc. This led to a discussion about regional planning, hazardous waste, broadband services, housing needs, GIS & mapping needs, and other planning concerns. After considerable discussion, the Selectmen thanked Ms. Walker for her time.

ASLPT Land Summit: Ms. Levine noted that the ASLPT was hosting a "land summit" on October 27 and referred to the brochure attached to the agenda.

Flow Study: Ms. Levine reported that the flow study is about 80% complete, with 82% access to the interiors for inspections.

New London Hospital parking: Ms. Levine said that the Hospital is trying to identify locations in New London that could be used as temporary off-site parking during the parking lot construction. She asked the Board of Selectmen to consider the use of Bucklin and Elkins Beach parking lots, since the swimming/beach season has concluded. The Board of Selectmen authorized the use of

Bucklin and ten spaces against the trees at Elkins, pending a signed agreement with NLH that included the requirement that they plow and maintain the parking areas. Ms. Levine will proceed with representatives of NLH.

Building Permits

- Ed & Tam Kinzer, 33 Burpee Hill Road, (Tax Map: 082 Lot: 014-000); dismantle a small gazebo that is a hazard. – Approved (Permit #: 07-102)
- The New London Hospital Assoc. Inc, 273 County Road, (Tax Map: 072 Lot: 016-000), install 4 8x20 temp construction trailers for office space & storage w/in the area that will be fenced in around new addition. – Approved (Permit #: 07-103)
- Bruce & Karen Haskell, 59 Farwell Lane, (Tax Map: 70 Lot: 003-000), replace exterior windows and door remodel interior of breezeway, remove picture window, replace w/door, add 12x16 deck to back of house.- Approved (Permit #: 07-104)
- Mindy Maville, 123 Mountain Road, (Tax Map: 112 Lot: 008-000), replace stone stairs w/wood stairs and landing deck 16x21. – Approved (Permit #: 07-105)
- Clayton Ketchum, 554 Pleasant St. (Tax Map: 061 Lot: 008-000), remove westerly & northern stone foundation, rebuild w/concrete add new 5x10 pantry porch replace siding and windows. – Approved (Permit #: 07-106)
- Todd & Marybeth Westward, 344 Brookside Drive, (Tax Map: 121 Lot: 015-000) expand deck on back of house, construct outdoor fire pit, 20x25 storage barn, 10x15 greenhouse outdoor shower & toy storage. – Approved (Permit #07-108)
- Chris & Jodi Broom, 54 Soo Nipi Park Road, (Tax Map:136 Lot: 011-000) renovate kitchen and eliminate north windows and install larger window on west wall. - Approved (Permit # 07-109)

Sign Permits

- Application for permanent sign for Taylor & Cottrill, LLC, 209 Main St. installed on the side of building -- Approved
- Application for permanent sign for Gregory M. Barthol, LMT, 280 Main St. installed to side of building -- Approved
- Application for permanent sign for Linda Howes, CN, 280 Main St. & Lovering Lane, installed to the side of building -- Approved
- Application for a Temporary Sign Permit for Martha Naylor – Information Booth – from 9/8/07-9/16/07 – for SunFest

Other Items for Signature

- Disbursement and payroll voucher week ending 9/10/07 -- Approved

- Application for use of the Sydney L. Crook Conference Room from the Ausbon Sargent Land Preservation Trust for monthly board meetings second Thursday of the month year 2008 -- Approved
- Abatement Recommendation: Steven & Judith Belden, (Tax Map 042-034), 591 Otterville Road
- Land Use Change Tax- Current use \$109,030.
 - Colby Sawyer College
 - Delavan & Janet Cate
 - Robert Ewing Trust
 - Brian & Mary Wicenski
 - Robert & Sandra Brown Trust
 - Barbara Jones Revocable Trust

There being no further business, the Board of Selectmen adjourned the meeting at 12:10 PM.

Respectfully submitted,

Jessie W. Levine
Town Administrator