



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES May 5, 2009

PRESENT:

Larry Ballin, Chair
Tina Helm, Selectman
Mark Kaplan, Selectman
Chad Denning, Recreation Commission Director
Dave Seastrand, Chief of Police, New London
Jessie Levine, Town Administrator

OTHERS:

Richard Anderson, Resident of New London
Peter and Kathy Bianchi, Residents of New London
John and Sue Clough, Resident of New London
Joe and Laurie DiClerico, Residents of New London
Carol Foss, Resident of New London
Howard Hoke, Resident of New London
Molly MacNaughton, Resident of New London
Robert H. Scott, Resident of New London
Jack Sheehan, Resident of New London
John and Kittie Wilson, Residents of New London
Debbie Cross, Intertown Record

Application for Building Permits:

- Madelin R. Gilson, 782 Pleasant St. (Map & Lot 049-009-000) remove, replace and repair window and sill – Permit #09-023 – Approved.
- William Granger, 493 Pleasant St. (Map & Lot 061-007-000) demolition of out building – Permit #09-024 – Approved.
- Anne Cushman & Katharine Fischer, 81 Knights Hill Rd. (Map & Lot 082-039-000) add deck to back of house – Permit #09-025 – Approved.
- James Oates, 522 Lake Shore Drive (Map & Lot 050-012-000) demolish old garage/shed – Permit #09-026 – Approved.
- Kevin & Jennifer Johnson, 11 Jenny Lane (Map & Lot 074-022-000) build 2 car garage – Permit #09-027 – Approved.
- Jon B. Nelson, 112 Parkside Drive (Map & Lot 073-009-000) build deck on back of house – after the fact – Permit # 09-028 – Approved.
- Jane & Arthur Boland, 1519 Little Sunapee Road (Map & Lot 030-005-000) renovate 3 bathrooms, cut assess hole through crawl space in foundation – Permit #09-029 – Approved.
- Gena & Andrew Edmunds, 91 Edmunds Rd. (Map & Lot 095-027-000) repair & remodel of interior – Permit #09-030 – Approved.

- Raymond & Susan Chacho, 21 Quail Run (Map & Lot 109-021-000) remove & replace 2 sheds – Permit #09-031 – Approved.
- Susan & Stephen Immelt, Route 103A (Map & Lot 080-003-000) revegetate pathway to lake with native species – Permit #09-032 – Approved.
- EXTENSION - KJAM Associates, Habib Gorgi, 812 Route 103A (Map & Lot 103-021-000) continuation of building project – Permit #08-035 – Approved.

Application for use of Sydney Crook Room:

- Richard Lougee for US Senator Judd Gregg, public office hours – Tuesday, May 26, 2009 10:00 – 11:00 AM – Approved.
- Adventures in Learning – CSC – Tuesdays & Thursdays September 22 – October 29, 9:00 am – 12:00 pm and 1:00pm – 4:00pm – Approved.

Application for use of Whipple Memorial Town Hall:

- SKIT, Thursday's, June 4, - September 24, 6:30 PM – 9:00 PM (they were scheduled and approved for Monday nights but had to change to Thursday nights) Approved.

Application for Current Use:

- Big Hilltop LLC, Davis Hill Road, Route 103A (Map & Lot 068-010-000) – Approved.

Application for Sign Permits:

- Kearsarge Comm. Pres. Church, 82 King Hill Road (Map & Lot 084-014-000) Yard Sale sign at church and information booth – Approved. (temporary sign)
- Kearsarge Arts Theater – PO Box 704 signs for Godspell to be put at information booth in June – Approved. (temporary sign)
- New London Inn, right basement unit, 353 Main St. (Map & Lot 084-009-000) Latitude Art & Antiques – Approved (permanent sign)

Other:

- Disbursement voucher week of 5-4-09 - Approved
- Letter from Plodzik & Sanderson, re: Audit procedures – Approved
- Irving Energy Distribution & marketing price agreement – Approved
- Property Tax Warrant for the First Property Tax Billing, 2009 – in the amount of \$8,233,215.59 – Approved
- Policy on Community use of Town Property – Approved.

Chair Ballin called the meeting to order at 6:06 PM.

