

**BOARD OF SELECTMEN  
MEETING MINUTES**

**June 12, 2006**

**PRESENT:**

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

**OTHERS PRESENT:**

DJ Lavoie, New London residents  
Peter Stanley, Zoning Administrator  
Michael Todd, Attorney for James & Laura Alexander  
Debbie Cross, Intertown Record  
Carolyn Dube, Argus Champion

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

Hospital Gift: Ms. Levine said that New London Hospital plans to replace its portable sound system, and has offered the old sound system to the Town for its use. Ms. Levine said it is the sound system that the Town borrowed for the ceremony for Anne Ponder, so she is familiar with it. Mr. Kaplan moved to accept the gift with much appreciation. Chair Lyon seconded the motion and it was approved 3-0.

Part-time Vacation Policy: Ms. Levine said that the new personnel policy included a provision that the Board of Selectmen had approved to incorporate last year: to allow prorated vacation time to permanent part-time employees (employees who work more than 20 hours per week year-round). Ms. Levine said that Tracy Library has long practiced that policy for its employees, despite the fact that it is not allowed by the current personnel policy. In addition, the part-time employee in the Sewer Department receives paid vacation time. There is only one permanent part-time employee who currently receives no vacation or holiday benefits, so must take leave without pay. Ms. Levine asked the Selectmen to approve the adoption of that policy prior to the adoption of the entire new personnel policy, because the current practice was unfair in its treatment of the same classes of employees. The new policy would allow prorated time off for part-time employees, and would pay part-time employees for holidays that fell on their scheduled work days. Ms. Clough moved to approve the request. Mr. Kaplan seconded, and asked for clarification purposes if seasonal employees, such as lifeguards, received paid vacation. Ms. Levine said that only year-round full-time employees received vacation and holiday pay. Lifeguards and other seasonal employees did not receive time off benefits. The motion was approved 3-0.

Street Lighting Inventory: Ms. Levine updated the Selectmen on the status of the street lighting conversion. She and Mark Vernon had met the previous Thursday with Sue Blothenberg, the customer service representative from Public Service of New Hampshire, to go over the remaining process. Ms. Levine then reviewed the lighting inventory a final time to make sure that the Town's inventory matched the PSNH inventory, and faxed the Street Lighting Committee's conversion and removal recommendations to Ms. Blothenberg earlier this morning.

Ms. Levine referred to the Street Lighting Committee's guidelines for street lighting, which specify that lights should be used for dangerous curves, intersections, or sidewalks. She asked the Board of Selectmen to consider adding a guideline for "exceptions" that would allow residents to make requests to the Selectmen for street lights that do not otherwise meet the guidelines. Ms. Levine said that the exception guideline would clarify that if the request met a public purpose, then the Town would pay for the street light. If the request was for a private personal benefit, then the individual homeowner would be responsible for the cost. Chair Lyon said that he agrees that there should be provisions for exceptions, but he is comfortable dealing with them on an individual basis. Ms. Clough said flexibility has to be written in -- perhaps by making a list of things that the Selectmen would be flexible about -- but she agreed that the Selectmen could handle the requests on case-by-case basis.

Chair Lyon said that the Street Lighting Committee consisted of a number of people who reviewed the Town's lighting situation, and there will be things that they have not seen or missed. Someone coming back to town for the summer who is unfamiliar with the street lighting decision may react to the removal of some lights. Ms. Clough said the Street Lighting Committee has been focused primarily on energy conservation and has not necessarily involved people in the actual neighborhoods. Ms. Levine said that a public hearing on the changes was held, and the topic was included at the Budget Committee and at Town Meeting. She said that there are not many lights in areas that would be categorized as "neighborhoods," so there are not many removals that affect neighborhoods as such. Chair Lyon said that another x-factor is that people will not know the effect of the change until the lights are converted or removed. He anticipates that the Selectmen will hear some concerns at that point. Mr. Kaplan said it is his recollection from earlier discussions that lumens in the new lights would increase by factor of ten. Chair Lyon said that the new lights will be much brighter, which should make up for the fact that some lights are being removed. Ms. Levine said that was the initial theory, but as it turned out the lights that were recommended for removal were not always among lights that would remain. Chair Lyon reminded the Selectmen that one of the driving factors of the street lighting conversion was the light pollution, and the new lights would have different fixtures to minimize the loss of light to the sky.

