

**BOARD OF SELECTMEN
MEETING MINUTES**

October 23, 2006

PRESENT:

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

OTHERS PRESENT:

Beth McGuinn, Land Protection Specialist, Ausbon Sargent Land Preservation Trust
Peter Stanley, Zoning Administrator
Richard Lee, Road Agent
Carolyn Dube, Argus Champion
Debbie Cross, Intertown Record

Chair Lyon called the meeting to order at 8:05 AM.

Meeting Minutes: Ms. Clough moved to approve the minutes of October 16, 2006. Second Mr. Kaplan and approved 3-0.

Meeting Schedule: The Board of Selectmen added the following dates to their meeting schedule:

Monday, November 6 at 8:00 AM	Tuesday, November 14 at 8:00 AM
Monday, November 20 at 8:00 AM	Monday, November 27 at 8:00 AM
Monday, December 4 at 8:00 AM	Monday, December 11 at 8:00 AM
Monday, December 18 at 8:00 AM	No Meeting December 25

The Selectmen will also attend the Sewer Commission meetings of October 31 and November 7 at 3:00 PM, and there is a Citizen's Advisory Committee meeting scheduled for December 9.

Solid Waste: Ms. Levine reported that negotiations with Casella regarding waste disposal starting in July 2007 have been proceeding well. Ms. Clough raised concerns about hauling trash to Bethlehem if the community is opposed to the landfill. Ms. Levine said she will investigate the status of the landfill. She has asked Casella to come in with a lower tipping fee, which, combined with a shorter haul to Bethlehem, should provide some savings. Ms. Clough said she is aware that the finances may be compelling to consider the Bethlehem option, but she is still concerned about the debate.

Mr. Kaplan said he plans to attend the NH Solid Waste District meeting on October 25 to discuss the dissolution of the district. He said he will ask for an agent to be appointed to oversee the distribution of funds remaining after July 1, 2007. He said that the ratio of trash delivered is 56.9% from New Hampshire and 43.1% Vermont. Of the 56.9%, New London makes up about 10.546%, which is about 6% of the overall tonnage. If there is \$100,000 left in the Project's accounts at the end of the contract, he does not want to lose New London's portion.

Conserving the Lagoon Property: At 8:30 AM, the Selectmen were joined by Beth McGuinn, land preservation specialist at the Ausbon Sargent Land Preservation Trust (ASLPT), Zoning Administrator Peter Stanley, and Road Agent Richard Lee.

Ms. McGuinn gave a brief background on what led to today's meeting. Bob Ewing, who purchased the DiLorenzo and Bolger properties on Main Street, has offered to put 62 acres into a conservation easement. This is a significant property because Lyon Brook flows through it and it contains a portion of the Town's walking trail as well as significant wildlife habitat. ASLPT had hoped the easement would contain a provision for continued public access, and Mr. Ewing will agree to that provision if the Town places a permanent easement on the Town's lagoon property. ASLPT feels like this is an important enough provision to ask the Board of Selectmen to consider the request. Before completing the easement, ASLPT's Lands Committee wants assurances from the Board of Selectmen that the Town would go along with it. Ms. McGuinn has already met with the New London Conservation Commission, which supports the easement, and Ms. McGuinn is here to ask the Selectmen to take the request to Town Meeting.

Chair Lyon asked if this is the same property for which Town Meeting had previously approved a land swap with Mr. DiLorenzo in order to protect Lyon Brook, and Ms. McGuinn replied in the affirmative. Mr. Stanley said the land was a concern to the Conservation Commission because it sat on both sides of Lyon Brook. Subsequent changes to the Zoning Ordinance have provided more protection to Lyon Brook than previously existing. The Conservation Commission feels strongly that there should be an easement on the lagoon property because of the features of the land and liability that would preclude the land from use and development without a large expenditure by the Town to mitigate the existing hazards. He said the site is not the level of superfund, but there are large quantities of phosphorus. He added that the Town needs to aggressively pursue filling in the remaining three lagoons, but even when filled they could be a hazard if breached. He said it behooves the Town to pay attention to the property and not allow it to become a negative for the Town, but control it as a positive element.

Chair Lyon asked Richard Lee if he planned to fill the lagoons. Richard Lee said that he plans to conduct the work, but permits have not yet been received from the State Department of Environmental Services. Mr. Stanley said that he is working on the permitting process with Jody Connor, the limnologist at DES.

