



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES April 19, 2010

### PRESENT:

Tina Helm, Chair  
Mark Kaplan, Selectman  
Peter Bianchi, Selectman  
Jessie Levine, Town Administrator

### ALSO PRESENT:

Russ Aney, Energy Committee  
Jack Harrod, Energy Committee chair  
Bill Spear, Energy Committee  
Michael Doheny, New London resident  
Jim Wheeler, New London resident  
Debbie Cross, Reporter for "*The Villager*"  
Leigh Bosse, Owner, "*The Messenger*"

Chair Helm called the meeting to order at 6:01 PM.

Public Hearing on Acceptance of Energy Efficiency Community Block Grants: Chair Helm announced that the first agenda item was a public hearing to accept grant funds pursuant to RSA 31:95(b).

Ms. Levine, Town Administrator, said that due to the work of Russ Aney and the Energy Committee, the Town applied for a number of grants from the Energy Efficiency Community Block Grant program (EECBG). As a result, the Town was granted \$335,000 for improvements to School District buildings, \$9,000 for lighting upgrades for Town buildings, and \$15,000 to study the possibility of micro-hydro power in Elkins. She explained that pursuant to RSA 31:95(b), the Selectmen are required to hold this public hearing to accept a gift for anything over \$5,000. She said that the statute, which she handed out with the agenda, authorized the Board of Selectmen to accept unanticipated funds provided the Town does not have to spend any money to do so. She explained that the Town would need to spend matching funds for the lighting project and that this had already been approved by the Board of Selectmen out of the Town Building Capital Reserve Fund, for which the Selectmen are agents to expend. She said that they can approve it again now that there is a more refined figure. Ms. Levine suggested taking each of the three items separately and approving them as such.

Chair Helm asked about the \$335,000 grant for improvements to buildings in the Kearsarge Regional School District. She wondered why the Board of Selectmen was responsible for accepting these funds instead of the School District. Ms. Levine said that the grant money was made available to the towns, but not to specific school systems. There could only be one applicant and so the Town of New London was determined to be the best applicant because of its proximity to the SAU. Ms. Levine added that the Town would receive the funds and would subcontract to the School District to pay out to their respective contractors. The District understands its need to comply with the regulations in this matter. Ms. Levine explained that this was just a pass-through because only the towns could apply for the money. Article 1

that was passed on the School District warrant has already been passed. This funding will offset part of the \$2.9 million upgrading project, which was contingent on this specific grant.

Mr. Aney remarked that the other contingency in Warrant Article 1 was that the School District would receive school building aid. He was wondering if they should wait to accept these grants officially until it was determined that they would, in fact, receive school building aid. Ms. Levine said she would not recommend waiting; accepting the funds does not obligate them to spend anything.

There was no other public comment on the \$335,000 grant funding.

Mr. Bianchi asked about the micro-hydro study. Ms. Levine said that this funding is not to do any work but to explore the feasibility of using the dams for micro-hydro power generation. Mr. Bianchi asked when the idea had been discussed. Ms. Levine said that the discussion had been going on for a few years.

Mr. Aney said that the Energy Committee was looking at potential renewable power opportunities for New London when they started wondering if it would be feasible to use micro-hydro in Elkins. Ms. Levine said that when she heard that the Elkins grant was potentially won, she agreed that the study for micro-hydro would work nicely with the other work to be done in that area. Mr. Kaplan said that one of the comments that had been brought up throughout the years is whether or not they could create micro-hydro power from that dam. Now that they have the grant money, they can research the feasibility to see if it would work.

Mr. Aney said that he has been involved in these sorts of grants in the past and he polled members from the Energy Committee to see if they could get some of this money. Mr. Harrod, Chair of the Energy Committee, said that they heard about the grants late last summer. He thought that the micro-hydro project would probably not go through, but it turned out that this is being considered a pilot project for the entire state. This study for New London becomes, in essence, a study of the whole state. Mr. Aney noted that there are 2,600 official dams and even more that are lower than the 6' minimum size that could also be used for micro-hydro power.

Mr. Harrod said that Mr. Aney and Peter Stanley found good support in Concord for the micro-hydro possibilities. Tom Burack, Commissioner of DES, was supportive and believed it to be a good process. They are exploring the path that they need to navigate to get this study done. Mr. Aney shared that the greatest cost is not the construction of the micro-hydro facility, but in the permitting and licensing of the project. Typical hydro projects must be approved by the Federal Energy Resources Commission (FERC) in Washington, DC, and the process is long and costly. They hope to use this study as an example to show that for little cost and low environmental impact, they can create energy from existing sources.

Ms. Levine said that if the Selectmen accept the micro-hydro feasibility funds, they would go out for an RFP to begin work. Mr. Aney said that the Hayes Dam in Scytheville Park has a 10-12 foot drop and has consistent flow and good potential for micro-hydro power. Mr. Wheeler suggested that the study may be of interest to someone who would be purchasing the Mesa property.

Chair Helm believed this scenario to be similar to that of a library. They will be using this \$15,000 to collect research to keep in their library for when they need it. Mr. Aney said that it would help them to make better decisions on work in this area with micro hydro possibilities. He added that this work doesn't compel the Town to spend a thing.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to accept \$335,000 for energy efficiency and HVAC upgrades for the Kearsarge Regional School District, and the \$15,000 for the micro

hydro study in Elkins which has been granted to the Town through the Energy Efficiency Community Block Grant. THE MOTION WAS APPROVED UNANIMOUSLY.

