

TOWN OF NEW LONDON
BOARD OF SELECTMEN
MEETING MINUTES – JULY 9, 2007
(Public Session)

PRESENT:

Mark Kaplan, Selectman
Larry Ballin, Selectman
Jessie Levine, Town Administrator

ABSENT:

Sue Clough, Chairman Board of Selectman

ALSO PRESENT:

Doug Lyon, Volunteer for Board Appointments
Fred Coombs, Resident of Pine Hill Road
Ed Raswyck, Resident of Pine Hill Road
Don L'Heureux, Resident of Pine Hill Road
Debbie Cross, *InterTown Record*

Mark Kaplan opened the meeting at 8 a.m., and the Selectmen addressed 13 areas of business during the meeting.

1. **Doug Lyon** has volunteered to serve as New London's Deputy Treasurer, a position recently vacated by Russ Cooper. He noted that the Town Treasurer fills a checks-and-balances role. The position's chief responsibility is one of oversight, and assuring that due diligence is done in regards to the Town's accounts. He noted that Steve Theroux does that ably, but occasionally, when he is out of Town, for example, he needs backup. Doug Lyon said that early in his own tenure as Selectman, the Town was without a Deputy Treasurer for a short period of time, and he filled in, and had the opportunity to observe how the job works. He suggested that, if appointed, he would begin his service by sitting in on the Treasurer's next meeting with Finance Officer Carol Fraley to go over the accounts and to refresh his memory.

He has also volunteered to fill the Zoning Board of Adjustment vacancy created by Russ Cooper's departure, noting at this meeting that the Zoning Board's work has always been of interest to him. He observed that a Town's laws and regulations are general in nature, but unique situations arise that require interpretation of those regulations. The zoning appeal process gives people with legitimate concerns about how the ordinance is applied to their property, to get some relief. He doesn't see the ZBA's mandate as one of negotiation, but rather of assuring that a property or situation meets the criteria provided by law to allow for a variance or special exception to the ordinance. The Zoning Board's work is not so much assuring enforcement of the law, but assuring justice. He observed that at the same time that regulations have become more numerous and tighter, the amount of (easily) buildable space that remains in Town is becoming reduced.

He said he has reviewed the Zoning Board's decisions from the previous year, and the relevant arguments, and notes that the Board seems to have always taken into consideration the concerns of the Town as specified in the law, and the concerns of the individuals.

Larry Ballin opened some discussion about the recent sense of some residents that the business potential and commercial space in Town ought to be expanded. It is not clear at this early stage

whether they are looking more at expanding the boundaries of the existing commercial zone or at tightening the existing boundaries, and creating other spaces with commercial potential.

Doug Lyon said that commercial development does offer some potential for expanding the tax base without imposing the additional demands for Town services that residential development does. He noted that either an expansion of the current zone or the creation of new commercial spaces would require Town meeting approval. His observation is that New London has historically been a conservation minded town, but if commercial expansion is done in the right area in the right way, the two philosophies can co-exist.

Selectmen agreed to defer the finalization of this appointment until the next meeting when Selectman Sue Clough is present.

2. **Pine Hill Road:** Fred Coombs, Ed Raswyck and Don L'Heureux attended this meeting for the purpose of opening some dialogue with the Board of Selectmen regarding paving Pine Hill Road. Fred Coombs reported that there are 14 houses on Pine Hill Road. During the meeting, it was observed that only one resident of Pine Hill Road (not present at this meeting) is opposed to paving the road.

Mr. Coombs offered a brief history: 20 years ago, the then-Board of Selectmen promised that when all buildings on the road were complete, the road would be paved. In 1985, Mr. Coombs and several other residents approached the Town regarding the paving, and received a reply from the Town Office that contained an offer to help residents craft a petition warrant article to present at Town Meeting. He said that at that point, he was discouraged by (unnamed) persons from proceeding with this, as they felt it did not have a chance.

More recently, Pine Hill Road residents spoke with Jessie Levine (reference Board of Selectmen minutes, June 25, 2007, p. 3). Mr. Coombs said the residents do have some objections to the minutes of the June 25th meeting.