Police Department Update: Chief Seastrand presented the proposal to purchase a new police cruiser and two highway safety grants for the Selectmen's consideration. The grants were for a DUI enforcement grant and a sobriety checkpoint grant. Chief Seastrand proposed the purchasing of a Chevy Tahoe for \$27,209.20 to replace an over six years old Ford Expedition which is up for replacement. This vehicle meets the request of the Energy Committee, which requested that the new vehicle be energy efficient since it is equipped with a fuel management system. This system utilizes two batteries, one supports the electronic systems of the car when it is turned off and the other supports those systems as well as the running of the car. This will enable the car to run its electronics without starting the car. Once the car is started, the other battery will take over the functioning of the car as well as recharge the first battery. This fuel management system allows the car to run on four cylinders unless needed, which will translate into a

fuel cost savings. The roll bar and cages should be able to be transferred from the old vehicle to the new one. The lights and radio replacement will be added to this cost, but it will still be under the \$34,000 budgeted for this purchase. The paint color and detailing will be the same as the current car. He added that it will take nine weeks to get delivery of this vehicle. Mr. Kaplan moved that the Town accept the \$27,209.20 bid for the new police cruiser. This was seconded by Ms. Helm. There being no further discussion, the motion was passed unanimously.

Mr. Kaplan asked about a trade-in value of the older vehicle. Chief Seastrand said he had not researched this. The Selectmen understand that typically the Town sells police vehicles through a surplus auction but Chair Ballin asked Chief Seastrand to obtain the market value of this car for their information and consideration.

A discussion followed with Chief Seastrand regarding the two State Highway Safety Grants to be considered for signature. The first focuses on DWI enforcement and the other is for sobriety checkpoints. Funding in both of these will primarily cover the overtime costs associated with the additional patrols which will be involved in both grants. The DWI enforcement grant (\$3,630) will focus primarily on the weekends, during the hours of 9:00 PM and 2:00 AM. However, there is some flexibility with this if other times can be justified.

The second grant is for sobriety checkpoints (\$2,420). Chief Seastrand explained that twice this summer, with Sunapee and Bradford, sobriety check points will be set up. This will include a road block, which will be advertised ahead of time and approved by Superior Court. These road blocks are primarily educational in nature. Every person that goes through will be asked if they have been drinking, and given a survey card to evaluate the experience. During the brief, less than two minute interview by the officer, the driver will be reminded of the importance of a designated driver and asked to drive safely. The sobriety grant allows for eight patrolmen, appropriate signage, and educational tools. During this interview, if the officer observes the use of alcohol, driver license or registration issues, or any faulty vehicular equipment the individual can be asked to step aside and the officer will deal with those issues in greater detail without holding up other motorists.

A third grant, which is under preparation, will target speed enforcement in those areas where complaints of excessive speed had been an issue. This grant will cover the cost of additional personnel, signage, and other educational materials. Ms. Levine said that this grant had not yet been given to her for signature. Chief Seastrand said he would get it to her. It was moved by Mr. Kaplan to authorize the Chair of the Board of Selectmen on behalf of the Board to sign the DWI enforcement and sobriety checkpoint highway safety grants. This was seconded by Ms. Helm. There was no discussion and the motion was passed unanimously. Chair Ballin signed these grants on behalf of the Board.

Chair Ballin asked Chief Seastrand for an update on the Whipple Town Hall project. Chief Seastrand replied that it is ahead of schedule and under budget. He anticipates that the project will be completed before the May 21 original completion date. Chair Ballin commended Chief Seastrand for his efforts and those of his staff.

MINUTES: The minutes of the April 20, 2009 meeting were amended as follows: Page 12, last paragraph, line 6, the word story should be changed to store. Page 7, third full paragraph, fifth line down, the letter "r" in rowing club should be capitalized. Page 6, 4th paragraph, line 2 should read ...and that they were not aware... With those corrections, Mr. Kaplan moved to accept the Minutes. Ms. Helm seconded the motion. There being no discussion, the Minutes were accepted. A review of the Minutes of the April 28th was postponed until the next meeting.

NEW BUSINESS:

Town Property Use Policy: Chair Ballin referred the Selectmen to the Policy on Community Use of Town Property which was included in their agenda packet. Ms. Levine said that she had edited this to add some of the comments that were raised at a prior meeting. The edits are:

- Paragraph one, at the request of someone during the public hearing, she added the words “including seasonal use of Town property that will continue from year-to-year.” She explained the purpose was to require the Selectmen to return to Town Meeting if there is a new seasonal use that will continue from year-to-year.
- Paragraph 3 added the word “etc.” instead of “(other?)” in the phrase “with the exception of the use of the Bandstand, Clark Lookout (other?) for wedding ceremonies.”
- Paragraph 9, brackets were deleted around the number “24” to indicate that clean-up must be completed within 24 hours.
- Paragraph 13 was inserted per Michael Todd’s suggestion at the last meeting. It reads “The use of Town property will comply with all deeds and easements that relate to the subject Town property.” This changed the numbering for the subsequent paragraphs: Paragraph 14 was the former number 13; former paragraph 14 becomes 15; former paragraph 15 becomes 16, and former paragraph 16 becomes 17.
- In paragraph 17, the words “and to waive any of the requirements of this policy for legitimate governmental purpose” were added.