Referring to the lighting portion of the grant, Mr. Aney brought attention to the "Retrofit Analysis" handout. The project on the top half of the page was what was originally proposed to the Town. He explained that PSNH gave the Town a free lighting audit and would provide 50% off the cost of lighting replacement equipment (bulbs, retrofits) that would use less energy. He noted that they didn't include the Post Office in Elkins at the time of the audit. PSNH came back with an analysis of which buildings had good payback opportunities for retrofits. It was shown that the Town Offices were in pretty good shape and therefore did not have to be retrofitted. The most recently-built building, the Fire Station, had the most opportunity for upgrade. Mr. Aney pointed out that sometimes when building at the lowest cost, incandescent lighting options are used and these have higher operating costs. He mentioned that Tracy Library's exit signs can be changed to LED because they are on 24 hours/day and could save considerable energy and money. Mr. Aney added that the Transfer Station, Police Department, and Public Works Department were found to be areas where lighting improvements could be made.

Mr. Aney noted that the reverse side of the page showed the summary of the study. The total for the lighting upgrades would be \$15,000 and the Town would be responsible to pay for half of it. The investment would be paid for in a year and half. Ms. Levine said that this amount was what they had already approved and that Mr. Aney had been waiting for a second opinion on the price.

Mr. Aney said that he then went to see if the Town could get the rest of the money through one of these Energy Efficiency Community Block Grants, which they were granted. However, they now have to comply with ARRA and the Davis Bacon Act for federal contracts, which boosts the cost of the labor associated with this contract by over \$4,000. He ended up asking for \$9,000 in grant funds. After receiving the grant for \$9,000, the remaining balance New London must invest is \$3,319.92. This would reduce the payback period to 8 months.

Ms. Levine suggested that the funding would come out of the capital reserve fund for building maintenance. Mr. Aney anticipated actually making money on this project. If they were to proceed right away they would probably break even. Ms. Levine said in that case, they could spend out of the operating budget if they wanted to. She said they could authorize either or both of the funds and see where they were at the end of the year to best pay for the project.

Mr. Aney added that they did the Post Office audit in Elkins separately. The Town of New London also owns some flashing traffic lights, which could be changed over to LED. He said these items could be additional add-ons, which should be done when the contractors come to Town. He noted that these add-ons would be included in the 50% off program from PSNH.

Mr. Bianchi asked if the LED lights work as well as the incandescent lights in cold weather. Mr. Aney said they are good until 40 below zero. One problem that can arise is when there is heavy snow blowing sideways, the LED lights can become covered because they do not generate heat, as the incandescent lights do. Mr. Aney said that the lights pay for themselves very quickly and draw 20% or less energy than the present bulbs. Mr. Bianchi asked what the replacement cost for these LED bulbs would be. Mr. Aney said that he is still waiting for the quote on such replacements. Mr. Aney assured the Board of Selectmen that PSNH would not give a discount to them unless they believed it worthy of a good payback. He said he would make sure the choices made would be best options for the Town.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to accept the \$9,000 from the Energy Efficiency Community Block Grant, and to authorize the Town's matching portion of \$3,319.92

out of the Town Building Maintenance Capital Reserve fund. THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. Aney noted that the energy savings represented in the audit were based on an average commercial rate for NH of \$.11/kilowatt hour. They have actually been paying closer to \$.14. Thus, the savings will be even greater for New London, and payback will be faster. Mr. Aney said that they may use operating budget funds for this and break even before the end of the year.

Chair Helm closed the public hearing portion of the meeting.

Grant Administration Contract Review: The next item on the agenda was the review of the contract for Shelley Hadfield, a consultant who comes highly recommended for administrating federal grants. Mr. Aney said that due to the timing of these projects, it is possible that they will not be required to go through the federal bidding process for the administrative portion of the projects. Ms. Levine said that Ms. Hadfield has already done a number of hours of work for the Town and will be attending a day-long workshop on administering these specific grants on May 5. Her proposed contract is was in draft form so that if there were issues with it, she would be able to amend it. This contract would cover all three projects and her fee would be paid out of all three grants.

Chair Helm asked if she would break down what she does with the School District and the Town. Mr. Aney said that she would. Mr. Kaplan noted that there was no dollar amount present. Mr. Aney said that the total would amount to about \$500 for the lighting audit, \$1,000 for the micro-hydro project, and the school project would be in the range of 5% of the grant value. He said that that amount would vary on whether or not they will have to do an RFP for the school contractor. Mr. Aney said that she would administer the RFP process, if need-be, and would work with the School District to come up with the RFP. Mr. Aney added that a small fraction of each grant is earmarked for compliance and reporting. Ms. Levine said that the compliance and reporting part of the project is exhaustive and time consuming and that she has had some experience with such work when the Town did the roundabout project. She noted that the requirements and regulations are complex and that Ms. Hadfield is familiar with how the process works.