(a) They object to the wording indicating that the fact that the utilities are buried underneath Pine Hill Road is a problem. Specifically, the minutes state: "If it (the road) is paved, any time work needs to be done on the utilities, it will have to be dug back up." At this meeting, he reported that he has met with Richard Lee who said that they could request that the utility lines be put into separate conduits. Thus, he (Mr. Coombs) feels the wording of the minutes is not quite correct. Mark Kaplan asked for clarification of what he meant by that. If the utilities are buried beneath the road, and the road is paved, that paving would have to be dug up if and when work needed to be done on the utilities. Mr. Coombs said that once the road is paved, it would not necessarily need to be disturbed (for utility work). Rather, he said, the old line could be abandoned, and a new one drawn through.

Neither the three residents present at this meeting nor the Selectmen knew who would bear the cost of that work, but the residents expressed some conviction that the utility company would bear the cost. Fred Coombs reported that he did contact PUC, and a representative there agreed with him on this issue, asked for the name and number of New London's Director of Public Works, and said he would get back to him. To date, Mr. Coombs has not heard back.

(b) The residents feel that though the minutes of June 25 mention that residents can submit a petition warrant article to Town Meeting, they (the minutes) do not go into this as well or as thoroughly as did the article in the *InterTown* Record.

(c) They are concerned about the mention in those June 25 minutes that the August meeting they were promised would include a similar discussion regarding a similar request from Laurel Lane residents, as well as a discussion of all gravel roads in Town. The Pine Hill Road residents would like their own hearing on the question of paving their road, similar to that held for Stoney Brook Road.

Larry Ballin said he understands that the residents are here today because they are concerned about the Selectmen's discussion on this matter. He said from time to time, Selectmen receive these requests, and the discussion at the last meeting was just that – a discussion. Selectmen do need more information on exactly what Pine Hill Road would need before paving. He suggested they proceed with the plan to dedicate the August 27 Selectmen's meeting to the subject of gravel roads, with Richard Lee present. At that time, they can ferret out the details about the utilities.

He said that residents must understand that if a utility breaks beneath the road, it will be much more expensive to dig up a paved road than it would be to dig up a gravel road. They need clarification of who would pay for that. Don L'Heureux seconded Fred Coombs' assertion that the utility company would pay. Larry Ballin said they would like to have confirmation of that before the discussion scheduled for August 27.

Fred Coombs said that in their discussion with Jessie Levine there was not the understanding that the August meeting would be an open meeting. Jessie Levine said her recollection of that conversation is different. She recalls that they did discuss the date of August 27, and that she said that they would discuss gravel roads as a whole. She said the reason she suggested that late date, is that she and Richard Lee need to spend time reviewing all the gravel roads, their status, and priorities. Ultimately, the Board of Selectmen will make the decision on paving. Fred Coombs said that the four of them (residents) understood that there would be two separate meetings—one for Pine Hill Road, and one for Laurel Lane. Jessie Levine said they can't take a discussion of Pine Hill Road out of the context of gravel roads as a whole.

Mark Kaplan asked if residents object to the discussion including Laurel Lane. Fred Coombs said they expected it to be a separate discussion. Mark Kaplan said the Selectmen need to look at both and see what each road needs, how they are different, etc. Fred Coombs said they do not object to Selectmen having a discussion of all gravel roads, but the Pine Hill Road residents do not feel their road will get a fair hearing if it is thrown in with that general discussion. He noted that on the 16 miles of gravel roads in Town, there are 300 homes. He expressed concern about the possibility that at that general discussion meeting, Selectmen will simply say that residents of a gravel road can petition the Town Meeting for paving, and he said that would not be a satisfactory conclusion for the Pine Hill Road residents.

Ed Raswyck said he feels that Pine Hill Road residents are being penalized for having underground utilities. He said Pine Hill Road residents want a hearing on Pine Hill Road only. He said they have specifics to bring forward. Jessie Levine clarified that the fact that the utilities are buried beneath Pine Hill Road was not presented as an objection to paving that road. It was mentioned only so that residents are aware that if the road needs to be dug up for work on those utilities, that will be more involved. But, she said, that is just one of the issues Selectmen must consider. It does not prohibit paving the road. Ed Raswyck pointed out that at one point in time, the Selectmen approved the utilities being put underground. Mark Kaplan said fine, it doesn't prohibit the paving; utilities are not the issue. Don L'Heureux said that Richard Lee isn't sure where the utilities are. They have got to find that out. He reiterated that the utility company will pay for that.

Larry Ballin said he'd be happy to participate in doing research on this, along with the road agent, residents, and with some input from the utility company. Jessie Levine clarified that she and Richard Lee are conducting that research between now and August 27.