Mr. Kaplan asked a question regarding the use of the beach by high school students for a party. Ms. Levine and Chair Ballin responded that this would be allowed as long as there was a New London resident among them and the others were his or her guest(s). They would be expected to comply with parking regulations and beach use regulations, just as any other users would.

Judge DiClerico posed a question regarding paragraph 17 and whether or not the Board of Selectmen would reserve the right to waive any requirements for legitimate governmental purposes, that would not include any restrictions in deeds, would it? Ms. Levine said that he was correct.

Mr. Bianchi asked if the May 12, 2003 alcohol policy could be briefly summarized. Ms. Levine said that this policy prohibits any alcohol on any Town properties at all unless permission is obtained from the Board of Selectmen in advance, have two people serve as designated drivers, have people checking IDs, have the space contained and comply with State liquor laws. She added that this request is a rare and in the past has only included a request for receptions held at Tracy Library, the Rotary Club when they hold their Wine Tasting Fundraiser on the Town Common, and the Fire Department’s Pay Night dinner. He asked if this included people drinking at the Elkins Beach Dam. He was told that Elkins Beach was included. Ms. Levine said that this policy included all Town property and if someone was seen drinking on Town property, the police should be called. She said the policy was revised in 2003 after a judge ruled it to be insufficient at that time.

Mr. Kaplan moved to approve the revised policy for use of Town property as presented to the Board. This was seconded by Ms. Helm. There being no discussion, this motion was passed.

Town Beaches- Special Town Meeting: Ms. Levine said that she had received a petition from over 60 Town residents (over 50 of which have been certified by the Town Clerk as registered voters) “to see if the Town will direct the Board of Selectmen to hold a special Town Meeting for the purpose of repealing Article 38 passed at the 1986 Town Meeting.” She said that once a petition is delivered, the Town Meeting must be held within 60 days of its receipt. She said that the schedule for this meeting is further

dictated by the amount of lead time needed for the Supervisors of the Checklist to advertise and hold a session to update the checklist. Assuming the meeting will be held on a Wednesday night she advised that the Board of Selectmen must sign the warrant and post it in two public places (including the place of the meeting) no later than 14 days prior to the meeting date (not including the posting or meeting date) according to RSA 39:5.

A discussion followed regarding the timing of this meeting and possible dates then followed. June 8 and 15 were identified as the best possible dates. Ms. Levine will check on the availability of the moderator and function room space, as well as review the time requirements to ensure compliance with State statutes. Ms. Helm asked if this would be the only issue brought up at this special meeting. Ms. Levine and Chair Ballin said that yes, this meeting would be specific to this one issue raised by the petition. Chair Ballin said that the date will be published electronically as soon as it is identified.

Ms. Helm said that she would like to go on record as saying she does not generally favor a special Town Meeting to address one specific issue. She realized that there was no choice in regard to a response to this petition, but she did not think it was a good use of Town dollars.

Mr. Hoke asked if another petition could be introduced for a new article at the same meeting. Ms. Levine said that it would have to meet the time lines for this meeting, which does not give a second petition much time with a potential meeting date of either June 8 or 15. She said she would hope, however, that if the Town were to receive a second petition that they could both be discussed at the same meeting. She also said that the second petition would have its own rights under the law so if it is unable to meet the deadlines for this meeting another meeting would have to be scheduled. It was clarified by Ms. Levine that if an article is not warranted, it cannot be brought up at a Town Meeting. Mr. Wilson asked if an article can be amended at the Town Meeting. Ms. Levine said she believed it could be but that she would check on that to be certain.

Ms. Levine said that the Board of Selectmen would like to restore the management of the beach to the Selectmen to include hours of use. If the 1986 Article is repealed and the Selectmen would draft and approve an ordinance, then that ordinance would be legal with the added benefit that it could be amended later if it is determined that this is needed. She said that this gives the Selectmen an opportunity to draft an even broader ordinance than was drafted in 1986. Chair Ballin said that this draft ordinance will be available at the special Town Meeting and will be published well before.

