DRAFT
Joint Board of Selectmen Meeting
Tracy Library, New London, NH
September 10, 2009
6:00pm

IN ATTENDANCE:
Larry Ballin, Tina Helm and Mark Kaplan, New London Board of Selectmen
Dave Hartman and David Karrick, Warner Board of Selectmen
Bob Wright, Wally Baker & Rick Goddard, Sutton Board of Selectmen
Jim Powell, Newbury Board of Selectmen
Mary Kay Huntoon, Wilmot Board of Selectmen
Peter Fenton, Jack Meaney, Chip Meany, Bradford Board of Selectmen
Jane Lucas, Bradford Budget Committee
John Wilson, Jim Wheeler, New London Budget Committee
Peter Stanley, New London Zoning Administrator

Chair Ballin called the meeting to order at 6:10 PM and welcomed the attendees to the meeting. He said that Peter Stanley, Zoning Administrator for New London, would give a brief presentation of the Workforce Housing Overlay District, which the Town had put into effect this year.

Mr. Stanley began his presentation by giving some background on the Workforce Housing Overlay movement. He said that in 1991 a legal case went to the Supreme Court because someone had attempted to build some low-income housing in their town and to try and prohibit it, the town tried to prevent the construction through zoning laws and ordinances. After about 18-19 years, it was put into law that a town could not tell people what they could or could not build. Mr. Stanley stated that towns have to provide reasonable and realistic opportunities for workforce housing. Additionally, they have to provide a place for this type of housing to occur. He stated that the majority of the zoned districts in the town have to provide for the majority of the land area where actual residential uses are permitted, and these locations must allow for workforce housing. In instances where towns have no zoning, there is no problem as to where the housing would go. Mr. Stanley emphasized that one of the key things to remember is that when an applicant intends to build this type of housing, they have to tell the town that they intend to do so during the application process. It is vital that they are forthcoming from the beginning.

Mr. Stanley shared that there was not much help at the state level to accomplish this task of creating workforce housing. He stated that New London has nine different zoned districts and that they didn't know how to decide what could be considered for the housing and where it would could best be located. He said that they came up with the approach to create an overlay. Mr. Stanley displayed a map that showed the zoned districts in the Town. By trial and error, they came up with a zoned district that worked its way around the town and kept away from the lakes, to protect fragile environment and conservation districts. After doing the math, they found that they had 52% of the total land area considered eligible for workforce housing. This figure meant that they had met that element of the law.

Mr. Stanley explained that there were regulations crafted to offer incentives to encourage workforce housing to be built. For instance, they would allow for more than the usual number of families to reside per acre of land, thus lowering the price of the property and giving more opportunities for low-income housing. Mr. Stanley also explained that there were several thresholds set. Two of these were that the housing has to remain as workforce housing for at least 30 years. The second was that the prices for rent/purchase of the properties cannot increase.

Mr. Stanley shared that another other element of the regulation is that there must be a basic requirement that there be eligibility in the part of those buying the properties. The Planning Board can give permission

for reduced lot size, increased density, increased road frontage, adjust setbacks, and waive application fees. These things can all help lower the total cost to build and would make the housing affordable. He stated that all of this information was available online on the New London website.

Mr. Stanley admitted that the way New London fit the Workforce Housing Overlay District was not going to fit in with most of the other surrounding towns because each town is so different. He suggested that they use a Town Planner or their RPCs (Regional Planning Commission). He stated that grant money is available through the RPCs to have them come and assess the town to see how close they are to meeting the requirements. Once the audit is done, they can be in a position to have the Planning Board make recommendations in order to make changes so that they can come into compliance with the law. Mr. Stanley remarked that New London jumped on this mandate early because they had been involved in the state level in knowing about this legislature.

Mr. Stanley said that the initial law was to take effect July 1, 2009. In the July session, they changed the effective date to January 1, 2010. He emphasized that there is still a window of time to get the work done. In this economic climate, he did not feel that there would be any push to build the housing, but in the event that it did come up, it would be wise to have something in place within their towns. He referenced the use of a publication called "Innovative Land Use Planning Techniques" which has been used by several associations. He said that most towns have access to it. Mr. Stanley explained that the resource gives realistic tools to use and is geared so it can be understood easily. He also said that the New Hampshire Housing Authority has published a document which is on the state's website. To find it, he suggested doing a search for "Workforce housing." The document addresses every element of the new law that has been passed.

So far, New London has not used the guidelines they have set in place for the workforce housing, although there have been two inquiries. Mr. Stanley commented that Bittersweet is a federally subsidized, low-income housing in the Town. He also said that more people would be looking into building more of the same type of housing if they could find a good location to build.