Fred Coombs returned to the basic point: that residents feel that Pine Hill Road will not get a fair hearing on August 27 if residents of 300 other homes on gravel roads are all invited to the same meeting. Jessie Levine said it is not the intention to invite residents of 300 homes to the meeting, though it will be a regular Board of Selectmen meeting and open to the public. The Selectmen will decide who speaks and what topics will be covered. She said that the Selectmen need to know the facts about all the gravel roads, before making a decision on Pine Hill Road or Laurel Lane.

In light of the concerns expressed at this meeting, she went on to suggest that the Selectmen dedicate the August 13 meeting to the philosophical discussion of all gravel roads, and the August 27 meeting to a discussion of just Pine Hill Road and Laurel Lane, or just Pine Hill Road. She added, however, that August 13 would include the non-resident taxpayers' meeting as well. Selectmen agreed that for that reason, plus the fact that August 27 has already been published in the minutes as being the date for the philosophical discussion of gravel roads in general, it should stay that way, and the September 10 Selectmen's meeting should be dedicated to a discussion of the specific road or roads.

Ed Raswyck said they would like a special meeting similar to the one Stoney Brook Road got, and he said that the road agent will have to do his homework before the meeting. He reminded Selectmen that a previous Board of Selectmen did make a commitment that when all the buildings were up on Pine Hill Road, the road would be paved. Jessie Levine said the law does not bind the current Board of Selectmen to commitments made by a previous board. Ed Raswyck said residents elected the Selectmen in good faith, and expect them to act in good faith. Mark Kaplan said that as a matter of law, the current Board of Selectmen is not bound by what a previous administration has promised. He agreed that people may feel there is a moral and ethical obligation, but they (the current Selectmen) are not bound (to a previous Board's decision) by law. He said the current Board of Selectmen is dealing with changed conditions. For one thing, costs have risen tremendously. Don L'Heureux agreed, but said that 20 or 25 years ago, the Town was ready to go with this. Residents want that taken into consideration.

Fred Coombs asked if the discussion of Pine Hill Road could be scheduled first in August. Larry Ballin suggested it would be preferable to have the general discussion on gravel roads first, then schedule meetings with individual groups to discuss the merits of their individual requests. Fred Coombs reiterated his concern that if the Board decides at the general meeting that residents of gravel roads can submit petition warrant articles to Town Meeting, and all 35 gravel roads submit such articles, they will be run out of Town.

He asked about August 6. No Selectmen's meeting is scheduled for August 6. Larry Ballin said the August 27 meeting is already referred to in the minutes as the date for a discussion on all gravel roads. He recommended that the Pine Hill Road discussion be scheduled for a later date. Fred Coombs said they have no objection to that unless they find out they will not get a fair hearing. He referred to an earlier decision by the Board of Selectmen that the Town will not pave gravel roads. Mark Kaplan agreed that that was the policy years ago, but since then the policy has been to listen to individual concerns, and make decisions on a case-by-case basis. There is no set program. Jessie Levine added that not all residents want their gravel roads paved. Larry Ballin suggested they begin to create a process. He said the Selectmen are obliged to hear the residents' arguments.

Ed Raswyck objected to the reference to Pine Hill road as a gravel road. He said there is no gravel there. It is just dirt, and there is a significant dust problem on dry days and considering the speeds at which people drive.

It was agreed that the August 27 Board of Selectmen's meeting at 7 p.m. will include the philosophical discussion of all gravel roads in Town, and that the September 10 Board of Selectmen's meeting at 8 a.m. will include the discussion of Pine Hill Road specifically.

Fred Coombs reminded Jessie Levine that he has asked for a rundown of Town roads that have been paved since 1975, and the costs. Jessie Levine said they will do the best they can with that, but 30 years of records may be difficult to pull together. She said the residents themselves are welcome to come in and go through the Town Reports. Larry Ballin said the concern in front of the Board is today's cost, what this will cost going forward.

Ed Raswyck asked if they have received similar requests from residents on roads other than Pine Hill and Laurel Lane. Jessie Levine said they have heard from people on Quarry Road and Quail Run.

Fred Coombs said that under law, the Board of Selectmen can decide on its own to pave a road. He gave as an example Old Main Street. He said that it's a hardship for people to go the other route, the route of Town Meeting. Jessie Levine said before a road would be paved, it would still have to go to Town Meeting as part of the budget.

