

**BOARD OF SELECTMEN
MEETING MINUTES**

April 25, 2005

PRESENT:

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

OTHERS PRESENT:

Fred Downey, Chair, Kearsarge Area Community Center Action Committee
Bob Andrews, Recreation Director
Lawrence Rupp, New London resident
DJ and Bob Lavoie, New London residents
Debbie Cross, Intertown Record
Carolyn Dube, Argus Champion

Chair Kaplan called the meeting to order at 8:00 AM.

Balsam Acres: Chair Kaplan acknowledged receipt of two letters hand-delivered by Lawrence Rupp. Mr. Rupp asked for a few minutes of the Selectmen's time. He said that he was encouraged by the fact that the Town had brought Mr. Caron aboard to review the drainage situation, but is discouraged by the amount of water in his basement that threatens the thousands of dollars of tools in his basement. He said that he was also discouraged to receive material from Ms. Levine regarding recent case law on adverse possession, and questioned whether the Town intended to claim adverse possession in this case. He said that his understanding is that adverse possession takes 20 years of use. He departed at 8:03 AM.

Community Center: Chair Kaplan recognized Fred Downey, chair of the Kearsarge Area Community Center Action Committee. Mr. Downey said that he had received a draft of the warranty deed transferring property from the Town to the Community Center, as approved by Town Meeting. He said that the deed is different from the warrant article, in that it includes a description of the land. Ms. Levine said that she had copied the description of the land from the deed from James Cleveland to the Town, and that the conditions listed were those approved by Town Meeting, plus the two conditions that had previously been discussed but not finalized. Mr. Downey agreed that conditions 1-3 were taken from the warrant article that was approved by Town Meeting. He said that he had a few minor changes. Ms. Levine said that unless the changes are grammatical, she would not feel comfortable about changing the language approved by Town Meeting. Mr. Downey agreed.

With respect to condition 4, regarding free use of the skating pond to the public, Mr. Downey said that he does not foresee a change in use of the pond, but it is conceivable that it may change and he would not want to guarantee free access if there is a hockey tournament or other similar event. Mr. Andrews said that he would also expect the skating rink to be operated in the same way the rink on Main Street operates. Ms. Levine suggested that condition 4 could read something like "when the rink is open to the public, there shall be no charge to the public." That would leave the Community Center the ability to close the rink and charge for special events. Ms. Clough asked how often it would be closed to the public, and Mr. Downey said that they could agree to some maximum amount of time, such as 10% of the time. Mr. Lyon said that they do not want to preclude the Community Center from its ability to use the

rink for fundraising activities. Mr. Andrews said that the only thing he pictures is having an open pond hockey tournament, but he does not envision that to be a regular event. Mr. Downey suggested putting in wording about the amount of time that it would be open to the public. He also suggested eliminating the statement "residents and non-residents"; the term "public" will incorporate everyone.

Mr. Downey moved on to condition #5, regarding a wetlands buffer between Bittersweet and the Community Center. Mr. Lyon said that he is the one who had raised this issue; when the Selectmen met with Mr. Downey and Ross Stevens during a conceptual discussion, Mr. Stevens had commented that the boundary with Bittersweet is primarily wetlands and unusable. Mr. Lyon had suggested preserving that area as a wetlands buffer to replace the wetlands that the Town was transferring to the Community Center. Mr. Downey asked if the Planning Board wouldn't consider the buffers. Ms. Levine said that so far, the Planning Board has been concerned with the buffer between the playing fields and the residential properties in Birch Acres, and the Selectmen have discussed the wetlands on the opposite boundary of the property. Mr. Downey said that he would want a buffer anyway for the benefit of Bittersweet residents, and said that perhaps we could agree on the size limit of the buffer. Mr. Lyon said that since permitting will be required to do anything in the wetlands anyway, he is comfortable with letting the Conservation Commission and Planning Board work out the size of the buffer. Mr. Andrews showed the Selectmen a conceptual plan of the property, and said that the cross-hatched area on the plan is wetlands. The Community Center had to go to the Zoning Board of Adjustment to get permission to cross the wetlands with the driveway, and they would have to return to the ZBA and perhaps the state to do anything further. Ms. Levine suggested that condition #5 be rewritten to say that the parties agree to keep a buffer between the Community Center and Bittersweet, said buffer to be determined by the Planning Board. All agreed with that change.