Mr. Aney said that because the School District's project involves construction, that will invoke the Davis Bacon Prevailing Wage Act and the Buy American Provision. The micro-hydro project will just require her to write a report. The School District project is more complicated and will take more of her time. He shared that he had checked with the Regional Planning Commission on what they would charge for doing this work, and was quoted a fee of 10% of the grant amount. Ms. Hadfield expects her fees to come in at 5% on these projects, but that will depend on whether they have to do the RFP. Mr. Aney noted that Ms. Hadfield had helped with the grant writing for these projects, which makes it an easy transition. He added that she is highly recommended and has been working with the OEP for decades.

Ms. Levine asked that the Board of Selectmen authorize her to negotiate the final figures with Ms. Hadfield. She said that the amount being spent on the grant administrator was worthwhile as it relieves the staff at the Town and the School District from doing very cumbersome work.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to accept Shelley Hadfield's contract and to allow Jessie Levine the authority to negotiate the exact figures for the grant administration process. . THE MOTION WAS APPROVED UNANIMOUSLY.

Ms. Levine said that she would bring back the final contract to the Selectmen for approval.

Volunteerism at Tracy Memorial Library: Chair Helm announced that on behalf of Selectmen, the Town is very appreciative to the 50 volunteers who painted 10,500 linear feet of siding for the library the past weekend. They completed all of the painting on Saturday and did not have to come back on Sunday to finish. The most important part was that they saved \$7,000 by using volunteer help. Chair Helm said that this was just another example of how the community is able to work together for the common good.

Approval of Minutes from April 5, 2010: Mr. Bianchi noted that in several places the name “Paul Gorman” was written as “Paul Gordon” and should be amended. Chair Helm said that the last sentence of the final sentence where it says “She asked how Ms. Levine had got so far without...” Ms. Levine’s response noting that “they were told” should be written “the Town was told...” Chair Helm pointed out a few other instances where typos were made and Ms. Levine said she would correct them.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to approve the minutes from April 5, 2010, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Approval of Minutes from April 10, 2010 (Citizen’s Advisory Committee): Mr. Bianchi said that on page 6, it says “highest of maintenance” should be changed to the “highest level of maintenance.” Chair Helm said that in the third paragraph on page 6, Chair Helm said “it was recommended at a CAC meeting that they write a letter to the State.” She felt it should be added that it was said at the meeting that the letter was actually written. Mr. Bianchi said that at the end of page 7, it says “Mr. Lee said he was staggered at the amount of sand that was used.” He said the word “at” should be replaced with “by.”

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to accept the minutes from the April 10, 2010 CAC meeting, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Noise & Skateboard Ordinances: Ms. Levine indicated that due to complaints she has received, she had included discussion of a Noise Ordinance and Skateboard Ordinance on the agenda. The Noise Ordinance discussion came from a complaint stemming from the use of dirt bikes on the property on the corner of Seamans Road and Route 11. The Skateboard Ordinance discussion came about from someone concerned with the safety of kids recently skateboarding on South Pleasant Street and Barrett Road.

Ms. Levine said that she attached a number of other towns’ noise ordinances and minutes from the meetings in the past when the Board of Selectmen had discussed whether to move forward with a noise ordinance. One of the reasons they have not pursued an ordinance was that they felt that noise would be hard to judge; without measuring decibels there is no perfect way to enforce it. Past discussions had included consideration of a time constraint on noise. For example, there should be no unreasonable noise between 11 PM and 7 AM. Ms. Levine said that past Board of Selectmen had felt that most of those scenarios where excess noise could be generated were already covered the Planning Board during the Site Plan Review process. It was never felt that there was a compelling reason to create and enforce a noise ordinance.

Mr. Bianchi said he read the information and had come to the conclusion that it was all subjective. He did not want to be involved in purchasing decibel meters to enforce an ordinance. He opined that it could create some hard feelings if the ordinance was not enforced the same way in every area of Town. He felt that the Police Department should be used more to help with these noise problems. Mr. Bianchi agreed with the previous Selectmen’s position to forego creating a noise ordinance. He added that unless it gets to a serious proportion, he was not in favor of making more rules. He opined that parents would probably like it if the police could speak directly to the kids to make them aware of their noise level and about respecting others with regards to their own actions.

Ms. Levine said that the police cannot enforce anything if there is no ordinance. Mr. Kaplan referred to RSA 644:2 III (disorderly conduct), which spells out those types of continuing noises that are bothersome to neighbors. The police could come and explain that they were bordering on disorderly conduct. Ms. Levine said that she did not feel that it would be appropriate for the police to use that statute in every situation, as the bar for disorderly conduct is higher than people bothering neighbors while doing something in their own yard. She felt the police would be reluctant to go to people with the threat of disorderly conduct.

Chair Helm said that she would like to encourage neighbors to resolve these things amongst themselves. They have already had one situation where the Board of Selectmen was made aware of an issue in a neighborhood and the folks in that neighborhood resolved the problem through friendly conversation. She would encourage people to do that in their own neighborhoods. Mr. Bianchi said he didn't feel that more ordinances were needed. Chair Helm said that her message to residents with complaints of noise would be that the Board of Selectmen understands the concerns and would encourage them to work it out with the neighbors.

Mr. Bianchi said that he recalled a discussion that all the Town's ordinances should be in one place. Ms. Levine agreed and said that this was in the pipeline for a future project.