Chair Lyon summarized what the Town would give up if it voted to put an easement on the lagoon property: 1) the right to sell or develop the property, which is unlikely anyway; and 2) the right to develop the property for waste management, but the Town already spent millions to take the property out of the waste management process and to send waste to the Sunapee plant. He asked the other Selectmen for their opinions. Ms. Clough asked if the property would ever be used by the Highway Department for storage or other activities. Ms. Levine said that there is a lot of space on the parcel that contains the sewer building; the property being discussed this morning is behind the sewer property. Mr. Stanley said the lot containing the sewer plant is 11.6 acres, while the lagoon property on which the easement is proposed is 37 acres.

Mr. Kaplan said it is a good question whether there is any other use for the land. If the lagoons are filled and maintained, could the property be converted to park land? Mr. Stanley said he would think that would be consistent with the terms of the easement, although due to the conditions of the property he would be concerned about digging in and exposing contaminated dirt. Mr. Stanley said the ground will be stable once the lagoons are filled, and added that the normal level of phosphorus in water is 10 micro liters per liter, and the "hottest" of the lagoons contains over 1600 micro liters. Richard Lee agreed that it would be expensive to remove and treat any contaminated soil, and he cautioned against stirring it up. Mr. Stanley said that Clark Pond actually contributes more phosphorous downstream than the lagoons; although the lagoons have a higher concentration of phosphorous, there is very little water escaping the lagoons.

Chair Lyon said that it seems extremely likely that there would be any other use for the lagoon property than recreation, which would be consistent with the easement suggested by Mr. Ewing. He said he hears consensus developing among the Selectmen to bring a warrant article to voters at Town Meeting. The end result would be a substantial protected piece, which would provide permanent trail access. Ms. Levine clarified that Mr. Ewing would put an easement on his property regardless of the Town vote, but the Town easement would guarantee that he would also allow public access. Mr. Stanley said the easement should make clear that the Town will be allowed to fill the lagoons, and all agreed.

Ms. McGuinn referred to the summary she had distributed that lists the special considerations for a Town easement. The Selectmen discussed the possibility of regulatory requirements from the State and that the easement should reflect the need to maintain the lagoons and surrounding property. Richard Lee said that the road back to the lagoons will require some improvements to allow trucks to bring in fill, and the easement should allow that as well.

Peter Stanley said this easement would meet the Conservation Commission's long-term objective of protecting a wildlife corridor along Lyon Brook. Chair Lyon said that Town Meeting had previously approved the DiLorenzo land swap, and he thinks a similar argument could be made for this easement.

Ms. McGuinn said that the next step would be for the Town to do a survey of the lagoon property. Ms. Levine said she would budget for it in 2007. Ms. McGuinn also referred to a stewardship donation of about \$1000, plus the cost of legal advice and deed recording. Mr. Stanley said the Conservation Commission has funds that could cover the cost of the survey, and Richard Lee said he has the material stockpiled to upgrade the road. Mr. Stanley will spend time on the DES permit this winter in anticipation of completing the lagoon filling next year. He thought that there may be a need for some engineering work, but looks forward to the completion of the project.

Chair Lyon said it is a great idea to conserve the property, and Ms. Clough recognized Mr. Ewing's willingness to place an easement on his property.

Biodiesel Fuel: At 9:15 AM, Finance Officer Carol Fraley joined the meeting. She informed the Selectmen and Richard Lee that she had received only one bid for biodiesel fuel for Town vehicles, and that bid was from Evans. The bid actually came in lower than the Town's current price for regular diesel fuel, which was unexpected. The Selectmen approved granting the bid to Evans. Mr. Kaplan asked if the vehicles would achieve the same mileage with biodiesel, and Richard Lee confirmed that they would. He said part of this year's budget included purchasing filters for the vehicles because the biodiesel would clean sludge out of the trucks and filters would need to be changed a few times. He has included filters for the Fire Department vehicles as well. He said the biodiesel fuel is better for the environment, and also better for the health of employees driving the vehicles and working around them inside the garage.

Tax Rate Discussion: The Selectmen referred to a spreadsheet projecting the 2006 tax rate and calculating the use of surplus to offset the Town tax rate. The Selectmen referred to previous conversations with the Budget Committee, through which the determination had been made that leaving 7.5% of the gross budget remaining in surplus provided enough funds to avoid cash flow difficulties prior to the receipt of tax bill revenue. In 2005, there was about \$466,000 remaining in surplus after the tax rate was set, and \$386,865 was added at the end of fiscal year 2005. That leaves \$856,742 in surplus. Following the 7.5% guideline, the Selectmen could apply \$290,000 towards the tax rate, which would leave \$566,000 in surplus. The Selectmen discussed the fact that the 2006 budget included two bonds, which raised the gross budget by over \$500,000. After some discussion, the Selectmen voted to spend \$350,000 of surplus, which would leave \$506,000 remaining. This would lower the tax rate to under \$4.00, which Ms. Clough said would be more palatable to tax payers. Although this lowers the remaining surplus to 6.7% of the gross budget, it is more cash than what remained after last year's tax rate setting, so the Selectmen felt comfortable with this approach. Ms. Levine suggested using \$330,000, which would lower the tax

rate to under \$4.00, but leave 7% remaining. After additional discussion, Chair Lyon made a motion to spend \$350,000 of surplus, seconded by Mr. Kaplan and approved 3-0.