Ms. Clough said that it would be good to have the deed somehow include the ZBA and Planning Board minutes. Ms. Levine said that it would all be together in the town files, but that the Town could send the final Planning Board approval to be recorded at the Registry of deeds.

Mr. Downey said that he will meet separately with Ms. Levine to work out the remaining language of the deed. The Community Center expects to go before the Planning Board within the next couple of months. He thanked the Selectmen for their time.

Recreation Department Adventure Camp: Chair Kaplan recognized Bob Andrews, Recreation Director. Mr. Andrews distributed brochures for the new Adventure Camp that he has been working on for this coming summer. He said that he wanted to expand the day camp idea to older kids, those entering grades 6-8, and the Adventure Camp will offer programs more attractive to that age group, such as hiking, sailing, climbing, etc. By Wednesday, he hopes to have confirmation from the camp counselors, both of whom would be excellent to have on board. For the first year, he plans to have two counselors and 8-10 campers, just to get a feel for how things will work out.

Ms. Clough asked if there are any first aid training requirements for the counselors. Mr. Andrews said that both counselors will have a Red Cross or similar CPR certification, and he also hopes to have them attend a wilderness CPR course in June. One of the potential counselors also has lifeguard certification

The camp will run from July 5 to August 12, though it could open earlier and run later, depending on the counselors' schedules. Ms. Clough asked if the program would run even if there only a few kids. Mr. Andrews said that he doesn't expect that to be a problem, as the ad has run in the Shopper for one week and he has already received inquiries. He said that he has not had the opposite problem either; with the day camp, he did not have to turn anyone away but had good numbers to run the camp.

Mr. Lyon suggested having Nancy Lyon do a presentation on "how not to get lost in the woods." Ms. Clough said that it's a tough age group – not old enough to work and too old to do other activities. Mr. Andrews said that this is a good opportunity to be active in the summer and to be with older peers. Ms. Clough asked if there was any concern about the fitness level of the campers. Mr. Andrews said that it may have to be looked at, but hopes that this would be a good way to get kids active and outside. Mr. Kaplan asked what would happen if it rained. Mr. Andrews said that traditionally, adventure programs go on anyway unless the rain would cause unsafe conditions.

Mr. Kaplan thanked Mr. Andrews for the discussion, and Mr. Andrews departed.

Minutes: The Board of Selectmen reviewed the minutes of April 18, 2005. Ms. Clough said that with respect to the discussion about paper subdivisions, she recalled Mr. Lyon saying that the voters had approved changing the lot size requirement, and the Planning Board should not go against the will of the voters in allowing nonconforming subdivisions to remain. Ms. Clough moved to approve the minutes with that change. The minutes were approved 3-0.

Adelphia: Chair Kaplan asked if Ms. Levine was simply making the Selectmen aware that Adelphia might change hands. Ms. Levine said that the franchise agreement had transferred from Kearsarge Cable to Casco to Frontiervision and then to Adelphia, and it now looks like it would go to Comcast in 9-12 months. She asked if the Selectmen typically reviewed the franchise agreement when there is a change in ownership, and whether they would want to do so regionally in conjunction with other towns. This led to a discussion about the expiration of the franchise agreement (2008) and items that should be included in the renewal. Mr. Lyon said that we should expect to hear from Comcast because it will likely change the programming in New London. Mr. Lyon added that we should start now to think about items to be included in the franchise agreement renewal negotiations.

Keeping New London Presentable: Ms. Levine said that Dave Bowen and Ron Koron organize volunteers every year to clean up trash and debris from town roads. Usually, they do so under the radar, and she referred to a copy of the letter from the two leaders to the participants in the clean-up, called "Keeping New London Presentable." The Board of Selectmen agreed that they should get more recognition for the work that they do, and asked the two reporters present to include mention in their papers.

Personnel Policy: Ms. Levine said that Peggy Brown is making progress on revisions to the personnel policy. She asked the Selectmen how they wanted to review the potential changes with staff. She asked if the Selectmen wanted to meet with staff by department or in larger groups. After some discussion, the Selectmen decided on meetings across departments. The Selectmen said that they would like to review the changes and circulate them among staff prior to meeting with staff. Ms. Levine said that the length of the document will change, since it will combine the full- and part-time personnel policies and will add a number of provisions that had been missing from the current policies.