Mr. Wilson asked if there was a comprehensive list of all the Town ordinances. Chair Ballin said that there was not. He said that would be something he would like to see the Town have, but it would be labor intensive to obtain. Ms. Levine said that the attempt to create a comprehensive Town ordinance was discussed at a recent CAC meeting. This effort might re-write some ordinances and replace some that exist, but it would attempt to put everything all in one place.

Mr. Anderson sited the discussion at a recent CAC meeting regarding this petition, and the restrictions of the hours of use of the beach and use by residents and their guests. He expressed some concern for the broader issue that the Board may be setting a precedent with quite a bit of discretion of future Boards regarding the use of a valuable asset of the Town.

Judge DiClerico asked that in terms of amending that petition, could a motion lie at the special Town Meeting, for example, to not repeal certain paragraphs of Article 39? Chair Ballin responded that for this Town Meeting the Board will draft a proposed policy before the next regularly scheduled meeting which may elevate some of the concerns on the part of the residents. Judge DiClerico said that a policy is only as good as long as the three Selectmen agree, and that this policy can change with the Board, whereas something like a by-law or an ordinance is agreed to by the townspeople. Chair Ballin responded that is why we are having a special Town Meeting. Ms. Levine further clarified that there are ordinances in

place now that have been passed by past Boards of Selectmen that are still followed. This would be following that pattern.

Mr. Bianchi said that there are two ways to have a special Town Meeting: petition by residents or the Board of Selectmen asking for one. He asked if it would be possible to have the Board of Selectmen ask for a special Town Meeting to be held the same night as this Town Meeting and make their ordinance available then as a separate article. The first part of the meeting could amend the problems with Article 38 as requested by the petition. The second part of the meeting would regard a second Article as presented by the Board of Selectmen as an alternative to Article 38. This would make any changes as an ordinance and not just a policy change by a particular Board of Selectmen. Ms. Levine said that the petition to the Board requires that a special Town Meeting be held but that the Board of Selectmen write the warrant, so they could put another article(s) on that warrant as long as they are not monetary. She said that she advises against it, however, as it would require another Town Meeting vote should that article ever need to be changed in the future.

Mr. Hoke asked whether or not giving the Board some latitude is a bad thing and why it is not better to give the Board some or total flexibility. He said that Article 38, the way it is presently written, does not give the Board any latitude at all. Ms. Levine said that the residents can see how much flexibility the Board has and that everything they do is transparent and done under the public eye. Mr. Hoke continued that over the last 10 or 12 years he tended to trust the direction that the Board has gone and expects that the transparency will continue in the future. But he can also understand that it is reasonable to have a regulation that is voted on by the residents that gives the Board some latitude in some areas but is very specific in other areas. Ms. Levine thought that this was possible and might bring some normalcy to the process, but one of the downsides is that when it is passed at Town Meeting, it is possible that in succeeding years this ordinance will get lost in history, as this one did, and not be considered any longer. Part of the goal as suggested earlier was to have a comprehensive ordinance that helps the Town keep on track of all those that are in place.

Mr. Ballin said that this then becomes the responsibility of the Board of Selectmen to track these ordinances, indicating that this ordinance, passed in 1986, was never enforced by any Board since it was passed. He opined, why not let the Board of Selectmen create something that will be approved or disapproved and move forward and then this becomes a part of the Board's responsibility. Mr. Bianchi asked if the Town would have to follow its own ordinance that was passed, saying that there were Town zoning and parking ordinances which were not followed. He asked if this was legal. Ms. Levine said that it is not legal for the Town to ignore its own laws and ordinances, other than the zoning ordinance, which the law specifically allows. If the Selectmen found that an ordinance needed amending, it would have to go through a public process as we are doing now.

Ms. Helm said that she would be willing to compromise on some of the issues here if it means that some kind of resolution could be reached on the issues facing us here. She said it is very clear that the 1986 ruling is very restrictive and if this can be made a little less restrictive and everyone could come to some sort of compromise. She does not feel, as a Selectman, she would need absolute and total control. She added that having said that, the Selectmen are the Town's elected officials and it seemed to her that there does have to be a reasonable sense of trust here. Witness the amount of time that has been spent on this issue on the last month trying to be good listeners. She said that if people do not like what the Board is doing they can run against them. She added that while they are in the position of Selectmen they have the responsibility to make the best decisions they can and that there has to be a dimension of trust in this relationship. She added that she is getting a little impatient with being hit in the face when she believed that the Selectmen were really trying to do the best that they could for the most people in this Town. She concluded that she would be willing to compromise on some of these issue, but not because the Board was not trusted in the future.