DJ Lavoie asked if a sidewalk would be installed on South Pleasant Street from Main Street to Barrett Road. Ms. Levine said that a sidewalk in that location has not been discussed. Ms. Lavoie said that a lot of people walk along that section of road and she recommended that the light near the Tracy Library Garden, which is recommended for removal, be left intact. Ms. Clough said she has respect for Ms. Lavoie's request due to the slope of the hill and the proximity to the Main Street intersection.

Mr. Kaplan said the Street Lighting Committee had done a great job. Ms. Levine said there will be more publicity about the project prior to the actual conversion. Ms. Clough said the publicity will give the Town a chance to adjust to the change, and to recognize that it will look different. Chair Lyon said some folks will not like it, but the goals of the project will be met.

Ms. Levine said that during the meeting with Sue Blothenberg, a question came up about whether the Town should adopt regulations for personal residential lighting. Ms. Levine said the Planning Board is in the process of updating the Site Plan Regulations to include a lighting ordinance for businesses and multi-family residential properties, but the regulations would not apply to regular single or two-family residential uses. She said that residential lighting would most likely have to be addressed in a zoning ordinance. The Selectmen were reluctant to adopt requirements for private property lighting, but would consider recommendations to follow energy conservation and light pollution guidelines.

Ms. Levine said the next step in the process is for PSNH to review the lighting inventory in the field and give us a final cost for conversion. Once started, the conversion will only take 10-14 days.

Public Works & Budget Discussion: Ms. Levine said that she is working on the month-end cost for using Highway Department employees for Sewer Department operations. She is calculating the hourly cost,

including benefits. Chair Lyon recommended using an average percentage of benefits, plus salary, rather than calculating the benefits cost for every employee. The difference in methods would not be significant. Ms. Levine asked if her time should be included in the monthly billing. She said that she could see there being an overall town benefit by having the Town Administrator involved with oversight, but she understands why some would argue that the cost should be borne by sewer users. Mr. Kaplan said that it does not make sense to bill the Town Administrator's time, and Chair Lyon agreed. Chair Lyon added that the administrative time will be heavier during this transitional period and will drop off over time. However, he asked Ms. Levine to keep track of time spent so that it could be reported on. Ms. Clough agreed, and said the question in some people's minds is with all of this time being spent on sewer, where is Ms. Levine finding the time? Ms. Levine said that as with any projects, priorities get shifted around.

Ms. Levine reviewed the Sewer Commission meeting schedule and said she had had a conversation with a Checkerberry Lane resident about the condition of the High Pine pump station. Ms. Levine said she had asked about the homeowners' associations' understanding of ownership and who has historically paid for repairs to private pump stations. She said that users on pump stations have paid \$100 per sewer bill (\$200 per year) for repairs, but that appears to not be in a separate fund, nor is it enough to cover the required repairs at High Pine. The Selectmen agreed that this is something that should continue to be discussed.

Board Appointments: Ms. Levine said that Board appointments and reappointments will have to be done soon. It is on her radar to be completed soon.

Cemetery Funds: Chair Lyon asked if anything had been done in response to the letter from the Trustees of the Trust Funds. Ms. Levine said it is on the agenda for the June 26 meeting, when Carol Fraley will be back from vacation and, we hope, we will have received a response to Pat Sheehan's letter to the Charitable Trust Office of the Attorney General. Chair Lyon said that Uniform Management of Institutional Funds Act (UMIFA) laws created total return concept, which differentiates between earnings and interest. All early discussions about trusts and endowments could be interpreted on total return (e.g., spend certain percentage of three-year average of total market value of the fund). He is not sure if there is a separate municipal version, but it's the same principle.

Mr. Kaplan asked if the principal from the cemetery funds could be used to purchase new land. Ms. Levine said that she does not think it could be used for that purpose, since the money in the funds comes from purchases of plots on existing cemeteries, and is supposed to be used for the upkeep of those plots. Chair Lyon said it may depend on the donor's designation how the funds can be used. All UMIFA does is redefine how we think about what we're spending in terms of the dollars, but doesn't get a recipient out of donor designation. Even then, maximum is 7% spending policy under NH law.

Chair Lyon said this will be an interesting discussion. There are provisions for unfeasible trusts that allow trustees to go through the Attorney General's Office. Ms. Levine said this will be a good time to talk to the Cemetery Trustees as well. She thinks this would be the first meeting between the Selectmen and Cemetery Trustees since she has been town administrator.