Mr. Stanley shared that the cost for the housing was set upon what the median income of the county was. If someone wanted to purchase one of the properties, they would have to be making 30% of 100% of the county's median income. To rent a property, they would need to only be making 60% of the median income for said county. Within the 30% figure. For New London, the median income is $74,500, so there would need to be a rental for less than $1200/month, including utilities. Mr. Stanley offered that already in New London there were a number of apartments under $1000/month including utilities. He said that each town should look at the housing they have, and use the tools available to look into the regulations. Every town will be different depending on the arrangements they have, the zoning, the topography, and the housing stock.

Bob Wright from Sutton asked if both residential and rural agricultural districts were included in the overlay. Mr. Stanley said that the Conservation district and. institutional zones were exempt from the overlay. He added that lower-income housing does tend to cost more to the town with regards to increased amounts of service to those areas from police, fire and ambulance. With that said, there is still an obligation to provide this mix of housing within the Town.

Jack Meaney from Bradford asked if, considering the income level and type of housing that is allowed, would manufactured housing be allowed any place other than a park or, is it even permitted in New London. Mr. Stanley said that manufactured homes are allowed, however, land is so expensive in Town that people generally wouldn't opt to put that type of home on a lot. He said that he was not worried about it happening because it hasn't been happening.

It was asked if fees would be waived from the town only for the applicant. Mr. Stanley answered in the affirmative and added that the fees would only be waived if constructing low income housing.

Mr. Kaplan shared that one reason New London went forward with the overlay was because if they didn't have it in place, they would be running into a tremendous risk. Mr. Stanley added that the Town had been approached several times by a specific group about getting this kind of housing in the Town. He believed that in time, someone may be giving them the land on which to build the housing. Currently, the group does not have the ability to do the planning for it yet, but since the Town knows that there is interest, and, if they are not prepared, once the law is passed they would have to go to court and then the builders would end up being able to do whatever they want. He explained this to be something called "Builder's Remedy" and it basically means that whatever the builders wanted to do in the first place, the court would allow them to do. It is vital to enforce that proper roads are put in place, and things like fire protection, storm water management, etc. are addressed. Without having a plan in place, the Town would not be protected from these types of circumstances.

Dave Karrick from Warner asked what the value of the house was that had to be made available. Mr. Stanley said that it will vary from town to town. Mr. Karrick said that Ben Frost had mentioned a number and he thought that it was a figure that would be used. Mr. Stanley emphasized that the cost has to reflect the median income for each area. He shared that Merrimac County's median income was $74,900. He said that this number takes into consideration the town of Concord along with this end of the county. He believed that this was probably a high number, but that is what they are given to use in this instance. Ultimately, whatever the median income is, the towns have to figure out what 30% is to produce a home in that range. Mr. Stanley said that there was no" magic number," but that it depends on where you are in the state.

It was asked that if there was a 5 acre lot that sold for $200,000, could they break it up into five lots with a common driveway. And then, could manufactured homes be placed on the property. Mr. Stanley said that as long as they meet the threshold requirements, and meet them for at least 30 years, it could work. He stated that if someone wants to do such a thing, they can but they have to follow the process. The Planning Board has to approve it and the builder can challenge their decisions. If there is no settlement it can go to the Supreme Court. Mr. Stanley added that given the value of land in New London, it is very unlikely that people will pay that kind of money for the land and then put manufactured homes on a site.

Mr. Hartman from Warner asked who would be in charge of monitoring that a house was kept within the threshold of low-income housing for the 30 years. He asked if it would be a responsibility of the Town or the developers. Mr. Stanley said that it would be the responsibility of the Town.

Mary Kay Huntoon from Wilmot said that even if the land is donated, a developer has to produce these houses and actually sell them, and that is where the idea gets weak. Mr. Stanley agreed with her statement. Ms. Huntoon asked how they would be able to do such a thing. Mr. Stanley said that there are not a lot of people standing in line to develop this type of housing however, it behooves the town to have this plan in place incase someone wants to come in and attempt it. He added that the law states that if the market value of land is out of your control it is not the town's fault that workforce housing cannot be constructed, and they will not be held accountable.

Mr. Karrick asked if there was any State or Federal money available to people who want to develop workforce housing. Mr. Stanley answered that he hasn't heard that there was much, if any. He suggested working with their RPC's to best research the possibility of available money for their towns.

Bob Wright of Sutton asked if it the law was put into place to thwart potential discrimination. He felt it was important to make sure protocols were put into place to avoid having to go to court. Mr. Stanley agreed and said that the towns need to control the destiny. He also added that any multi-family housing has to be on Town water and sewer. This, he opined, was a reasonable request in the town..