Chair Kaplan said that he wants to make sure this is a broad policy that covers all departments. Different departments, such as library and sewer, should not adopt their own personnel regulations. Ms. Levine said that those departments are governed by separate boards and can choose to follow the Town's personnel policy or adopt their own. She said that in the Library's case, the Trustees had adopted the Town's policy with the exception of part-time vacation and pay. All departments that are governed by the Board of Selectmen would have to follow the Town's personnel policy. She said that some positions – such as police officers, town clerk/tax collector, and the road agent – are also controlled by state law that might replace the personnel policy in certain instances, such as termination.

Mr. Lyon agreed with Chair Kaplan's suggestion that all departments should have to follow the Town's policy. He suggested that once the changes are made, the Selectmen should meet with the other boards

and ask them to adopt the policy. Chair Kaplan said that he is concerned about uniformity; he understands that the other boards can make exceptions, but questioned whether that was a good thing for the town. Ms. Clough said that they have the authority to do so and can maintain their independence. Mr. Lyon said that the benefit of meeting together is that perhaps the other boards would suggest changes that would benefit all employees.

Ms. Clough asked if the Board of Firewards also adopted their own personnel policy. Ms. Levine said that the Firefighter's Association had adopted by-laws that govern their appointments and operations, and that it incorporates certain parts of the Town's personnel policy by reference.

Ms. Clough said that once the Selectmen receive the draft policy, they should talk to the other boards and to town employees. Ms. Levine said the draft should be completed sometime next week.

Work Request for Driveway Permit: Ms. Levine referred to a letter from Michael Work requesting permission to re-install a culvert under his driveway on Squires Lane. Ms. Levine said that typically, Richard Lee would ask a property owner to complete a driveway permit and the culvert would be permitted as long as the water continued to flow in the same manner. In this case, Richard Lee does not want to give approval without the Selectmen's consent, due to the downstream property owners who have already raised concerns about the drainage in that neighborhood. Mr. Lyon said that he would suggest holding off on the decision until the Selectmen have completed their review of the drainage work in that area. Then, if the Town goes forward with burying the drainage on the remainder of Squires Lane and Balsam Acres, the culvert could be installed at that point. He does not want to penalize the Works for the problems downstream, but does not want to add to the perception that more water is being sent downstream either. Ms. Clough suggested that Michael Work be invited to attend the Selectmen's meeting on Monday with Mr. Rupp and the Gibsons. Ms. Levine said that she had informed Mr. Work that the decision might not be immediate, and she will contact him to invite him to the meeting.

Mr. Lyon said that he hopes Monday's meeting will result in a plan for the Town to address the drainage complaints. Ms. Levine said that she had asked Lou Caron, the engineer, to attend the meeting, and he will be prepared to give his opinion about the situation. She asked the Selectmen if town counsel should be invited to attend, and the Selectmen agreed that town counsel should be there to observe the discussion, but not to participate.

Castle Lane: Ms. Levine said that Doug Sweet had delivered a composite plan of the Castle Lane subdivision, showing the actual road and lot layout, as required by the Board of Selectmen at their meeting of February 14, 2005. Richard Lee had reviewed the plan and the road and found all to be in conformance. The Board of Selectmen reviewed the layout. Mr. Lyon moved to accept Castle Lane as a town road. Seconded by Ms. Clough and approved 3-0. The Board of Selectmen signed the Return of New Highway and the mylar to be recorded at the Registry of Deeds.

Joint Assessor Revisions: Ms. Levine said that she had met with Donna Nashawaty and Dennis Pavlicek to review the suggested changes to the Intermunicipal Agreement for assessing services from the Attorney General's Office and from Barbara Reid of the Local Government Center (formerly of the Department of Revenue Administration). The Selectmen reviewed the revisions to the agreement and approved. Ms. Levine said that she will wait to hear from the other two towns before asking the Selectmen to sign the agreement. She said that in the meantime, the Selectmen should think about a resident to appoint to the Joint Board, since this is New London's year to appoint a resident member. It would be a one-year term. Newbury will appoint a Selectmen. The other three members of the Joint Board will be the town administrators in Newbury and New London and the town manager in Sunapee. Mr. Kaplan said that any resident on the Joint Board would have a conflict of interest. Ms. Levine said that the Joint Board has no authority over the assessing functions; the Board is intended to hire and supervise the assessing staff,

oversee the division of time among the towns, and prepare the annual budget. The Board of Selectmen discussed people who might be appropriate for the position, and Ms. Levine will make some phone calls.