Alexander Zoning Violation: At 9:00 AM, the Selectmen were joined by Peter Stanley, Zoning Administrator, and Michael Todd, attorney on behalf of Jim and Laura Alexander of Wilmot Center Road. Chair Lyon welcomed Michael Todd. Mr. Todd acknowledged receipt of the Selectmen's letter regarding the Alexander property, and said that he understands there are two primary issues: his client neglected to apply for building permits and neglected to complete the Site Plan Review process for his home business. Mr. Todd acknowledged that the first issue is before the Board of Selectmen and the second is a Planning Board issue. He said there are three things for which building permits were required: the screen porch on the main home, a standalone shed, and an addition to the large garage (this is the one that hinges on the Planning Board approval of the use of the building for a home business). He

acknowledged the June 23 deadline in the Board of Selectmen's letter, and said he is unlikely to have all of the required actions done by that date. He asked the Selectmen to consider another time frame. He said he could quickly complete building permits for the screen porch and shed, but he wanted a sense of a schedule that would accommodate all of the parties. He added that this is his client's busiest time of year.

Ms. Levine said the Selectmen's primary goal was to have compliance initiated by June 23, so as long as that process has started, the initial deadline has been met. She asked the Selectmen if they wanted to set a second date by which Mr. Todd should check in. Chair Kaplan asked for a status report in 30 days, or the Selectmen's July 10<sup>th</sup> meeting. Ms. Levine said that it would take months to go through the Site Plan Review process, since it is likely that the Planning Board will once again refer Mr. Alexander to the Zoning Board of Adjustment. She said that Mr. Alexander had initiated the process a few years ago but did not follow-up with the Planning Board. She did not want this to fall through the cracks again. Mr. Todd said his client got busy and does not carry a palm pilot around like the rest of us.

Mr. Todd asked if the building permit for the garage could be completed prior to the Planning Board's review. Mr. Stanley said that the addition could legally be used for some purpose that is not business-related, but the business use would have to wait for Planning Board approval. Chair Lyon encouraged Mr. Todd to get the building permits completed. Aside from typing building permits to the use of property, Mr. Todd asked what is the purpose of building permits? Mr. Stanley said that it is to make sure buildings comply with set backs and other zoning ordinances, to make sure no living quarters are added without approval, to make sure energy and septic codes are met, and, Ms. Levine added, to pick up the improvement for assessing purposes. Chair Lyon said that the Selectmen have found instances in which property owners apply to do X and build Y instead.

Mr. Todd asked about the reference in the Selectmen's letter to a local land use citation. Mr. Stanley gave Mr. Todd the statutory reference to land use citations. Mr. Todd said he will make a note on his calendar for a report in 30 days. Mr. Stanley encouraged Mr. Todd to contact Ken McWilliams to get on the Planning Board agenda. Mr. Todd said that he will copy Mr. Stanley on letters to the Planning Board. He asked if he thought Mr. Alexander would have to go before the Zoning Board of Adjustment, and Ms. Levine said that to the extent that certain activities on the property do not meet the current zoning regulations (and are not grandfathered), she thinks that the Planning Board would refer his client to the ZBA. Mr. Todd said that there may be some dispute as to the facts, so his client may not have to go. Ms. Levine said the Town thinks he does, but that remains to be seen. Mr. Todd departed the meeting.

Information Booth signs: Mr. Stanley said that the Town has received an application from the Wilmot Farmer's Market to display a sign at the Information Booth for the summer. He asked the Selectmen if, assuming the sign meets the size requirement, would it be allowed to be put up and left up. Mr. Kaplan said that if it does not meet the sign regulations, then it should not be allowed to remain up. Ms. Levine said that the sign does meet the regulation, which allows signs to be erected seven days in advance of an event. Since this event happens every Saturday, it technically meets the requirements to remain up all summer. She said that last year, the Town asked the Farmer's Market to take down the sign on Sundays and put it up later in the week, and sometimes this happened and sometimes not. Chair Lyon said the seven-day rule is not designed to provide advertising space for regular ongoing events. Ms. Levine said the Bandstand Committee operates in the spirit of the regulation by taking the sign down after the Friday concert and putting it up again on Monday.

The Selectmen agreed that they would like to revisit the sign regulations and asked whether the office had received any complaints about signs at the Information Booth. Mr. Stanley said he has received none, and neither has Ms. Levine. Ms. Clough said this is a regulatory issue that looks towards what will happen in the future. Chair Lyon said the regulation should be reviewed to make sure it still makes sense. Ms.