Chip Meaney from Bradford asked if the process of zoning for workforce housing within the town would necessitate Town approval. Mr. Stanley said that there needed to be two hearings because they have to

provide sufficient opportunities for the citizens to be educated on the matter and to voice their opinions. Mr. Meaney asked what would happen if the citizens vote no to the housing in the Town. Mr. Stanley said that they would have to understand the consequences of their veto.

Mr. Stanley said that it has been his experience that in the last 33 years, New London has not seen many ordinances fail. In fact, there has only been one that came in by petition that succeeded. He believed that the people of New London tended to support the Town's ordinances.

Mr. Meaney shared that there seemed to be no failsafe way of accomplishing the workforce housing in the Town. Mr. Stanley answered in the negative. Larry Ballin, Chair of the New London Board of Selectmen explained that New London only got out front early in this project because they did not know that the deadline would be pushed back. He believed that the townspeople would trust in the Planning Board and their initiatives. He repeated Mr. Stanley's thought that they also know that there are no developers out there that will push for this sort of housing right now. He explained that he doesn't see it happening for quite a while, unless someone donates the land and pays for it in a truly altruistic act.

With no further comments regarding the Workforce Housing Overlay District, Mr. Ballin thanked Peter Stanley for his time and presentation. He then announced that there was no formal agenda for the meeting, however, he believed that the town/school budgets may be a topic that they would want to discuss. He then opened the floor to comments.

Ms. Huntoon from Wilmot noted that her town has been chosen for an audit from the Department of Labor. She said that an inspector came to review the buildings and talk to people, and then started giving out violations. Ms. Huntoon stated that the old school house is the Town Office and the Town Clerk is situated in the front of the building. She explained that there is a divided door between the Town Clerk's office, the selectmen's office, and where the administrator is. Ms. Huntoon said that the inspector came in and started dictating things that need to be done. She felt that some of the things were acceptable and were important, such as providing manuals within the office to instruct a course of action in the event of an accident or emergency. However, the inspector said that they have to install a steel door. The top half of the door needs to be made of bullet-proof glass. Ms. Huntoon explained that there wasn't any money in the budget for this expenditure. She said that in an informal meeting she had with the Commissioner of Labor, they said that they need to make the workforce place safe because of the shooting that happened in Newbury several years ago. Ms. Huntoon said that it seems to be a ridiculous request to install bullet-proof glass when there is a regular window within the vicinity of the Town Clerk's desk.

Ms. Huntoon reported that they had a total of $400 in fines to pay, which were reduced to $200 and that they are able to get an extension on the time that they have to get the upgrades made. Ms. Huntoon said that they have sent the report to their attorney but they don't know when they'll hear back. She said that in the report it says they "shall" do these things, but she isn't sure that they "have" to do them. She wondered where they get the authority to mandate the changes.

Bob Wright from Sutton said that they recently had a session with the Wilmot board regarding a different topic and this topic came up. They would like to have everyone get on board and he would draft a letter to be sent to the Department of Labor to ask what the authority is in this regard.

Ms. Huntoon said that she feels that the towns do not put their employees at risk.

Mr. Meaney from Bradford said that they installed the steel safety doors after the Newbury incident, and they later had to take it out because it was too cumbersome for the employees to work around.

Mr. Ballin asked Mary Kay if she has spoken with any of the State Representatives about this issue. Mary Kay said that they just received the letter the day before and would be speaking with the Representatives soon. She said she just doesn't want to throw money away doing these things that don't seem necessary.

Mr. Ballin opined that this seems like some overzealousness by someone in that office. He suggested finding a paper trail and see where it all started. He also stressed that she should ask the Representatives to get involved and help remedy the situation.

Mary Kay added that the door they want installed would be about $2500 which just seemed to be too much.

Mr. Meaney said that these sorts of things usually happen because of a complaint coming from within the office.

Bob Wright from Sutton asked to move the conversation to the Town budgets. He suggested at the last meeting the practicality of joint purchases (highway gravel/salt/paving materials). He wanted to know if others thought this idea made sense. He wondered if bulk buying was a good idea or whether it would be too hard to figure out the distribution to each town. Mr. Wright said that he was interested in the others' thoughts on the subject.

Peter Fenton said that more and more towns are sharing the cost of road salt. He said that if they go to a distributor and purchase a large quantity, they are buying in bulk, so they get a better price. If they pay up front, the distributor will deliver it to wherever they want. Mr. Meaney said that the road agents have had or will have a joint meeting to talk about this type of thing.

