

TOWN OF NEW LONDON
BOARD OF SELECTMEN
MEETING MINUTES – MAY 21, 2007

PRESENT:

Ruth I. Clough, Chairman Board of Selectmen
Mark Kaplan, Selectman
Larry Ballin, Selectman
Jessie Levine, Town Administrator

Debbie Cross, *InterTown Record*
Greg Uhrin, Yankee Communications
Paul Bradicich, MediaHead
Peter Stanley, Zoning Administrator
Jay Lyon, Interim Fire Chief
Carol Fraley, Finance Officer
Mark Pitkin, Lake Sunapee Bank

Sue Clough opened the meeting at 8 a.m. Selectmen addressed 11 areas of business during this meeting.

1. Public Access Television

Prior to the meeting, Selectmen received a sample copy of the Town of Dover's programming policy, and Greg Uhrin and Paul Bradicich attended this meeting for the purpose of opening some dialogue with the Selectmen on the status of public access in New London and the surrounding region. Sue Clough asked for some explanation of just what public access is, and what the Town's responsibility is. Jessie Levine explained that New London has a public access channel through its franchise agreement with Comcast. Public access is intended to be used to broadcast things like public meetings, school activities, games, local events. However, she said, New London does not have the equipment or staff to do this on its own.

Mark Kaplan asked who owns the spectrum. Greg Uhrin explained that is part of the Town's franchise. He observed that at first it was Kearsarge Cable. The Town owned the public access channel as part of the franchise agreement, and contracted with Will James to do the programming. When Will James retired, he, Greg Uhrin, bought the programming rights. Since then the franchise has changed hands several times, but the language allowing some commercial advertising has remained in the franchise agreement.

Paul Bradicich further clarified that the FCC blocks out three channels (PEG) for public, educational, and government purposes, and it does not want advertising to dictate the nature of that programming. By law, any program brought to the public access channel must be broadcast at least once. It must be given a slot.

Greg Uhrin said that the advertising that one sees on public access is not really advertising per se, but it is advertising in the informational sense; that is, they are not ads inviting people to buy things, but rather are for the purpose of getting the word out to the community about local services and businesses that are available in this area. It's really underwriting rather than advertising. It is that underwriting that covers the costs of much of the programming such as *Kearsarge Valley Magazine*, though they don't turn a profit. Jessie Levine added that the Town really does rely on some private vendor as it does not have its own equipment to do programming.

Now, however, all of that has become more complicated for two reasons. One is that many more people are coming forward with programming they would like to have broadcast, and Greg Uhrin said he does not feel he should be in a position to act as “gatekeeper” for the Town’s public access channel, particularly for political programming. He said the Town needs a more neutral way to schedule programming. Or, Jessie Levine added, at least a policy, similar to the one Dover has.

The second reason is that New London’s contract with Comcast is up for renewal in February, and there is some indication that Comcast is going to prohibit all commercial advertising on the local channels. Greg Uhrin noted that without that advertising support, programs like *Kearsarge Valley Magazine* might die out. Selectmen questioned whether or not it is Comcast’s purview to do that. Isn’t the Town in a good negotiating position? Jessie Levine pointed out that there is really no competition for Comcast right now. She added that the franchise fee is 3%, generating about \$30,000 that goes into the general fund. That can be increased to as much as 5%. She said that most definitely, during contract renewal discussions in February, the Town should push for 5%, and perhaps some equipment and start up costs as well.

Mark Kaplan asked, what if Comcast absolutely says no advertising. Paul Bradicich said it would affect the current mix of programming. For example, right now, he is working on something with the Fells, and something with the Barn Playhouse. He’d have to rewrite to a certain extent.

Greg Uhrin said if traditional kinds of advertising are eliminated, it would impact him differently. For example, he has 14 sponsors for the *Kearsarge Valley Magazine*. They represent a viable revenue stream for that program, and the program depends on that revenue. That revenue covers the program’s expenses, and the program exists because of those advertisers. He fees that if that number of advertisers were cut down or eliminated, the program would not be able to have the amount of content it has now. And, he went on to say, it’s not just the programming that would be impacted. Local businesses have a limited number of ways they can advertise without having to pay exorbitant fees. Public access programming is one.

Everyone noted that the cable t.v. in Warner is owned by TDS, but no one is sure why that is, or how it worked out that way. TDS sold the franchise in other towns as New London, and there is no possibility that TDS will buy it back, including all the infrastructure. Greg Uhrin said that all has to do with the particular economics in rural areas. He cited Braintree and Norwood MA, both of which built their own systems, and provide programming at 10% to 15% less than Comcast, but, he noted, those towns already owned the utility (30% to 40% of the cost is owning the poles). Jessie Levine agreed, and said that is similar to Burlington VT.

Mark Kaplan commented that if local people want local programming, doing it with Comcast does not make sense. There was some discussion about the difference between hyper-local programming and regional. Everyone agreed that some regional programming—as relates to the school district for example, is an important part of the mix. Sue Clough added that the business community has spoken to the Selectmen many times, about the need to keep the businesses viable and reaching out. Paul Bradicich and Greg Uhrin agreed, and observed that that was one benefit of the Video Guide that Greg developed some years ago. That is all on the internet now.