Clough said there is nothing against Wilmot Farmer's Market, but this is a broader question. Ms. Levine will put this on the agenda for June 26, 2006.

Non-Public: Ms. Levine said that there is one non-public items pursuant to RSA 91-A:3 (a), personnel. Chair Lyon moved to go into non-public session. Second Mr. Kaplan. Roll call vote: Lyon – yes; Clough – yes; Kaplan – yes. No decisions were made in non-public session.

Upon returning to public session, the Selectmen signed the items below:

**Building Permits:**

- Charles and Patricia McMonagle, 209 Gay Farm Road (Map 070, Lot 031), amend and extend Permit 05-037 to fossil fuel heat and extension to complete work on permit issued April 25, 2005 – Approved (Permit 05-037)
- Gail Brown, 160 Old Coach Road (Map 123, Lot 014), permit to construct 10' x 12' addition with kitchen remodeled – Approved (Permit 06-058)
- Steven and Jennifer Nurme, 325 Brookside Road (Map 121, Lot 018) permit for 8' x 10' shed “after the fact” – Approved (Permit 06-059)
- Jerry and Jane Barnes, 800 Lakeshore Drive (Map 051, Lot 005), permit for various renovations and an addition to existing home – Denied refer to ZBA Variance to Article XX, B, 3, b-(Permit 06-060)
- Leroy-Johnson LLC, 353 Main Street (Map 084, Lot 089), permit to install pergola on patio outside “Sargent” room – Approved (Permit 06-061)
- Robert and Sandra Brown Trusts, Bog Road (Map 119, Lot 003), permit to construct garage/storage building – Approved (Permit 06-062)
- John Hartwig, 749 Sugarhouse Road (Map 034, Lot 007), permit to construct various additions – Approved (Permit 06-063)
- Stephen W. Ensign, 62 Camp Sunapee Road (Map 033, Lot 006), permit to build 16' x 22' additional garage space – Approved (Permit 06-064)
- Howard McCollum, 251 Wilder Lane (Map 111, Lot 006), permit to finish area over garage and make it a home office – Approved (Permit 06-065)
- Theodore and Cheryl Clark, 58 Old Coach Road (Map 123, Lot 023), permit to build set of stairs off second floor porch (Permit 06-066)
- David and Gail Hiley, 63 Old Coach Road (Map 123, Lot 011), permit to replace and reside windows in garage – Approved (Permit 06-067)

**Sign Permit Applications:**

- Application for Temporary Sign Permit for Community Garden Committee at Tracy Library for sandwich board sign to be placed at the Information Booth indicating a “Garden Party” for Sunday, June 25, 2006 from 3:00 p.m. through 5:00 p.m. – Approved
- Application for Temporary Sign Permit for Friends of John Hay National Wildlife Refuge for sandwich board sign to be placed at the Information Booth indicating “The Fells, Annual Plant Sale” on Saturday, August 19, 2006 from 9:00 a.m. to 12:00 p.m. at Route 103A, Newbury – Approved

**Other Items for Signature:**

- Disbursement and Payroll Voucher for the week of June 12, 2006 – Approved
- Warrant Yield Tax Levy for the State of New Hampshire – Approved
- Lake Sunapee Bank Line of Credit for Town Landfill in the amount of \$250,000 – Approved
- Lake Sunapee Bank Line of for Sewer/Pump Station in the amount of \$275,000 – Approved
- Application for the Use of Whipple Memorial Town Hall by the Town Clerk hosting for NH Help America Vote Training on Tuesday, July 25, 2006 from 8:00 AM - 1:00 PM - Approved
- Application for Current Use by Ray Frederick, 127 Sutton Road (Map 123, Lot 005) – Approved
- Application for Current Use by Deirdre M. Sheerr Trust, 1452 Little Sunapee Road (Map 030, Lot 028) – Approved
- Abatement Recommendations:
  - Samuel B. Rowse, Route 103A (Map 103, Lot 023) – Approved
  - Sydney L. Crook, C/O Robert D. Crook, Clark Lane (068-012, 013, 014, 015, & 017) – Approved
  - Raymond and Joyce Ettenborough, 127 Summit View Road (Map 138, Lot 005) - Approved

There being no further business, the Board of Selectmen adjourned the meeting at 11:00 AM.

Respectfully submitted,

Jessie W. Levine  
Town Administrator