Ms. Levine said that a Skateboard Ordinance would prohibit kids from skateboarding in the roads. She said this had been requested by the Police Department and went as far as a public hearing in 2005, where a number of parents and kids attended to oppose the idea of such an ordinance. The Board of Selectmen backed off as parents made an argument that kids use skateboarding for entertainment and transportation. Unless the Town was going to allow a place to skateboard, parents felt it shouldn't deny the kids the right to skateboard in the Town. Ms. Levine shared that the Police Department let her know when there are reports or complaints made about kids skateboarding in Town. When she receives such information, she brings it to the Board of Selectmen.

Mr. Bianchi opined that skateboards on Town roads weren't much different or worse than bicycles. He didn't think they should have the police giving out tickets to the kids but understands the police point of view. He thought that perhaps with the skateboard park coming up, this could be taken care of.

Chair Helm said she was empathic to the resident who called in the recent complaint. She shared that coming home around 10:30 one night, two skateboarders came out in front of her from between two parked cars near the Town Common, and it was very scary. She understands the safety issues here and thought that as they continue to look for a location of a skateboard park, she would be reticent about putting such an ordinance in place until they can find a place for the kids to skate. Mr. Kaplan agreed. He said that if they have a skateboard park in Town, having an ordinance and saying it is not allowed in public areas makes more sense. Until that time, they can't keep people off the public roads. Chair Helm said that as a board, they should encourage the skateboarders and their families to think about safety.

Mr. Doheny said that this is all about personal responsibility. Any ordinance for skateboarding can't prevent kids from skateboarding dangerously. They need to take personal responsibility for their actions. He felt it went beyond skateboarders and includes all people on bikes, runners, etc. He said a skateboard park would help limit the incidents, but there would still be the possibility of dangerous actions. He also asked about the possibility of safety classes or talks for skateboarding in conjunction with the bike safety event that was talked about in the minutes from the public hearing in 2005. The Selectboard members felt this was a good idea.

Jim Wheeler added that his son said the kids in town are very unclear about where they can skateboard

and what they are and are not allowed to do. An education process would be helpful to explain what they are allowed to do. He felt that it would help keep the peace.

The Board of Selectmen encouraged the Police Department to do more education on how to skateboard safely and responsibly.

CAC Meeting – Agenda: Chair Helm and Ms. Levine said that they would not be at the next CAC meeting in May. Chair Helm said that the GIS training she went to recently was interesting and felt that it would make a good program for the CAC meeting. She opined that it was a service that every towns person is involved with and thought perhaps Assessor Norm Bernaiche could come and make a presentation. Ms. Levine said that she would invite him but cautioned that he lives an hour away and since the meeting was at 7:30 AM, he may not be able to make it. She suggested they have a backup plan. Mr. Kaplan suggested having the Police Department come and talk to the group, as they had not done so in a while. All agreed.

**Other Business:**

Ms. Levine shared the news that Alf Jacobson had passed away.

**Old Business:**

State DOT Projects: Ms. Levine said that she had placed an ad in the Intertown and the Shopper with a schedule of Pike Industries' plan for paving Main Street and Newport Road. They will start on the end of Main Street this week. Pike is trying to negotiate to do more paving near Spring Ledge Farm. They will finish in mid-May from the end of Burpee Hill to Crockett's Corner. At Crockett's Corner, RD Edmunds is doing curbing and will start on planting. The final coat of paving and striping will be done the second week in May. Ms. Levine said that she has received a number of concerns regarding the width of bike lane. She said that they will try to make it as wide as possible. Ms. Levine said that she has had five or six complaints and NHDOT has been very helpful in trying to address the concerns.

Single Stream Recycling: Ms. Levine said that Jim Presher and Liz Bedard met with Richard Lee and her about the Coop project two weeks ago. She said that they were supposed to have a revised contract to her for the Board of Selectmen to review at that meeting but it wasn't ready. The contract will hopefully be ready for the May 4<sup>th</sup> meeting.

Mr. Bianchi referred to an article in the Concord Monitor about Hopkinton's withdrawal and in the Union Leader about single stream recycling. He said that from one year to the next the facility cost about 36% more than they thought it would. He said that it was getting a lot of press. Ms. Levine asked what facility that referred to, since the Coop facility was not yet built. Ms. Levine said that Manchester is thinking of coming on board, and Concord and a number of other towns had already committed. Ms. Levine said she believed Hopkinton backed out because they didn't believe in the single stream project. She said they left a lot of money there when they pulled out. They claim to have gotten a better tipping rate and are saving money even with the hauling costs.

**Legislative Activity:**

- SB465 (education funding): Mr. Kaplan and Chair Helm said that they attended the hearing last week before the House Finance Committee on SB465 to extend the collar on the statewide property tax. Mr. Kaplan said that it was the same situation as usual. He said there were at least 20 people there and he thought his words were falling on deaf ears. They have made up their minds and don't want to be confused with the facts. Mr. Kaplan said that New London will be burdened with having to raise a lot

of money. Ms. Levine said that the \$1 million dollars New London would be responsible for was the same amount of money lost from Nashua's this year in the Governor's budget proposal. She said that if \$1 million can cause a problem in a large city like Nashua, think about how much it will affect a small town like New London.