Mr. Kaplan commented about the entire process and said that whatever the Board of Selectmen decides to do the worst thing that can happen is that some people will be upset. If that occurs, they can ask to have it changed. He said the Board has always addressed themselves to the value and what the Town wants as a whole, not what is good for certain neighborhoods. This may upset some people in a certain neighborhood, but they can ask to change it, as in the case of the 1982 ordinance. He said he agreed with Ms. Helm and added that if it is perceived the Board is making mistakes, then the Town can change the Board. He felt that the Board needed to have a policy with some flexibility to enable them to govern the Town. He wondered why the Rowing Club request could not have been tried for a year. He said the worst that could have happen is that it would not have worked for the Town and therefore would not have continue. He thought that from his point of view this was what was so frustrating and thought that Ms. Helm was expressing that same frustration.

Mr. Hoke said that his tendency and desire was to give the Board the latitude to manage the Town property within the confines of the policy. He said that this policy could be updated as needed and that he was personally comfortable with the Board of Selectmen drafting a policy. Chair Ballin said as soon as the Board could they would have a draft policy available for review.

Ms. Bianchi said that while she recognized that the Board has the responsibility to do what they were elected to do, she wanted to make sure that they understood the needs of the citizens to get involved and have input into Town decisions. She hoped that the difference of opinions was not interpreted as harmful feedback and was not meant to convey as lack of trust.

Seeing no further hands to be recognized, Chair Ballin moved the discussion to the next agenda item.

Financial Consulting Contract: Ms. Levine said that she had two contracts, one from the auditor and the other one is from Sheri Rockburn of Coppola Rockburn. Ms. Levine said that Ms. Rockburn has recently left MRI (Municipal Resources Inc.) and that she and a co-worker have set up their own company, Coppola Rockburn. Ms. Levine added that Ms. Rockburn had done some financial consulting through MRI with our finance office over the last few years. She and a co-worker have recently left MRI and set up their own firm. Because the Town was in the third year of what seems to be an ongoing process, she recommended staying with Ms. Rockburn's new firm.

The contract from Coppola Rockburn details the scope of work to include the year end audit support, and the GASB 34 Implementation. It identifies the person in charge as well as the mutual representations for both the Town and Coppola Rockburn. The hour fee is \$85.00 with a total cost of \$2000 for this contact which goes through December 31, 2009. \$3000 was budgeted for Ms. Rockburn's services to help close out the year-end books, so Ms. Levine believes that the extra work on GASB 34 should fall within the existing budget.

The importance of complying with the GASB 34 implementation was discussed and it was determined that this compliance is in the best interest of the Town, over Mr. Kaplan's objections. It was noted that compliance will need to be updated every year as the Town adds new assets. The depreciation tables are built in so that will automatically update itself, but some annual maintenance will be required. Chair Ballin asked that the Board hear from Ms. Rockburn halfway through the process to determine how things are going. Ms. Levine said that she will meet with Ms. Rockburn and report to the Selectmen.

Ms. Helm moved that the Board approve the hiring of a financial consulting firm, Coppola Rockburn, to complete the Town audit and the GASB 34 implementation. This was seconded by Mr. Kaplan. There being no discussion the vote was 2 in favor, with Mr. Kaplan opposed. The Board of Selectmen also approved the audit contract with Plodzick & Sanderson.

Emergency Management- Swine Flu Update: Ms. Levine said that she wanted to reassure the Board of Selectmen and the public that Peter Berthiaume, Emergency Management Director, Don Bent, Health officer, and she have been participating in all the regional and statewide discussions regarding emergency

management. In the event that for any reason an emergency clinic should need to be opened, the School District has agreed to let the Town use the old Middle School building as part of our regional health response plan. The State provided a clarification today about gathering in public places, saying if there are suspected, cases, public buildings should still stay open. She also confirmed that the emergency survey will go out the end of this week or early next week. The CodeRed system is now active and the web site is live. We are at the point now, she said, that if we had to use the emergency notification system we could, although it might not yet be at 100% coverage. There will be a training session for her staff next week. Ms. Levine said that her goal was to include this in the budget for next year.