3. **Minutes of June 25, 2007.** Larry Ballin moved to accept as drafted. Mark Kaplan seconded. No further discussion. Motion unanimously approved.
4. **Milfoil Grants.** Prior to the meeting, Selectmen received copies of the applications for grant funds from the Town's Milfoil Reserve, from Pleasant Lake Protective Association (\$7000), Little Sunapee Lake Protective Association (\$5500), and Lake Sunapee Protective Association (\$5000). Jessie Levine confirmed that the Town has been putting \$28,000 into this capital reserve every year, with the plan to distribute \$20,000 to the respective Lake Associations for milfoil prevention, leaving \$8000 in each year to accumulate and provide a resource of funds should the Town ever need to address a serious problem. They have found however, that in the past, they have distributed \$16,000 each year (this year, requests are for \$17,500), and so she is going to suggest that they do not allocate as much for this reserve at the next Town Meeting. In response to question from the Board of Selectmen, she explained that the difference in the amounts of the requests is due to the fact that Pleasant Lake has a lake host on duty for longer hours.

Mark Kaplan moved that the Selectmen approve the grant applications in the amounts described above. Larry Ballin seconded. No further discussion. Motion unanimously approved.

Mark Kaplan observed that Lake Morey in Vermont is now using a herbicide treatment to combat the invasive milfoil there. The results are not complete, but he suggested this situation be watched as it may provide some guidance for response in the future, should New London ever have to embark upon a treatment (rather than just prevention) program.

5. **ICMA Award.** Jessie Levine reported that she and Newbury Administrator Dennis Pavlicek have been notified that they are to be awarded the 2007 Community Partnership Program Excellence Award for the "Tri-Town Assessing Intergovernmental Agreement Program for Towns of Less than 10,000 Population."

6. **July 16, 7 p.m. Board of Selectmen Meeting with Non-resident Taxpayer's.** Selectmen agreed to provide handouts with budget information rather than present the slide show from the March Town Meeting, and to provide a rundown of what Selectmen have been working on in general.
7. **Big Band Night-August 3, 2007.** Selectmen received a letter dated June 27, 2007 from New London Hospital requesting that guests be allowed to possess and consume alcoholic beverages under the big tent on the (newly purchased) Town land adjacent to the New London Inn. The Hospital has appointed two monitors and two designated drivers for that evening. Larry Ballin moved that the Selectmen permit this with the following conditions:
 - o The Hospital's proof of insurance be provided.
 - o The Hospital is willing to take responsibility.
 - o The Hospital understands that the permission is for consumption of the alcoholic beverages under the tent only, not outside that area.
 - o Though the Selectmen will not make a formal request for a police presence at this event, the Police Chief can make the decision himself to provide an officer at the Hospital's expense. Ms. Levine said the Police Chief always has that authority.

Mark Kaplan seconded. No further discussion. Motion unanimously approved.

8. Selectmen have received a request from the Parks family that the family be allowed to erect a memorial to Anna Parks at Elkins. Selectmen agreed to put this on the next meeting's agenda.
9. **Sewer Department-Flow Study:** Jessie Levine reminded the Board that this was supposed to start today, but she is not sure how the wet weather will affect the scheduling. She reported that she has notified sewer users by direct mail (in their bills), and there has been coverage on WNTK.

10. Committee Reports:

- o Mark Kaplan reported that he and Sue Clough attended the June 28th joint meeting with Sunapee Sewer Commissioners, and he noted that things are going smoothly. There is good cooperation between the departments in the two towns. Jessie Levine added that the staffs from the two departments will be sitting down soon to review the flow calculations.
- o Solid Waste, Mark Kaplan asked if there have been any comments from residents regarding the change in direction of New London's trash flow. Jessie Levine will inquire of Richard Lee.
- o Jessie Levine reported that the fiber optics consortium met on June 26 with an attorney, and has reviewed the governance options, and it appears that there should be two agreements: the intermunicipal agreement that will govern the infrastructure or backbone of the system, and a coop agreement, for the members of the system, who will run it. She said if this were just a municipal agreement, the municipalities would have to pay for everything, and they would be more restricted in what they can do. The consortium has agreed that this needs to be a business entity rather than a municipal entity, and they agreed that a coop through which all members have input, and will benefit from dividends once the program is successful, is preferable to a single corporation running it.
- o Larry Ballin reported on the June 26 Planning Board meeting during which two lot line adjustments were made, and the Board held discussion regarding engineering consultants for the updated Subdivision Regulations.