Mr. Kaplan said that for Nashua to raise \$1 million, they have to add 33 cents to the tax rate. New London has to add \$1 to the tax rate. Manchester would have to add only ten cents on the tax rate. Mr. Kaplan said that he still intends to go down to Concord for the Committee's work session on Thursday. He felt that he still has to keep going even though their response is the same. Chair Helm said that it seemed to her that SB 465 to extend the collar a year would be the best solution. They would then have time to be able to study the formula. She was impressed with the Litchfield superintendent who spoke at the meeting; they were a receiver town and they still wanted the state to re-study the bill. The message was that perhaps the donor program wasn't equitable for all towns.

- HB1242 (broadband bonding): Ms. Levine said that a work session on the broadband bill was scheduled the following day. She was losing hope that their bill will go anywhere. Randy Foose has been supportive of this bill but the politics involved were interesting. Ms. Levine said that there was a suggested amendment that the towns could bond for broadband if there was at least a 20% state or federal match. She knows that that won't happen because the state has no money, and federal funding will dry up after this year. She said they are stacking the cards even higher against the small towns.
- SB492 (pole tax): Ms. Levine said that the bill came out of the House Local & Regulated Revenues committee with a recommendation of inexpedient to legislate, with Dave Kidder's support. Randy Foose said that he would also vote against the bill when it gets to the house on Wednesday.
- MAC: Ms. Levine said that she went to the Municipal Advocacy Committee on Friday and spent time discussing the Governor's budget proposal. He has proposed the State reduce its retirement match again and take 10% of the meals and rooms tax revenue away from the Town. No one at MAC came up with a good new revenue source for the State to replace what the Governor has suggested.

Mr. Kaplan said that someone asked Pat Remick about the State issuing the billing for the statewide property tax. When it originally came up, the Towns did not want the state to bill because the town's get the "float" (interest earned on the statewide property tax until it's paid to the state). Now that the float is 1% or less, there is no money involved, so they should give the responsibility to the State. NHMA had previously taken a policy against having the state receive the taxes directly. Mr. Kaplan said that if the State started sending bills for the statewide property tax, it would bring the tax to everyone's attention. People would know what they were paying and suddenly, awareness would be at the top of everyone's mind. He asked Ms. Levine to see where NHMA's policy stands.

### **Committee Reports:**

Joint Board for Tri-Town Assessing: Ms. Levine and Chair Helm were at the meeting on April 8. Chair Helm said the joint board thanked Dick Pearson and Jim Powell for their service and reviewed the budget, which is under control. They had a performance review of the Assistant Assessor, and went over the statistical update projects. Chair Helm said that she was happy that she agreed to be the representative for this board. She felt it was a wonderful example of three towns working together to try and use their financial resources in the most prudent way.

Mr. Bianchi asked when the joint agreement would expire. Ms. Levine answered that the contract expiration automatically renews and a town that does not wish to continue must notify the other two

towns one year in advance. Ms. Helm read from the agreement that it shall be in effect from July 1, 2005 to December 31, 2008 and automatically renew as of January 1, 2009 and every three years thereafter.

Mr. Bianchi felt that \$230,000 for the work they are doing between the three towns, and the amount New London pays (\$70,000) was significant. He wanted to know how many days per week the assessor is available in Town. Ms. Levine said that he is available one to three times per week depending on the week, and the second assessor has the same schedule. She asked if Mr. Bianchi had looked at the cost analysis she handed out at the last budget meeting. Mr. Bianchi said that he did, but was trying to think about whether it was helping the Town.

Ms. Levine said that on the cost side, when they originally did the cost analysis, they took into consideration losing court cases and having to pay abatements. The actual cost savings have been better than the projected cost savings. Ms. Levine said that the legal fees have gone down every year, as has administrative time and overlay. The costs the towns save on revaluations every five years are also included.

Mr. Bianchi asked if the assessors would inspect every house in New London every five years. Ms. Levine said it took a couple of years to get started on the cyclical inspection program, but they would do about 20% of the town every year so that every five years they had covered the town. Mr. Bianchi asked if they were getting a more accurate picture of the valuation of the property and were they being fair throughout the Town. Chair Helm, Mr. Kaplan and Ms. Levine said yes this was happening, hands-down. Ms. Levine said that they are getting fewer complaints. People used to take the Town to court over discrepancies. Having this program has helped create a better relationship with townspeople. Ms. Levine explained that they used to have an assessor come to Town once a week who was in other towns across the state on the other four days, and none similar to New London. They now have two people who are either in New London, Newbury or Sunapee every day. They are intimately familiar with the area and are experts with the activity in the area, especially Lake Sunapee.

Mr. Bianchi believed that when they get this assessing system down, they won't have to "reinvent the wheel" every time. Ms. Levine said they still have to stay on top of the market and the changes in state law. They are still finding neighborhoods that hadn't been properly identified during the last revaluation. For instance, the assessors focused on the Hall Farm neighborhood last year as sales were showing that the properties were under-assessed. She said that the work does not slow down but it does change. Mr. Kaplan said that they now have a continuity of staff and knowledge, whereas people coming in to assess from out-of-state will be different and new to the area each time they come in. New London ends up paying for this in terms of strained relationship with the tax payers.

Chair Helm said that at the Joint Board it was discussed that the revaluations in New London and Sunapee will take priority. Newbury will see a little less of the assessing team and they are all under the understanding that this could happen from time-to-time. Mr. Bianchi wondered if they could spend the same money to get the same service every five years. Ms. Levine said the last reevaluation was \$230,000 and they also had to spend \$20,000 every year on pickups (building permits, subdivisions). She said that her cost analysis showed how the Town was saving money compared to the old way of doing business.