FEMA Fund Planning: Ms. Levine presented a revised memo to the Board. She said that Mr. Lee had gotten some new numbers on the trailer and she had excluded his own replacement of equipment calculation. The revised memo shows that the total that the Town is seeking to spend exceeds the amount that has been received from FEMA. She said that some nipping and tucking would therefore need to be done. She said that the point of the memo was to get the Boards approval to hold the required public hearing to accept the FEMA funds and to also get their approval on the concept that the Town can re-spend the total amount received for emergency purchases. She said the total loss to the Town for ice storm expenses was about \$84,000. FEMA covered about 75% of this, or \$62,780. The State is supposed to cover about 12.5% of this, but we have not yet received this portion. She added that the State has provided this in the past and there is no indication that they will not this year, but it has not come through yet, and she was not sure we will see it this year.

She said the figures will be refined before the public hearing on May 19 if the Selectmen are in agreement with the concept that we expend the money. Chair Ballin said that he was fine with expending the money, but he did not want to spend any more money than was received. Ms. Levine said that according to RSA 31:95-b, we are not allowed to spend more than received unless otherwise budgeted.

Mr. Kaplan asked if the Selectmen were going to be approving the proposed items, since he had a few questions. Ms. Levine responded that they could. Regarding the \$20,000 for Emergency Management, he noted that this was for a "portable generator to allow us to run Colgate Hall (for communication) or Ware Center (for shelter)- "if we do not make this purchase, we should pay \$12,000 to CSC for use of the Ware Center (included in FEMA reimbursement)". Ms. Levine said that if this purchase were not included in this request for funding, then the Town, which had submitted a \$12,000 shelter bill from Colby-Sawyer, would have to pay this bill to them. Chair Ballin clarified that we would still own this new generator but CSC would have the use of it. Ms. Levine said that with the addition of this generator, both Colgate Hall and the Ware Center would be functional in an emergency which would benefit both the College and the Town. She said it is possible that the College would prefer to receive the \$12,000. She said that \$7500 is proposed to build a shed to cover the AHR supply trailer. If this trailer is not covered it is likely that it will be moved from New London and she did not think this was in the Town's best interest. The Selectmen agreed to have Ms. Levine proceed to a public hearing on the FEMA funding.

Public Utilities Commission-segTEL action: Ms. Levine said that she put in the Selectmen's packets the two page notice that she received from the PUC called "Land Owner Notification." Briefly, she explained that segTEL is a telephone company out of Enfield. This company would like to attach fiber to the transmission lines that the PUC has run through Sunapee and New London. Under State law they are allowed to file for permission to attach to a telephone or electric pole that is in a public right-of-way. In this case, segTEL is trying to suggest that they also have right to attach to PSNH transmission lines that run through private property. She said that the reason the Town got this notice is that these lines run through the Town's Public Works yard and PSNH has an easement agreement with the Town of New London. PSNH opposes segTEL's petition on the grounds that it holds private easements with each property owner and that allowing other companies to use the transmission lines would violate the easements. Her question to the Board was whether or not they wanted her to intervene as a party to the

case and either support or oppose segTEL's action. The PUC is the authority that will decide this issue. Chair Ballin suggested that we should follow the situation but he did not think the Town should become an intervener at this point. Ms. Levine said that was her recommendation as well.

OLD BUSINESS:

Farmer's Market: Ms. Levine updated the Selectmen that Danielle Dow had withdrawn her interest in the project. She said that Mr. Denning is encouraging Katie Crozer and Ms. Carlin, both of whom had expressed an interest in this initiative, to continue with discussing the project.

Bucklin Beach-septic tank replacement: Ms. Levine reported that this replacement has been done. She wanted to bring to the Selectmen's attention that Mr. Ohler's bid for the project was \$4800 and that the final cost was \$8480. The cost overrun was as a result of needing to drill into ledge which was found when he attempted to replace the 1000 gallon tank with a 2000 gallon tank. When this ledge was discovered he had intended to blast, but the water precinct intervened and asked him to drill instead of blast, which was an additional cost of \$2540.

Mr. Kaplan asked if the Town was aware of this. Ms. Levine said she was aware that blasting would be needed, but she did not have an estimate of that cost and she was fairly certain Mr. Ohler did not know this cost either. He also relocated the water service to the bath house so that it would meet the required minimum 10 foot separation from the tank. Ms. Levine said that Mr. Ohler, on his own, had upgraded the tank to a heavy duty top to prevent the tank from floating because the ground water is so high. Ms. Levine said she thought this seemed like a valid change but that it was done independently.

