

**BOARD OF SELECTMEN  
MEETING MINUTES**

**November 14, 2006**

**PRESENT:**

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

**OTHERS PRESENT:**

Richard Lee, Road Agent  
Peter Stanley, Zoning Administrator  
Bob Lavoie, Sewer Commissioner  
Gus Seamans, Sewer Commissioner  
Ed Rushbrook, Underwood Engineers  
DJ Lavoie, New London resident

Chair Lyon called the meeting to order at 8:00 AM. DJ Lavoie noted that the Selectmen were missed at the Veteran's Day celebration on November 11.

Meeting Minutes: Mr. Kaplan moved to approve the minutes of November 6, 2006. Seconded by Ms. Clough and approved 3-0.

Budget Committee: Ms. Levine noted that there is a Budget Committee meeting scheduled for November 15, 2006. She said that Police Chief David Seastrand planned to attend the meeting to continue the discussion related to his request for tasers, and he may even receive a taser shock to demonstrate. Ms. Levine said she had given him a number of questions to address for the Budget Committee, primarily 1) whether the tasers should be assigned to each officer or shared among them; 2) what the state police has for statistics related to their use of tasers; 3) statistics from the New London Police Department regarding possible instances in which a violent interaction could take place; and 4) when the tasers will be used within the "force continuum." Ms. Clough said she hopes the tasers would be used judiciously and without emotional reaction to an event. Ms. Levine said the Police Department would create protocols and train to those protocols that would govern the use of tasers. She said she had asked Chief Seastrand to get information from the Town of Hillsborough regarding the public education program they used regarding tasers.

DJ Lavoie asked if there had been instances of injury or death related to tasers. Chair Lyon said there have been cases and there is information available on the web. He asked the other Selectmen to consider what the alternative to tasers is, and whether police officers should have to risk their own safety. Ms. Clough said she understands, but suggested that the force continuum should be made publicly known, because "if we don't know, the rest of the town most likely doesn't know." Chair Lyon suggested that people who are concerned with the Police Department budget should ride with the police officers on weekend evenings, which heightens awareness that every time someone is pulled over for speeding, they could pull a trigger as the officer walked toward their car. It is not easy to explain the different world the officers see and the dangers they may encounter.

Ms. Levine said she also anticipated spending time discussing the increase in the health insurance cost. She had played with the allocation between the town and employees and, as before, a slight increase in the employees' expense greatly increases their share while creating only slight savings for the Town.

Landfill Repair: Ms. Levine reported that she and Richard Lee had met with Chris Adams, the engineer from Nobis Engineering who is shepherding the landfill repair project. Mr. Adams gave Richard Lee a draft of the plan and contract documents for review prior to putting the project out to bid. It is expected that the bid will go out this winter in anticipation of construction in the spring. Chair Lyon asked Ms. Levine the status of recovering funds from FEMA, and Ms. Levine will check with Richard Lee.

Comcast: Ms. Levine said that a phone call from a resident regarding channel selection triggered her e-mail to Lisa Cunningham, who said that the switch from Adelphia had been delayed but a letter from Comcast will go to residents shortly. Mr. Kaplan said he had received a letter this week and it does not say much, and there was no channel information included.

Lagoon Filling: At 8:30 AM, the Selectmen were joined by Zoning Administrator Peter Stanley and Road Agent Richard Lee, who were present to report on their meeting the previous day with officials from the NH Department of Environmental Services (DES). Mr. Stanley said the meeting participants included Jody Connor (state limnologist and Kezar Lake expert), Mike Rainey (sewage lagoon specialist), Collis Adams (wetlands specialist), and Tom White (wastewater oversight).

Mr. Stanley said that although the meeting started out on slightly hostile footing, DES is very supportive of the Town's proposal to fill the lagoons, but made clear that it wants to test the content of the lagoons to assist them in determining how to proceed with filling and closing the lagoons. Mr. Stanley said DES will require maintenance of the site once the lagoons are filled, which will include mowing forever; trees cannot be allowed to grow on the site of the filled lagoons. Moreover, DES will require a permanent easement on the property. Ms. Levine asked about the Sewer Commissioners' question about future use of the property in the event that pre-treatment of sewage is required in New London, and Mr. Lee replied that DES would be unlikely to allow it to be done on that property. Mr. Stanley said DES gave them the option of removing all of the lagoon material from the site, which would be very costly but would reduce the long-term maintenance issues.