- o He reported that at the June 28 Joint Assessors meeting, they discussed how costs are being broken out, and how much time is being spent, and the question of whether or not they are appropriately staffed to keep up with the inspections.
- o The newly formed Solid Waste Committee will meet today at 5 p.m. Richard Lee will not be able to make it, but has asked John Early to attend. Mark Kaplan has asked Phil O'Brien to attend also. At that meeting, the objective will be to come up with the broad outlines of what the Committee wishes to accomplish, and how.
- o The newly formed Energy Committee will meet this evening also, at 7 p.m.

11. **Middle School Construction:** Jessie Levine reported that the School District is allowing the Outing Club to use the middle school at this point and in exchange, the Outing Club is making some repairs to the gym. She noted that the School District is exempt from zoning regulations, but still require a permit from the Selectmen for construction per RSA 155-A: 4. The Town must be concerned about public safety and traffic issues. She will draw up a permit for the Selectmen to sign based on the Fire Chief's review. Relevant to that, Dan Wolf gave her a copy of a letter from New London Fire Chief Jay Lyon stipulating that:

- o The construction dumpsters must be ten feet from the building.
- o The traffic way can not be blocked, and if at any time it must be blocked, NL dispatch must be notified.

She said the work may affect the Hospital Days book sale and they have asked the Hospital to communicate with the Police Department about the possible need to find an alternate route to Cougar Court. (Cougar Court is a private road, but a public right of way.)

Selectmen agreed that as long as the Outing Club and school district are notified of these concerns, there is no reason to not sign a permit.

12. Per NH RSA 91-A:3 II (a-h), the Selectmen closed the public session of this meeting at 10 a.m, and entered non-public session to discuss legal and personnel matters.

13. At 10:25, Selectmen reentered public session to sign the following items:

Building Permits:

- o New London Hospital at 273 County Road, Lot 72-16, to set up a 17' x 20' temporary tent to shade Clough Center residents from the sun during the summer months. The tent will be taken down in the fall.
- o New London Hospital at 273 County Road, Lot 72-16, to set up a 12' x 20' temporary tent to shade the children of ABCs Childcare from the sun during the summer months. The tent will be taken down in the fall.
- o Rody and Dick Denise, 21 White Pine Lane, Lot 105-007, to replace an existing deck with one of the same configuration.

- o John and Cynthia Canaday, 206 Old Main Street, Lot 107-14, to renovate including work on the interior of the home, installation of new windows and dormers, construction of an addition on the back of the house, and new deck and screen porch.
- o Jane W. Wright Revocable Trust, 57 Green Lane, Lot 82-17, to add an extension to the rear of the existing barn for storage purposes.
- o Amanda Christensen, 88 Heath Lane, Lot 43-003, to add a second story to existing ranch house.
- o Murray Pond Association, Murray Pond Road and Little Lake Sunapee, Lot 45-17, to install erosion control, replace a retaining wall and replenish beach sand.
- o Clinton and Hilda Lyon, 96 Burpee Hill Road, Lot 82-027, to add a 26' dormer to the front of the existing house, replace two windows with 6' wide sliders on the north side, and to replace the existing deck on the rear of the house with a deck of the same size.

Tax Abatements:

- o Village House Condominiums at 41 Gould Road, in the amount of \$312.20.
- o Carolyn Murphy at 46 Hilltop Place, lot 144-001-046, in the amount of \$1789.10.

Sign Permits:

- o Our Lady of Fatima Church, 724 Main Street, for a 2' x 2' sandwich board reading: "Attic Treasures Sale Here Saturday 9-1." (Temporary sign.)
- o Carlton Bradford at the Chamber Information Booth on Main Street, for a 48' x24 " main frame with 24" x 36" sign reading: "Folic Forum, South Sutton Meetinghouse Program, July 30."(Temporary sign.)
- o Susie Burmann (PED), 83 Squires Lane, for a sign reading "Garage Sale, July 14, 2007, 7 – 1 to Benefit Women's Needs Scholarships." (Temporary sign.)
- o Patti Mullin (Timeless Kitchens), 11 Pleasant Street, for a 1'x 7' sign to read: "Kitchens and Baths" to be attached to the building and matching the Mesa sign.

Permit:

- o Kearsarge Community Center to erect a temporary tent on the "Inn Common" from 4 – 9 pm on July 19, 2007

Signed prior to this meeting:

- o Tax abatement for John and Patricia Sheehan.
- o Contract for Household Hazardous Waste Day in Sunapee on August 18, 2007.

There being no further business to conduct, Selectmen adjourned at 10:30 a.m.

Respectfully submitted,

Sarah A. Denz
Recording Secretary