She said the \$6000 had been approved at Town Meeting to do this project and had been encumbered. She said that Carol Fraley had discovered an encumbrance of \$2336 for the specific purpose of the Bucklin Beach septic project. This totals \$8300 of the \$8400. Mr. Denning took the remaining \$140 out of his Bucklin Beach repair line in the budget. Ms. Levine had suggested that the Town go back to Mr. Ohler and ask him not to charge the Town the \$143, since he did some of this on his own, but before she did that she wanted to consult with the Selectmen regarding this issue. She said that this new septic system has been approved for operation by the State. Chair Ballin said he was okay with this, but asked that the Town go back to Mr. Ohler to see if he will cover the cost of the \$140.

Mr. Bianchi cautioned the Town to make sure that when the system is pumped that they make sure it is not pumped dry because he said a 2000 gallon tank will float easily. He recommended that 200-300 gallons remain in the tank to address this concern. Chair Ballin recommended that a memo be written to Mr. Ohler to ask him to prepare a document for Mr. Denning which calculates how high the water came up and the weight of the tank to determine how much weight is need to hold the tank down. Chair Ballin amended his earlier decision to go back to Mr. Ohler to cover the \$140, and instead go back to Mr. Ohler and ask him to calculate for the Recreation Commission the volume of pumping of the septic tank at Bucklin Beach.

Fiber Project Update: Ms. Levine said that there was another meeting scheduled for Friday. She said the group has been meeting regularly with a consultant to help prepare a grant application with UNH and Dartmouth to do certain levels of the fiber build-out with federal stimulus funds. She noted that this effort has been financially supported by Hanover. She wanted to let the Selectmen know that the Town was actively working on this, partnering with the Department of Resources and Economic Development (DRED), and trying to get State support for this regional fiber project.

Fuel Contract: Ms. Levine reported that Irving Oil has matched the fuel cost bid submitted by Dead River. Dead River's original bid was lower, but it was not a firm bid. She further reminded the Board that Dead River did not own the fuel storage tanks. Irving's fuel bid was \$1.304 per gallon. Mr. Kaplan asked if this included a reduction if the bill were paid within 12 days. Ms. Levine said she was not sure but thought that was Dead River arrangement, but she had not asked Ms. Fraley specifically about that. Mr.

Bianchi said that his notes from an earlier meeting indicate that Dead River's original bid was \$1.22 per gallon, and required a three-year agreement which the Selectmen could not do. Mr. Kaplan added that that price was not firm. Ms. Fraley had recommend that the Town not go with Dead River since they were not willing to take over the tanks, so even though their price would have been lower, if something happened to the tanks, it would become the Town's responsibility.

Ms. Fraley was then asked to go back to Dead River after that earlier meeting and ask that the \$1.22 figure be a made firm. Dead River then proposed the \$1.32 per gallon bid as a firm bid, with three cents off for paying within 12 days, reducing the cost to \$1.29. This price would be good until May 31, 2010 and required a new bid next year. Ms. Fraley then went to Irving and asked if they would match Dead River's bid, which they did. Since Irving also owns the fuel tanks, going with Irving would eliminate any issues regarding this aspect.

Chair Ballin moved that the Selectmen retract their earlier decision regarding propane vendors made at the April 28 meeting. Ms. Helm seconded this motion. There being no discussion, this was passed unanimously. Chair Ballin then made a motion to approve the Finance Office and the Town Administrator to enter into the final contractual agreement with Irving Oil for a propane contract for the coming year. He further requested that Ms. Fraley find out if there is early payment discount, if there is we get it, if not we do not. This was seconded by Mr. Kaplan. There being no discussion, the motion was passed unanimously.

COMMITTEE MEETING & REPORTS:

Planning Board, April 28, 2009: Ms. Helm reported the Board reviewed a number of fairly routine zoning requests. Lori Underwood, from New London Hospital, reported back to the Board regarding a construction update, with nothing unusual to report. Hannaford's Market plans to increase their handicapped parking space by three, bringing the total number to 16 handicapped spaces, reducing the total number of overall parking spaces from 452 to 450. The Planning Board said they did not need a full site review with this change. Ken McWilliams presented a possible amendment to the site plan review regulations. There was some discussion on this, but no action was taken. The remainder of the meeting was spent finalizing the wording of documents relating to the Camp Wallula subdivision to be presented at a future Planning Board meeting which Ms. Levine will attend.