Mr. Stanley said that some core samples of the lagoons already existed, but DES would like to take additional samples. Mr. Stanley will provide a boat for the core collection, but the Town would have to pay for the samples to be tested. The tests will cost approximately \$1200 apiece, but Mr. Stanley and Mr. Lee did not agree on the number of tests that DES would require (N.B. it was later confirmed that DES would collect 12 samples from each of the three lagoons, and combine the 12 samples into one test for each lagoon. The cost for each test will be up to \$1500, so the maximum exposure for testing is \$4500). Richard Lee said DES plans to test the "hottest" lagoon first, and the results of that lagoon's test may direct the further testing of the other lagoons. Mr. Stanley said DES insisted on taking the core tests to make sure there is no material in the lagoons that would cause concern. The results of the tests will determine if a higher level of engineering is required to close the land fill.

Ms. Clough suggested including the New London Conservation Commission in the discussion. Ms. Levine said the Conservation Commission is aware of and has approved of the project. Mr. Kaplan reminded everyone that this project started when Robert Ewing decided to place an easement on his property, and as a condition of public access asked the Town to place a permanent easement over the lagoon property. Mr. Stanley said he and Richard Lee have been talking about closing the lagoons for years, but the Ewing easement renewed the project. Ms. Levine clarified that Ewing planned to put his property under easement regardless of the Town's decision, but required the Town's easement if he were to allow public access to his property. This is important because the Lyon Brook Trail crosses his property, as well as the Town's. Mr. Kaplan asked why DES became involved, and Ms. Levine said that DES has been part of the discussion since the Kezar Lake settlement, and Mr. Stanley had been keeping DES informed of any discussion regarding the lagoons. Their approval will be required before the lagoons can be filled, from both a wetlands and a wastewater regulatory standpoint.

Mr. Stanley said he has wanted the lagoon filled to avoid problems in the future. Mr. Kaplan asked how problems would be avoided if the material still remained on-site, and Mr. Stanley replied that by filling and capping the lagoon, removing trees, and growing a stable cover of grass, the site could be stable forever. Ms. Levine asked if there is the possibility that the tests could reveal material that would make it cheaper to remove the material from the site than engineer a capped lagoon. Richard Lee replied that it is possible, but would be very costly. Ms. Levine said it could be the case of paying more now versus over the long term.

Bob Lavoie asked if these lagoons relate to sewage treatment, and Mr. Stanley explained that in the 1970s-80s, these served as tertiary treatment for the sewage plant. Mr. Lavoie asked why not pump the lagoons into the sewer system now, and Mr. Stanley and Mr. Lee replied that the lagoons contained sediment and were likely very high in phosphorus, but it is worth looking in to using the sewer system, especially for the water. DJ Lavoie asked if the easement was a "done deal" or needed Town Meeting approval, and the Selectmen explained that the easement would need Town Meeting approval. Mr. Stanley added that the easement will be a requirement for approval from DES to close the lagoons. He asked the Selectmen to include funds in the budget for the lagoons in 2007, and all agreed that the tests will determine whether this will be a one-year or multi-year expense.

Mr. Stanley said that the primary contact at DES will be Michael Rainey, who oversees the tertiary treatment program. Mr. Stanley said that DES will want a letter of intent. Ms. Levine asked, if the test results showed minimal levels of material that would cause concern, would DES allow the Town to fill the lagoons in the manner that Richard Lee had designed. Mr. Lee said that he had discussed his plan with DES and they stated that the plan sounds acceptable to start. He said that if we have a few dry summers, the filling could be completed in 2-3 years. Summers like this one would drag out the process.

Mr. Kaplan asked if DES commented on the two lagoons that had previously been filled, and Richard Lee said the topic did not come up. Mr. Lee said those lagoons were filled over 20 years ago and have been mowed and maintained ever since. Ms. Clough asked if the Kezar Lake oversight committee was aware of this project, and Mr. Stanley said that he had spoken to Leslie Enroth of Sutton. Ms. Clough suggested that the letter of intent and other correspondence be copied to the Town of Sutton. Mr. Kaplan reminded the Selectmen that two years ago, the Town closed the capital reserve fund that had been set aside in the event that Kezar Lake needed additional treatment. The closure of that fund gave back over \$80,000, so we could say that we are now spending the money that we saved two years ago.

The Selectmen discussed the benefits of the project and agreed that now is the time to pursue closure of the lagoons. There was additional discussion about use of the sewer system, although Mr. Lee has a concern about the level of phosphorus. Mr. Stanley said it will be much cheaper to fill the lagoons, especially since there is free fill coming from roadside ditches and other projects. All agreed that the core tests are necessary for planning and budgeting purposes, so we should go ahead with those if funds can be found in this year's budget. Mr. Stanley will talk to the Conservation Commission about using some of their remaining funds.