Budget Committee Recap: Ms. Levine reported on the Budget Committee meeting on October 18, 2006. She said there was some discussion about Health Savings Accounts (HSAs), since John Wilson and Carol Fraley had attended a session on HSAs at the Local Government Center. That session was sponsored by Anthem, and Dr. Wilson would like to receive information from other providers. The Selectmen discussed HSAs and how they work, and Chair Lyon said that although they may work as cost containment for the town, it is questionable as to whether they would result in sicker patients in the future. Mr. Kaplan said the program allows for tax free savings towards health needs, but he asked whether people use the funds as they should. Ms. Levine said HSAs make her leery because it is implicitly suggested that the high cost of health care is due to patient use rather than inflated medical and pharmaceutical costs. All agreed HSAs warranted further research.

Ms. Levine said the Budget Committee had also discussed the winter ski program proposed by the Recreation Department, and did not support using Town funds to pay 50% of seasonal ski passes, although they supported funding a winter programming budget to develop Town ski trails. Chad Denning will likely fund this year's endeavor from the Recreation Revolving Fund. Ms. Levine said the Budget Committee also discussed the Water Precinct's increase in fire hydrant maintenance fees, and the Police Department's request for tasers. She said the Budget Committee encourages more public discussion and information prior to making a decision on whether to fund tasers. The whole committee would like to meet with Chief Seastrand, which will happen at the meeting on November 15. The Board of Selectmen thought it would be appropriate to have Chief Seastrand meet with the Citizen's Advisory Committee on December 9. Chair Lyon suggesting publicizing both discussions to encourage public involvement.

Ms. Levine said the Budget Committee also discussed requests from non-profit organizations, and this year would like to adopt a standard request form, which Carol Fraley has already sent out. Ms. Levine said there was a new request this year from the Association for the Blind, in the amount of \$1500.

Watershed Coalition: Ms. Levine referred to a "job description" from the Lake Sunapee Protective Association, which seeks additional volunteers to help develop a watershed protection plan. The Selectmen will bring the job description to the Citizen's Advisory Committee meeting on Saturday.

Clark Lookout: Mr. Stanley rejoined the meeting and informed the Selectmen that he had received a telephone call from a resident who asked for permission to drive an antique vehicle to the top of Clark Lookout as a fundraising auction item. The Selectmen denied the request, as the easement from Sydney Crook allowed vehicular access solely for handicap access or for maintenance. Mr. Stanley will inform the inquirer.

There being no further public business, Chair Lyon moved to go into non-public session to discuss a personnel matter pursuant to RSA 91:A-3 II(a). Roll call vote: Lyon – yes; Kaplan - yes; Clough – yes. Upon returning to public session, the Board of Selectmen signed the items below.

Building Permits:

- Vinci Germar and E & C Family Trust, Laurel Lane (Map 089, Lot 016), permit to build a four bedroom single family home – Approved (Permit 06-135)
- George and Katharine Crozer, 737 Burpee Hill Road (Map 056, Lot 007), permit to demolish and remove two dilapidated cottages along the front of the property and remove a dilapidated porch from the storage shed across from the house – Approved (Permit 06-136)

- KG Enterprises, Inc., 11 Pleasant Street (Map 084, Lot 073), permit to remove underground tanks and island in parking lot – Approved (Permit 06-137)

Sign Permit Applications:

- Temporary Sign Permit Application for Saint Andrews Church, 52 Gould Road, for a 2' x 3' sandwich board sign to be placed at the Information Booth for a St. Nicholas Fair on Saturday, December 2, 2006 from 9 AM – 2 PM – Approved

Other Items for Signature:

- Disbursement Voucher for the week of October 23, 2006 – Approved
- Application for the Use of the New London Town Commons by the New London Garden Club for an Antique Show on July 28, 2007 from 5 AM - 5 PM with set-up on Wednesday, July 25 and take-down on Sunday, July 29, 2007 – Approved

There being no further business, the Board of Selectmen adjourned the meeting at 10:30 AM.

Respectfully submitted,

Jessie W. Levine
Town Administrator