Sunapee Sewer Commission, April 30, 2009: Mr. Kaplan reported that this project is now estimated at \$8 million due to Underwood's recommendations for the project. These included cleaning the ditches. Mr. Ballin also reported that a vote was approved to expend funds for a re-built aerator.

Joint Board Meeting: Mr. Ballin said this meeting focused on budget issues and discussed that building and construction starts are moving along and that all three towns are seeing this as well. Personnel issues were also discussed and things are working out well with the Assessing Board. The Board will need a new member for next year. Ms. Levine said that every year one town has two representatives and the other two towns have one representative. This year Newbury has the two representatives, a Selectman and a resident, New London has a resident representative, and Sunapee has a Selectman representative. Chair Ballin said he is no longer on this Board and a year from now, someone will need to be appointed. Currently, Dick Pearson is New London's resident representative.

CAC Meeting: Chair Ballin reported that Randy Foose and Dave Kidder did not attend, but Bob Odell did. Senator Odell took questions regarding what is going on in Concord, along with Dan Wolf who was also helpful in the discussion. Mr. Kaplan pointed out that if the State does not continue its 55% aid to build school building, it will cost Kearsarge \$1.2 million of which 29-20% would be the Town's responsibility.

Sunapee Byways Committee Meeting: Ms. Levine reported that earlier this morning at this meeting Sunapee and Newbury Town Managers were there as well as Kerry Behrens and Bo Quackenbos from the

River Way, Tony Bergeron from Sunapee, Karen Zurheide from the Fells, and Dean Eastman who is the State Department of Transportation Coordinator of the Byways Program. The byways route was identified and started to identify the scenic, cultural and historical aspects of the route that go corridors or management plans which is required under the by-ways Federal Management Plan. She said that we do still need some New London representation and recommended that someone from the Historical Society be asked to join. This individual would bring the historical aspect to the committee but also represent New London. Ms. Levine will contact the Historical Society to see if they can identify a representative.

UPCOMING MEETINGS & SPECIAL EVENTS:

Wild Goose Public Hearing, Wednesday May 13, 2009 at 7:00PM Sherburne Gym, Sunapee: Mr. Ballin asked if the Town wanted to take a stand on this issue. Mr. Kaplan replied that he thought we should be supportive of Sunapee and Newbury, and suggested that they draft the letter which does not violate any of our principles for us to consider and possibly to co-sign. Mr. Ballin said that his only concern is that both towns have public access to Lake Sunapee and New London does not, even though we have shoreline, so he does not think we have as clear a stake as the other towns do.

James Ward Letter: Referring the Selectmen to the April 13, 2009 letter received from Mr. Ward, Ms. Levine said that she had visited the site in question so she could see first hand the lay of the land and had long ago communicated the Town's position to Mr. Ward. She said that Peter Stanley and Richard Lee had also met with him separately to view the issue. She said she understand where Mr. Ward is coming from, but she disagrees that the Town was the cause of the wetlands on the property and that the Town has the responsibility to fix it, especially under the easement that is attached to which gives us the right to have what we have there and the right to maintain it. It gives the Town the right to lay, construct, operate, repair, renew, maintain or from time to time change the size of or remove a sewer pump. This does not require us to restore his property in the way that he has suggested. Mr. Kaplan commented that it seems as though we have been granted the right to do what we have done, but at no time did we have an obligation. Ms. Levine agreed with this. She is requesting permission of the Selectmen to write a letter in response. Mr. Ballin said that a letter should be sent in response and should say that the Town is not obligated to pay him anything. Mr. Kaplan and Ms. Helm were in agreement with this.

A motion was asked for by Chair Ballin to go into Non-Public session to discuss a real estate matter pursuant to RSA 91-A:3 II (d). This motion was forwarded by Ms. Helm and seconded by Mr. Kaplan. There being no discussion, the motion was passed unanimously: Ballin – yes; Helm – yes; Kaplan - yes. The Board went into non-public session at 8:17 PM and invited Ms. Levine to participate.

The Selectmen resumed the public meeting at 8:20 PM. Chair Ballin asked if there was any other business. There being none, a motion to adjourn was made by Mr. Kaplan and seconded by Ms. Helm. There being no further discussion, the motion was passed and the meeting was adjourned at 8:21 PM.

Respectfully submitted,

Kathleen K. Colby
Recording Secretary