Ms. Clough thanked Peter Stanley and Richard Lee for their work on this project. Ms. Levine asked if there had been any discussion regarding the Sewer Commission's concern that the Town may need the property for pre-treatment of sewage at some point in the future. Mr. Stanley said DES will require the closure plan to include a conservation easement and no future use by the Town. DES would not allow the property to be used for pre-treatment.

Mr. Stanley departed at 9:30 AM.

Sewer Commission: At 9:30 AM, Gus Seamans, chair of the Sewer Commission, and Ed Rushbrook of Underwood Engineers joined the meeting. Mr. Seamans stated that after Mr. Rushbrook left last night's

Sewer Commission meeting, Doug Lyon brought up his displeasure with the engineer's oversight of the contractors working on the Georges Mills Pump Station plant. Chair Lyon said that he had said that in his experience with construction projects, the project manager aggressively supports the interests of the owner. At last night's meeting, he heard some discomfort from the Sewer Commissioners and Richard Lee and Ann Bedard about the project and that they were being pushed towards substantial completion without having all of the ducks lined up, especially with training and alarms. He said the reports he received about the training sounded like the vendors were ill-prepared and were looking at manuals to understand the system. After the Sewer Commissioners sign off, the only remaining items will be those on the punch list, and he sensed uncertainty last night about what was completed and what was not. He said he is used to a project manager taking a more aggressive stance and that has not been done on this project. His counsel to the Sewer Commission was to not agree to substantial completion until all of the systems were in place. He recognizes that some fall under the contract and some do not, but he believes that all of the work should be coordinated and not signed off until it is all done. Based on what he heard yesterday, Chair Lyon does not think that the Sewer Commissioners were comfortable with signing off. Given all of the problems at Georges Mills, they should feel comfortable with the conclusion of the project.

Mr. Kaplan said that at the meeting yesterday, the electrician said that the fans do not run, yet the operators say that the fans used to run and are supposed to run. He asked who is responsible for fixing the fans and why they are not fixed?

Ed Rushbrook said the fans have nothing to do with the wiring changes for Underwriter Labs (UL) or for the pump redesign. They are outside of the contract, but if a problem occurred during construction than the contractors are responsible. Mr. Kaplan asked how we are supposed to know how the problem was caused, and Mr. Rushbrook replied that a representative from Square D needs to troubleshoot the unit and see what is wrong with it.

Mr. Rushbrook said that he understood Chair Lyon's concerns, he believes he has been aggressive about holding the contractors' feet to the fire, and he takes exception to Chair Lyon's statements. He said that unless everything works as intended, he will not recommend substantial completion, and he had no intention of giving such a recommendation unless everything is complete. He distributed two punchlists that currently exist, which include items in the alarm system that are cause for concern. He said that the alarm system is a major cause of confusion due to the multiple alarms. He asked if the AGM should still be used, as its sole purpose is to allow pumps to be shut down at the main plant from the Georges Mills plant. He said yesterday was the closest they have come to defining what to do with the different systems. He would like to see all decisions in writing so nothing is left to guess.

Mr. Rushbrook reiterated that he has done a good job representing the owner and pursuing Weston & Sampson throughout the project. He added that the area of most confusion during the training was the auto transfer switch, and Richard Lee pointed out that the vendor had not brought the software to run the alarms. Mr. Rushbrook said CAT will be here at 9:00 AM on Thursday to demonstrate the auto transfer switch. Mr. Lee said he felt like his staff trained the trainer, and Mr. Rushbrook agreed that was true about the transfer switch. Mr. Lee said it also happened while shutting down the pump. Mr. Rushbrook replied that Pump 1 was not involved with the work and was not expected to be included in the training. Chair Lyon asked why the training was scheduled at all if not all of the systems were operational and some programs had not even been loaded. In his judgment, that is inadequate and is not sufficient. He understands that some of the systems are under the contract and some are not, but his goal is to have the Georges Mills Pump Station running well. Mr. Rushbrook stated that is his goal as well. Chair Lyon said then that he would expect Mr. Rushbrook to have coordinated all aspects to make sure that happens. Chair Lyon noted that the punchlist contains items that are more than cosmetic. He may have misunderstood yesterday's conversation, but it sounded like Mr. Rushbrook was pushing the Sewer

Commission to accept substantial completion today. Chair Lyon said that if we are going to have a 100% fully functioning pump station, we need to get the whole project wrapped up even if some items are outside the contract. He feels like the project is rushed. He said none of this is personal, and he is just not at a comfort level on the project. He has one goal: to have the plant operate perfectly.