Milfoil Letter: Ms. Levine referred to a draft letter to lake associations inviting them to apply for milfoil prevention funds, as they did last year. The only additional requirement this year is that the lake association's must explain their use of last year's funds. The letter asks lake associations to submit their requests to the Conservation Commission by May 16 so that they can be reviewed at the May 18 meeting. She is waiting to hear from the Conservation Commission before sending the letter. The Board of Selectmen approved the letter.

Citizen's Advisory Committee: Ms. Levine reminded the Selectmen that Bruce King would attend Saturday's CAC meeting. There will be new CAC members at the meeting, and Ms. Levine suggested that Chair Kaplan do a roundtable introduction at the outset of the meeting.

Staffing Update: Ms. Levine said that the new office assistant position is working very well and has improved the work output in the office. She said that the Police Department has made an offer for the administrative assistant position and is waiting for the background check. The same goes for the open dispatch position, and they should know soon about the police officer position.

SIGNATURES:

Building Permits:

- Ann Beardsley Bedard, 792 Bunker Road (Map 76, Lot 15), permit to replace wooden access stairs to seasonal dock with 4' x 19' aluminum ramp with rails – Approved (Permit 05-029)
- Jim Brown, 30 The Seasons (Map 146, Lot 002-030), permit to winterize screen porch – Approved (Permit 05-033)
- Susan Cooper Brown Rev. Trust, 48 Goosehole Lane (Map 42, Lot 12), permit to add two-story edition to end of existing home – Approved (Permit 05-034)
- Carol S. Foss, Camp Sunapee Road (Map 45, Lot 38), permit to build new three bedroom home – Approved (Permit 05-036)
- Charles & Patricia McMonagle, 209 Gay Farm Road (Map 70, Lot 31), permit to relocate 8' x 12' shed and construct 20' x 24' outbuilding – Approved (Permit 05-037)
- John Pope, 98 High Pine Lane (Map 44, Lot 10), permit to build dual pitched room over existing flat roof – Approved (Permit 05-031)
- Brent & Kimberly Roberts, 53 Spruce Lane (Map 45, Lot 040-006), permit to finish basement into two bedrooms, one family room, one office/storage and one bathroom – Approved (Permit 05-030)
- Peter & Deborah Stanley, 638 Burpee Hill Road (Map 56, Lot 6), permit to convert existing deck on house to combination mudroom/screen porch, per plans, and to open load bearing wall between kitchen and dining rooms – Approved (Permit 05-035)
- Arnold & Marion Stetson, 375 Wilmot Center Road (Map 52, Lot 2), permit to relocate 12' x 20' storage shed – Approved (Permit 05-032)
- Michael and Christine Work, 126 Squires Lane (Map 85, Lot 47), permit for removal of existing garage and construction of new 24 x 32 garage and breezeway – Approved (Permit 05-038)

Sign Permits:

- NONE

Other Items for Signature:

- Disbursement Voucher for the week of April 25, 2005
- Warrant for Yield Tax in the amount of \$1,321.27 (for Phillips Preserve, Map 29, Lot 1)
- Warrant for Yield Tax in the amount of \$77,000 (for various properties coming out of current use)
- Application for Use of Town Office Conference Rooms, by American Red Cross (Concord Chapter), for Saturday, June 4, 11 and 18 – Approved
- Applications for Veterans' Credits and for Elderly Exemptions
- Appointment of Margaret (Peg) Moreland to Archives Committee
- Application for Conservation Restriction Assessment by Peter and Deborah Stanley, 638 Burpee Hill Road (Map 56, Lot 6), for 7.5 acres – Approved
- Abatement for 209 Sugarhouse Road (Map 35, Lot 12) – denied due to untimely filing

There being no further business, the Board of Selectmen voted to adjourn the meeting at 10:30 AM.

Respectfully submitted,

Jessie Levine
Town Administrator