Mr. Wheeler asked how many applications for abatement were filed this year. Ms. Levine said that she did not have the hard numbers with her but thinks there were between 8 and 11.

Mr. Bianchi asked if over a five-year span the assessors would get into every house in New London. Ms. Levine said that it was the intent to get into every house that would allow inspection. Sometimes they can't get into every house because people are not here full time. Ms. Levine said that during the 2003 revaluation, Vision got into 74% of the houses, and that was considered good. They have documented

people who didn't return their calls or letters, so it's not a matter of living out of state but of some people not wanting to let the assessors into their homes. Over the course of five years they will get into every house if the owner wants them to come in.

Mr. Wheeler shared his Hall Farm experience that his taxes went up 10% because the assessors drove up and looked at the outside of his house and left. He said Assistant Assessor Kris McAllister told him this was called "design appeal" or "curb appeal." He said that he hasn't done anything to the house in 15 years but the taxes went up 10%. Ms. Levine asked if he had filed an abatement to contest the new value, and Mr. Wheeler said he did not because he agreed with their value. Ms. Levine said that the assessor's methods require a trained subjective opinion based on the understanding of the market in New London and what people are buying.

Chair Helm said that this sounded like a topic they could continue to discuss later on.

Portsmouth coalition: Mr. Kaplan said that he went to Portsmouth for a Coalition meeting recently. Seven towns were represented at the meeting, including New London. In order to get the word out, there was a suggestion that they have meetings on a regional basis and that it was time they should be looking into a professional advisor and/or a lobbyist. Mr. Bianchi asked how much New London contributed to the Portsmouth Coalition. Ms. Levine said that last year they gave \$5,500 and the year before last was \$2,500. Mr. Kaplan said that Sunapee gives \$6000 per year.

Mr. Wheeler asked how the Portsmouth Coalition related to SB465. Mr. Kaplan explained that the Coalition is a group of donor towns that pay for Pat Remick to coordinate them to oppose certain legislation that would continue the donor town status. Mr. Wheeler asked why they give money to the Coalition if it was a losing battle.

Scenic Byways Meeting: Ms. Levine and Chair Helm attended this meeting on April 14 in Newbury. They are waiting for that grant to come through to help them promote the byway. Ms. Levine said that she has put a link to the byway website on the Town of New London website ([www.nl-nh.com](http://www.nl-nh.com)). She noted that they will be looking for more New London representatives, mostly in the business or historic arenas. Chair Helm suggested asking those on the CAC.

### **Upcoming meetings:**

Joint Board of Selectmen Meeting –Thursday May 6.

Joint Sewer Meeting for Board of Selectmen – April 29

Budget Meeting – May 19

Emergency Management Public Info Session – June 2 at 5:30pm

### **Other Business:**

Building Permits: Ms. Levine said that with the Selectmen meeting every two weeks, there is a delay in issuing building permits to contractors and homeowners. She asked the Board of Selectmen if she and/or Peter Stanley (Zoning Administrator) could be granted authority to issue building permits when the application has been reviewed and determined that it complies. The permits would still come to the Board of Selectmen for final approval, however, but making this change would stop contractors from being held up for potentially two weeks while waiting on their building permits. She explained that formal approval

would still be held with the Board of Selectmen, but that the permit could be issued by her or Peter Stanley.

Mr. Bianchi asked what would happen if one of the permits had a problem; he would bring it up before signing it. Ms. Levine said that she understood this could happen, but that there has never been a problem in the past after it has been reviewed by the staff in the office. She said that she was trying to come up with a way to not hold up building activity. If there was disagreement with this, she would recommend holding a public hearing because she thinks there is public support for coming up with a way to respond faster. The builders are having a problem with having to wait during the building season. Ms. Levine wants to help keep the work flowing, especially in this economy. Mr. Kaplan noted that the summer is the only time builders can work. Every week they have to wait becomes crucial when trying to meet deadlines.

Chair Helm asked if it would be prudent to approve the approach for a finite amount of time and then revisit it. Mr. Kaplan thought that three months would work. Ms. Levine said that she has no problem with a trial period; she is only trying to serve what the people in the Town want. For most towns, the building inspector owns the whole process and the Board of Selectmen don't see the building permits at all. She was trying to get the permits out the door at a rate that the builders believe to be acceptable. Mr. Bianchi said that in the last two meetings, they have signed off on only two building permits. Ms. Levine agreed and said that it was only April and was similar to what they had for building permits at this time last year.

Mr. Wheeler said he agreed with the contractors on this one. If a contractor pays \$1,000 for a permit, they should get it when they want it.

Bill Spear said that his personal impression was that no one is more protective of the town than Peter Stanley and Ms. Levine. He understands that new homes are important, but other projects are important as well. For example, the barn for which he is requesting a building permit was important because he is having a wedding in it in August. He felt that the data spoke for itself and thought it was a pretty safe idea to try. He cautioned against diminishing other projects requiring permits besides new homes because they could be equally important. Chair Helm felt they have very capable employees asking for the ability to approve and issue these permits, and said she would like to approve the idea right then and there.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Tina Helm) to authorize Peter Stanley and Jessie Levine to make out the permits and permit people to build, and that the Board of Selectmen will sign off on them at their next following meeting. THE MOTION PASSED 2 (Helm/Kaplan)-1 (Bianchi).