Mr. Ballin said that another place where money could be saved is on fuel oil or propane. He said that a lot of small co-ops have banded together to purchase heating oil at a lower price. Mark Kaplan of New London's Selectmen noted that fuel oil would have to be delivered at many different places, all of which have various BTUs being consumed. He said that they should be able to sign up for this in May to get the better price and have it delivered throughout the winter months instead of paying for it as it is needed.

Mr. Ballin noted that the LGC is looking into the towns sharing fire equipment. He said that there was a lot of statewide interest cost-sharing between towns and that it should be pursued.

Tina Helm from the New London Board of Selectmen urged the meeting participants to go back to their respective road agents to make sure they are meeting jointly to discuss cost-sharing.

John Wilson from the New London Budget Committee shared that New London does purchase road salt with Sunapee. They get a full truck load and have it delivered to one place to save on transportation costs. The towns use their own vehicles to transport the salt to their own sheds. Mr. Wilson noted that Richard Lee, Public Works Director in New London, has talked about doing more of this sort of thing with other towns. Mr. Meany said that he told his road agent that they would like to discuss the ways the surrounding towns could save money and he was surprised to hear from his road agent that they were already cost sharing with other towns. He said that they need to have the Kearsarge area road agents sit down one day/month to see what they could share. Bob Wright suggested that they encourage them to meet, but not mandate it.

Mr. Wright said that in this current economy with the school budgets and the local economies being hit so hard, they feel that they should do whatever they can to mitigate the costs. He added that it also gives the towns greater purchasing power by buying in bulk. Mr. Wright mentioned the Bradford town meeting where there were a lot of angry people. He said that it was his goal to hone the budgets to keep them flat lined or keep them in line with the cost of living increases. He then asked John Wilson to make a comment about what he had heard about the school budget.

John Wilson said that he really believed that their presence last year at some of the budget meetings gave them some backbone to take some stands on things. He was hoping that this group of selectmen would keep the pressure on the school board to be judicious in what they have in mind and make sure that they are very careful. Mr. Wilson said that he felt they have been forced to be careful this year and is hoping

that the selectmen would let them know that they are concerned with the budget. He commented that the school budget is the towns' largest expense and tax liability.

Dave Karrick of Warner asked what was happening with current SAU building and the old middle school. He wanted to know who was paying to maintain the old middle school and how much of it was likely to be used. He shared that he had heard the school's budget authorized them to spend $600,000 on relocating the SAU staff.

Mr. Ballin said that the actual amount was $ 625,000 that was authorized to relocate the SAU. He shared that the plan was to occupy the middle section of the building where the library and cafeteria area was. That is where the SAU will go. They also want to bulldoze the "pit" (lower part of the building behind gym), and the 1941 building is still a question. He noted that it is the school district's building and they can do what they want with it. Mr. Ballin indicated that there are plans for some adult education the building.

Mr. Kerick asked if the taxpayers would continue to pay for maintenance of the building. Mr. Ballin answered in the affirmative. He added that this issue seemed to create the anger again of why they are using the building now after it was told the building was useless. He opined that the school district needed to be transparent in this issue.

Ms. Helm said that she spoke with Superintendent Jerry Frew last week. She said that among other things, they would like to get the kitchen up and running to get the culinary arts program in there for the first of the year. She felt that Mr. Frew was evasive in how this would all be done. She opined that they need to be on top of where the money is coming from. She didn't feel like she got straight answers to her questions. She shared that a problem would arise if they were to sell the current SAU building, as it would eliminate an alternative entrance to the building. Ms. Helm shared that one suggestion that Mr. Frew did take was to establish a citizen's committee to work with him in these matters of what to do with the old middle school building. Later, she said, she found that the school board already has such a committee formed.

Jim Wheeler of the New London Budget Committee said that the market value of the building might be $200,000 but that it might be more like $150,000. This amount would not pay for the move of the SAU to the old middle school building.

Bob Wright shared some institutional history of the current SAU building. He said that it used to be the Catholic Church. He also mentioned that Mr. Frew is from this area and that Charlie Hosmer is his uncle. Mr. Wright believed that this element was very important because it meant that this area and those buildings were more than just structures to him. He added that the statistic is, not including sports activities or special retreats, the busses drive 799,000 miles/year and that they are the largest district in the state, area-wise. Mr. Wright stated that each board of selectmen from the towns in the district have been complaining to Mr. Frew and that they are responsive to the complaints. Mr. Wright believed that a School Resource Officer would save a lot in safety but also in potential lawsuits. He said that it would be what they would refer to as a shared sacrifice. In the long run they would be saving, he believed.