Mr. Rushbrook said that unless everything works perfectly today, he will not recommend substantial completion, as was his plan even prior to this meeting. Chair Lyon asked if that included Pump 1, and Mr. Rushbrook replied that his obligation is to the contract. The floats in the wet well and the sump pump were repaired outside of the contract. If everything works with the exception of Pump 1, then he is obligated to the contractor to recommend substantial completion. He does not know how to have Pump 1 addressed in a timely way. Chair Lyon said that until troubleshooting is performed, we will not know whether the contractor is responsible for Pump 1 or not, but if substantial completion is granted it slows down the contractor's willingness to return for repairs.

Mr. Kaplan said he understands that there is redundancy in the alarm system and that some respond differently to different parts of the system. He asked what is the best alarm system the Town could have, and which alarm means what? Mr. Rushbrook said that everyone has a different philosophy on adequacy and redundancy, and Mr. Seamans said the alarms added to the uncertainty of the system. There had been a large number of automatic dialing alarms, and now all alarms go through Capital Alarm. There will be no more EOS alarms, and he said the question remains whether to disable the AGM or not. Ms. Levine asked what the State would like to see for alarms, and Mr. Seamans replied that the two alarms through Capital Alarm are more than sufficient for redundancy. The State will not require the AGM, but Mr. Seamans asked whether Mr. Lee wants the option. He said the contract calls for work on the AGM alarm, so it can be included or can be disabled.

Chair Lyon said his belief is "the simpler, the better." Mr. Seamans said the Capital Alarm system is simple, as it is an alarm sent to a pager. Richard Lee said he does not like the EOS/Rayco system, as it cannot be shut off. He gave the example that during the spill on September 12, he had notified Capital Alarm of his response but the EOS kept sending an alarm. Mr. Rushbrook said that had been changed with the construction project. Richard Lee said he had hoped to see all of the alarms during the training last Thursday, and Mr. Rushbrook replied that the "grinder fail," "low building temperature," "backup float," and "low phase loss" alarms had not been loaded.

Richard Lee said the purpose of the AGM is to allow the pumps to automatically shut down at the Main Plant in response to an event at the Georges Mills pump station. This led to a discussion about the conditions under which that would be required, such as a high wet well or power failure. Mr. Rushbrook said there are seven situations that could result in automatic shut off at the Main Plant. At a minimum, he would recommend eliminating the Rayco from the paging system; only Capital Alarm would send pages or make calls in the event of an alarm. Chair Lyon said he would look to the project manager to ensure that appropriate simplification of the system existed before the Town took possession of the plant. Mr. Rushbrook suggested a work session with Richard Lee and Ann Bedard to nail this down. He said the transition of oversight from one group to another has resulted in different philosophies about the alarms. Bob Lavoie asked Mr. Rushbrook to provide guidance in this matter, and Mr. Rushbrook said he recommended using the Capital Alarm system that as the radio and phone alarms, but left the AGM system since it was already there. He recommended removing the EOS alarm component, which has been done. Chair Lyon asked what else the EOS does, and Mr. Rushbrook explained that it records data. Mr. Rushbrook said the AGM allows the automatic shut down at the Main plant, but if that is not wanted, then he would recommend getting rid of the AGM altogether. Richard Lee said it was not used during the last spill, and he would be more comfortable without it than with getting a power failure alarm that automatically shut down the pumps at the Main plant, requiring someone to turn them back on again. All agreed that the AGM was unnecessary.

Ms. Clough asked what else had been identified outside of the contract that needs to be discussed. Mr. Rushbrook raised the topic of surge relief, which was on the old pumps and he had recommended replacement. Mr. Seamans said the Commissioners will pass along Mr. Rushbrook's recommendations to Ms. Levine. Ms. Clough asked once Mr. Rushbrook's phase of the project is over, where do we go next? Bob Lavoie said Mr. Rushbrook's recommendations went into the Sewer Commissioner's Capital Improvements Plan.

Mr. Rushbrook said the major difficulty with the pump station project is that no one was on board with historical knowledge of the plant, which required everyone to reach into a paper bag and learn by doing. He said there has been no continuity in operations, which makes it complicated when all are working towards a common goal. Chair Lyon said he would have questioned the accuracy of the historical record had the past employees been at the table.