Mr. Wheeler said he would like Ms. Levine to be the final approver of the permits so it wouldn't show any favoritism for projects. Mr. Kaplan amended his motion to reflect that Ms. Levine should issue the permit, which was approved 2-1.

Woodcrest Van Lease: Ms. Levine noted that the lease for the Woodcrest van for use by the Recreation Department would begin on May 1<sup>st</sup> at \$300/month until March 1 of next year. They would report back on the use of the van at that time. The lease agreement follows the same agreement they had with the New London Hospital van. The Town would be responsible for any operating issues, they may place temporary signage on the van, and drivers need appropriate licensing before driving the vehicle. The Board of Selectmen signed the lease.

Noel Weinstein's e-mail: Mr. Bianchi said that he understands that Noel Weinstein will be present at the next meeting, and he was not interested in discussing the substance of his recent email to the Board of Selectmen at this time but how things occurred two weekends ago. He said Mr. Weinstein emailed the

Selectmen after the CAC meeting with some concerns. Ms. Levine had been CC'd on the email and felt that Mr. Weinstein had to be answered right away. Mr. Bianchi did not feel he needed to be responded to so quickly. He felt that the Board of Selectmen should make the response to the email, and that Ms. Levine should not have done so.

Chair Helm said that she had authorized Ms. Levine to respond to Mr. Weinstein via email. Mr. Bianchi said that he didn't think that was right. He felt it abdicated the authority of the Selectmen and gave Ms. Levine power to respond to an email without the consensus and discussion of the Board of Selectmen. He felt that the request for information bordered on having a meeting. Ms. Levine said that it is her job to respond in a timely matter if a citizen is concerned. If the Selectmen had wanted to respond, they would have had to come up with a meeting to find their agreement. She didn't feel she had made any decisions for the Board of Selectmen, but gave facts only.

Mr. Bianchi said that the email was sent to Mr. Kaplan, Chair Helm and himself, and cc'd to Ms. Levine. He didn't believe that any one selectman could speak for the Town. He opined that in Chair Helm's telling her to respond, she was speaking for the entire board. He thought they maybe should have had a meeting and that the Selectmen should respond to such an email. He did not see any urgency in the request for information. He went on to say that Chair Helm's initial response to Mr. Weinstein was appropriate, thanking him for his inquiry, but he did not think it was appropriate for Ms. Levine to speak for the rest of them. Mr. Bianchi felt the email should have been discussed in a public meeting. Then, if they wanted Ms. Levine to respond to the person, that would be fine.

Mr. Kaplan responded by asking if Mr. Bianchi thought what happened was wrong. Mr. Bianchi felt that it was. Mr. Kaplan said that there were no violations of the RSAs and that therefore, it was not a question of right or wrong. They have the right to handle things this way. Mr. Kaplan said that he looks at it as the Town is better served by answering the man's question. He said that he wasn't involved in the emails but felt the answer that was given was fine. He said that he gets a phone call sometimes from a citizen asking questions. If he knows what happened, he tells them the facts; he doesn't call a meeting to respond. If a citizen calls and wants factual reasons or answers, they are all history and this information can be passed on. There was no opinion or philosophy given in Ms. Levine's email and no one changed any direction of anything. Ms. Levine offered to answer him and so she did it. He didn't see anything wrong with it. If Mr. Weinstein wants to come to a meeting and have a discussion, he will do so. Ms. Levine's answering him directly saves a lot of time and makes them, as a board, far more efficient.

Ms. Levine said that if the question had come directly to her, she would respond. She sees her job as the day-to-day management of the Board of Selectmen's business between meetings. She did not make any decisions and she was not taking any authority away from them. Her job is to communicate policy to the citizens. She said that she does that every day. In her response to Mr. Weinstein, she communicated the decision-making process that had gone on so far.

Ms. Levine asked Mr. Bianchi what he thought her job was if it was not to respond to people's concerns. She said that the Board of Selectmen is a board of volunteers that sets the policy and she is supposed to communicate it to the citizens. Mr. Bianchi said that her job is to respond to the daily routine questions that come up concerning the running of the Town, and not to respond to people who write to the Board of Selectmen on policy or direction. He said that whether he did or did not agree with what she said in the email is not the point; it was that she spoke for the Town at Chair Helm's direction that bothered him.

Ms. Levine said that Mr. Weinstein's email seemed to contain a level of anxiety and needed to be answered. She wanted to clear up his concerns before he went out into the Town with that confusion. Chair Helm said that Ms. Levine showed her a draft of the email before it was sent, and believed it to be merely a sharing of the facts. She said that she believed if you get back to people quickly, it can resolve

some problems up front. Chair Helm said she felt comfortable with Ms. Levine's response and she would authorize her to do it again if asked. She said that she was wearing her chairman's hat and knew she couldn't communicate with the other two Selectmen via email because it would constitute a meeting. Ms. Levine had responded on their behalf because they are not permitted to talk to each other in an email because their discussion would be the equivalent of having a meeting.