Mr. Wright felt that the joint meetings of the selectmen are so important and he wanted to continue to have them so that they can talk with each other about their town problems and successes. He noted that the 70's, 80's & 90's were such different times and that now it is a total turn-around on how things are done. He hopes to continue to participate in these types of meetings.

Ms. Helm summarized by noting that there were two take-homes suggestions from the meeting:

1. Try to make sure the public works people are communicating.
2. Keep representation on an ongoing basis at the budget meetings.

Mr. Ballin had a few things to add. He said that the School Board knows they are being carefully watched and as a group the selectmen and budget committees should continue to keep the pressure on them. He said that asking questions and opening transparency is a good idea. He also noted that the County Home has been quiet for a couple of years. Social services will be pushed on hard during these economic times, and he noted that the new facility was very expensive. He shared that the facility and its upkeep is something that all the towns pay dearly for. He also indicated that New London does not send a large number of residents in the direction of the home.

John Wilson wanted to ask the members of the meeting one thing. He said that he was interested in talking about the relationship between the town government, the selectmen, the budget committees and the school board. He said that they all seem to communicate well except for the representatives from the school board. He was curious as to whether other towns have much opportunity to communicate with their representatives.

Chip Meany remarked that it seemed as though the representatives go along with what the school board wants, adds 10% and present the two budgets for voting.

Mr. Ballin said that last year the Municipal Budget Committee (MBC) came in with a trimmer budget than the School Board, which was a change. He said that they were starting to feel pressure and that it was important to keep the pressure on.

Jim Powell from Newbury said that the budget committee chose to put the pressure on the teachers instead of on themselves. He said that it felt like they were passing the buck to the teachers to give back their raise to make the budget work.

Bob Wright gave some background on this issue. He said that the school board is responsible for the negotiation of contracts, for choosing the curriculum, and indirectly, for the staffing. He said they also design a budget. The Budget Committee's totality is fixed on money and what can be done. They are given an amount of money and told to do with it what they want. While this could work, they started to become micro-managed and problems begin to arise.

Mr. Powell opined that they should have cut the budget by $500,000 and not go towards the teachers looking for a solution. This was a year where there were two different budgets. Voters wanted them to do more with less. They chose the lower budget.

Mr. Wilson said that it was brought up that there was a strange charter arrangement so voters would have to vote A or B, that they could really vote "C" as an alternative option. This is called an "SB-2" arrangement. SB-2, as related to a town, says that you do away with the town meeting and the budget would be voted by ballot. Town meetings are sparsely attended and so they could forego the town meeting and just vote.

Mr. Fenton said that a voter could vote "yes" or "no" regarding the higher number that is offered on the ballot. He said that there is a formula to figure out an alternative number. He said that he felt the school board has had opportunities to make improvements on how to do the voting but that they have refused and don't want to change. Mr. Fenton noted that there has even been a court case to try to change it. He opined that the school board was in the drivers' seat and doesn't think it will change without changing the charter.

Mr. Fenton opined that the school board has been arrogant, controlling and unresponsive to fiscal restraint. He said that their primary function is to educate the children. He felt that they were going way beyond what is needed. They seem to have a bloated overhead and it is difficult to figure out how much money is actually going towards education.

Mr. Ballin asked if it were to come to pass to get the signatures to put it on a ballot to enforce the SB2, would it need to be a majority or 2/3 vote.

Mr. Fenton said that it had to be a majority of 60%. He said that he knew a lot of people who would be able to go out and get the needed signatures.

Mark Kaplan shared some history on how this all came to be with regards to the school board being in control of the budget. He said that many years ago, most towns were much smaller. When they wanted to save money, they cut money from the school budget. Soon, the state said that the school and the town had to be separate and have separate budgets. Once the school budget has passed, it is sent to the town and the towns must pay. He concluded that this gives the school board the power and that it isn't likely that they are going to give up their power without a fight. He asked "Could it be done?" and answered in the affirmative. Mr. Kaplan said that people are upset and if they understand that they could have the power, things might change. He then asked if that is what they really want to do as it would be going backwards and allowing the townspeople to decide what is best in the schools.

Mr. Ballin asked if the group would like to meet again. The consensus was "yes."

Chip Meaney said they would host the next meeting in Bradford. It was decided that the next joint Selectmen's meeting would be held, tentatively, on November 5, 2009 at 6pm.

Wally Baker of Sutton suggested some agenda items for the meeting in November:

1. Report on the progress of workforce housing within the respective towns
2. Information from the road agents regarding buying in bulk
3. School budget information

The meeting was adjourned at 8:00 PM.

Respectfully submitted,

Kristy Heath, Recording Secretary
New London Board of Selectmen