Bob Lavoie asked about coordination of issues outside of the contract, and whether we can get the alarm vendor to troubleshoot the problem. Mr. Rushbrook said that if the alarms are not resolved at his meeting later today, he will not recommend substantial completion. Mr. Rushbrook said the Rayco dialer has been eliminated from the Georges Mills Pump Station, but still exist at the other stations.

Gus Seamans said that after Mr. Rushbrook departed the meeting last night, the Sewer Commissioners decided they were not ready for substantial completion. He is not sure if that word got to Mr. Rushbrook, but he had planned to discuss it with him. Chair Lyon apologized that this comments followed Mr. Rushbrook's departure from the meeting yesterday, and he appreciates his response and follow-up. He thanked Mr. Rushbrook for making a special trip in this morning to meet with the Selectmen.

Bob Lavoie said that one idea that came up was to have the operators test the system while the contractors were still there. Mr. Lee said he plans to test the system twice a month under emergency power; when the generator fires without load, that's one thing, and it's another to pull the main breaker and go through the procedure as if there is no power. Chair Lyon suggested that all employees be included in the training, and Mr. Lee said it has been his intention to have everyone familiar with the facilities. Mr. Lavoie said that is especially important during the one-year warranty.

Chair Lyon summarized the decisions made this morning: we will continue to use Capital Alarm, but will discontinue the Rayco and EOS alarms, and will also disconnect the automatic shutoff by the AGM. Mr. Seamans will advise Ms. Bedard of the decision. Mr. Rushbrook noted that a work session would not be necessary, since the decision was reached this morning. He and Gus Seamans departed at 10:35 AM. Mr. Lavoie asked to see a copy of the draft minutes before they were approved by the Selectmen.

Marshall's Garage: Peter Stanley returned to the meeting at 10:35 AM to discuss the remediation project at Elkins Beach for old contamination from Marshall's Garage. He had been overseeing the project from the Town's standpoint. The work, which is overseen by DES and not by Marshall's, is now in the hands of Envirologic out of Londonderry. They are planning to excavate very soon and Mr. Stanley advised them of their need for a building permit for erosion control. He explained the project to remove contaminated soil from the beach area, and said that no trees will have to be cut but a tractor trailer will have to be parked at the Post Office.

Richard Lee said he is concerned about putting in the dry well at Elkins Beach because it might draw additional contamination and spill over onto the beach in heavy rains. He is willing to work on expanding the beach, but does not think this is a good time for the dry well.

Solid Waste: Mr. Kaplan reported that he had attended a meeting of the NH District on Thursday evening, and his proposal to appoint an agent to oversee the distribution of funds at the end of the Project was passed. He said there will also be a vote required at Town Meeting to dissolve the solid waste district and create our own district; language for the warrant article will be forthcoming from Jeffrey Meyers.

Leave Policy/Salary Study: Ms. Levine distributed spreadsheets showing the results of the final salary study and discussed the process with the Selectmen. She also distributed a proposed payout of some existing sick time to reduce the liability to the Town, which would cost about \$40,000. She said the budget had included \$15,000 for this expense, but the Department of Labor decision regarding the Town of Tilton changed the ability to pay down sick time. Ms. Fraley has identified other funds that can be used for the payout purpose, and the Selectmen approved the proposal.

**Building Permits:**

- Carolyn and Theodore Lockhart, 693 County Road (Map 082, Lot 007), amended permit to add deck on house – Approved (Permit -5-148)

**Sign Permit Applications:**

- Application for a Temporary Sign Permit for Artisan's Workshop, 195 Main Street, for an "Art Show" sign to be placed on current sign until November 17, 2006 - Approved

**Other Items for Signature:**

- Disbursement & Payroll Vouchers for the week of November 13, 2006 – Approved
- Appointment Card for Christina M. Helm for Alternate Ballot Clerk - Approved
- Application for Use of the Sydney L. Crook Conference Room by Adventures in Learning on Wednesday, December 6, 2006 from 12:00 PM – 2:00 PM for a de-brief meeting for study leaders – Approved
- Application for Use of the Sydney L. Crook Conference Room by New London Area Duplicate Bridge Club for Competitive Duplicate Bridge for every Thursday evening from 6:00 PM – 11:00 PM for the 2007 calendar year – Approved

Application for Current Use:

Mary Ellen Alger, Lakeshore Drive and Pingree Road (Map 024, Lot 001) - Approved

There being no further business, the Board of Selectmen adjourned the meeting at 11:30 AM.

Respectfully submitted,

Jessie W. Levine  
Town Administrator