Mr. Bianchi asked how Ms. Levine would know what the Board of Selectmen felt about a topic. Mr. Kaplan said that it was not a question of what the Board of Selectmen agreed upon, but merely the facts. It had nothing to do with their discussion about what they would do about it; she just gave the facts. Mr. Bianchi said that this was a slippery slope and they would get into trouble to ask her to answer someone on their behalf. Ms. Levine said that this is what she has been doing for the past ten years. She does not want to bring every little thing to the Board of Selectmen; that is why they have a town administrator. If it isn't something she can easily answer, she would put it on the agenda and bring it up at the next meeting. Ms. Levine said that it isn't any different from what she has been doing for the last ten years. She feels it is her job and needs to be done in the best way possible.

Chair Helm noted that when someone is cc'd they are still sent the same message. She was appreciative that Ms. Levine offered to respond. She didn't think any of them could do half as well in this regard. Mr. Kaplan agreed and said he wanted Ms. Levine to continue doing this sort of thing. Chair Helm agreed. Mr. Bianchi said he wasn't criticizing what she said; his issue was that when they get an email, they should all be able to respond.

Ms. Levine said that she still would have sent the email even if Chair Helm hadn't been online to give her approval, as that is what she has always done. Mr. Bianchi said that would have been out of line. Ms. Levine said that sounded like a reprimand. Chair Helm felt she was not out of line and even if she hadn't been chairman, she would have been comfortable with Ms. Levine responding on behalf of the Board of Selectmen.

Mr. Bianchi had a further question about the minutes. He thought the minutes were due within five business days. Ms. Levine said that per RSA 91:A-2, II, the minutes must be available within 144 hours of the public meeting. Mr. Bianchi said they should be available within five business days to the public. Ms. Levine said that he was referring to the requirement that if someone makes a "right to know" request, the requested documents have to be available within five business days. Ms. Levine said she usually has the minutes in draft form within six days, but it takes longer to review them and send them on to the selectmen. If a member of the public asks for them, they would get a copy of the rough draft.

Mr. Bianchi said that he gets minutes on Thursday for a meeting on Monday. Having just one business day to ask questions about the minutes didn't seem to be enough. Ms. Levine said she is available all weekend if he has questions. Mr. Bianchi said he wouldn't feel right contacting Ms. Levine on a weekend. She offered to send a draft version of the minutes to him after six days but cautioned that it would not be the final draft. Chair Helm reminded her colleagues that if there were an agenda item for which one Selectman felt unprepared to discuss because of timing and/or lack of information, in most cases that discussion of that item could be postponed to a following meeting.

Chair Helm said that the three members of the Board of Selectmen should remind themselves that they need to be respectful of their employees' time. If they have questions, they should try to email Ms. Levine to have them meet her at a time that is mutually convenient. Ms. Levine said that she doesn't see her job as an 8-4 job. People call and email her at all hours. She responds to them if she can and would rather not have them wait for a reply until a week day. She said that she loves her job and what she does and it can't always be done in a 40-hour week.

Chair Helm said that this discussion may have been perceived as a reprimand but wanted it noted that it was not a reprimand from all three selectmen. She felt very fortunate to have Ms. Levine with the Town and thought she did a great job.

Application for Building Permits:

- Amendment: KJAM Associates, 812 Route 103A, (Map & Lot 103-021-000) anticipated completion date changed to 11-2010 – Permit # 08-035 Approved.
- Harry M. Snow III, King Hill Road (Map & Lot 129-008-000) build new 3 bedroom home with attached deck and 2 car garage – Permit #10-029 – Approved.
- William & Pamela Spear, 48 Baker Road (Map & Lot 112-011-000) construction of new 36x48 barn – Permit #10-030 – Approved.
- Charles & Mikiko McGee, 26 Stoney Brook Road (Map & Lot 128-013-000) shed roof off of garage – Permit #10-031 – Approved.
- Gary Anderson & Cornelia Boyle, 750 Little Sunapee Road (Map & Lot 021-001-000) renovate and repair boathouse – Permit #10-032 – Approved.
- R. Peter Bianchi – 381 Bunker Road (Map & Lot 062-023-000) replace kitchen flooring – Permit #10-033 – Approved.
- Theodor Bacon Jr. 552 Lakeshore Drive (Map & Lot 050-009-000) renovate bathroom – Permit # 10-034 – Approved.

Application for use of Whipple Memorial Town Hall:

- New London Barn Players, daily theater rehearsals, June – August, Approved.

Application for use of Sydney Crook Conference room:

- Center for the Arts, showing of a movie, May 15, 2010 3:30-8:00PM – Approved.

Application for Notice of Intent to Cut Wood or Timber:

- Michael Hansen, 1252 County Road (Map & Lot 068-040-000) – approved.

Application for Current Use:

- Grubbs, 715 Route 103A, (Map & Lot 103-002-000 & 103-2-3) Approved.
- Cate, 765 route 103A, (Map & Lot 103-001-000 & 103-2-1) Approved.

Other:

- Disbursement & payroll voucher week of April 12 & 19, 2010 - Approved.
- Veteran's applications – Approved.
- Appointment card for Paul Gorman, alternate to Planning Board -- Approved
- Elderly exemption applications (1 approved – 1 denied).

IT WAS MOVED (Tina Helm) AND SECONDED (Mark Kaplan) to adjourn the April 19, 2010 Board of Selectmen's meeting. THE MOTION WAS APPROVED UNANIMIOUSLY.

The meeting ADJOURNED at 8:49 PM.

Respectfully Submitted,

Kristy Heath, Recording Secretary  
Town of New London