Paul Bradicich said that if the Town goes forward with the fiber network consortium, it will then have bandwidth capable of t.v. broadcasting. Jessie Levine agreed that network would be owned and managed by the public and the Town would control the franchise. Greg Uhrin forewarned against limiting sponsors or programming to the hyper-local. That would give the channels a very narrow view. He said the 1800 subscribers in New London and Wilmot cannot justify the kind of costs good production will

incur. It should be more regional. At this meeting, he said he would not be able to take on complete management responsibilities for that (Jessie has asked him), but will be available to the Town for guidance and assistance. Mark Kaplan asked if the Town should get some expert advice in this area. Jessie Levine reminded him that Selectmen authorized her to consult with Rob Ciandella on this. Also, there is a non-profit group in Londonderry that is available to help towns build their public access.

She said right now, the Town needs to consider if it wants to develop its own franchise and get its own equipment, and if, so, should the 3% (soon to be 5%) franchise fee go toward that, rather than into the general fund? Greg Uhrin said that would allow a hyper-local channel, plus some regionality that would generate some revenue. He said it would not be unreasonable to ask a programmer to pay a run-fee. From the businesses' point of view, he said some traditional advertising on t.v. would move people to their web sites. In the end, the benefit to the businesses will be a combination of the different types (of media). Paul Bradicich agreed that in the future, there will be more and more of an intersection of internet and cable.

2. Minutes-May 14, 2007—Sue Clough referred to the last paragraph on page four, and clarified that the CAC meets monthly, not weekly. Also, she corrected Tom Cottrill's last name in the sixth paragraph on page 11.

Mark Kaplan moved to accept the minutes as amended. Larry Ballin seconded. No further discussion. Motion unanimously approved.

3. Public Works Week Proclamation—Jessie Levine said that May 20 through May 26 has been dedicated to honor public works employees, and she has drafted a proclamation for New London's Public Works employees to be presented in conjunction with the New Hampshire Road Agents' Conference on Thursday, for which Richard Lee is one of the planners. Selectmen agreed that New London's Public Works employees do a great job, and they signed the proclamation.

4. Crockett's Corner—Jessie Levine said that in response to the recent fatality at that corner, State and Town representatives met last Tuesday to discuss how to improve safety at the intersection in both the short and long terms. Some short term and low cost suggestions included narrowing the approaches to one lane, having a dedicated left turn lane, and narrowing the two corners where the stop signs are. Peter Stanley said it would not be enough to just mark the pavement differently. They would actually have to remove some of the paving. Also, question was raised about the panoply of speed limits there, particularly on the approach from 89. First it's 35, then it's 50, then it's 35 again.

In the long term, the State would be interested in a roundabout there. Jessie Levine said New London might be willing to share some of the cost (though these are both State roads). There may be a State grant available.

5. Vendor Ordinance—Prior to this discussion, Selectmen received sample copies of vendor ordinances from the Towns of Exeter, Newbury, Hanover, Farmington and Derry.

Peter Stanley said he has received a request from someone who wishes to sell homemade ice cream out of a van at the Town beaches. Jessie Levine reminded Selectmen that right now the Town's only policy regarding commercial activity on Town property refers to the Common. There is no ordinance that addresses the question of vendors on streets, at beaches, or at the Information Booth. Right now, vendors would only need permission from the Board of Selectmen—with exception of vendors in the State's right-of-way. Vendors in locations within the State's right of way would need a permit from the State,

permission from the property owner, but other than the requirement that it be within the Town's commercial zone, the Town has nothing to regulate vendors in the State right-of-way.

Peter Stanley noted that most of the other Towns' vendor ordinances designate specific areas, require a permitting process, limit the types of activities, and the times. Does the Town even want to go there? He reiterated that they have received one request. One idea might be to allow vendors to bid for the use of a particular space, and pay for that use.

Larry Ballin suggested that if properly regulated, this might encourage pedestrian and bicycle traffic in Town. Jessie Levine agreed that if they can come up with a safe location, it might be a draw. Her concern is safety. For example, if the Town were to designate a parking space at someplace like Bucklin or Elkins Beach or on Main Street, would there be a safety issue with kids running back and forth to those vendors. Sue Clough agreed, saying that the Town, particularly at Elkins Beach, has a real space limit in the summer. There is a danger in having kids running toward vendors who are located in parking areas.

Selectmen noted that New London's zoning does allow periodic tent sales with a permit. The main concern there is with the parking. The ordinance stipulates that the tent sale cannot take up one of the existing parking spots.

Jessie Levine suggested that she and Peter Stanley put together a draft vendor ordinance. She added that she has already received some feedback on the idea from Little Sunapee Protective Association—they feel this would be embarking on a slippery slope. Still, Sue Clough said she feels having a policy would be a good thing. She sees there being an issue if the Town does not have a limit on the sites and how much activity can occur. Peter Stanley asked if this would be part of the master plan. Jessie Levine said it would not be part of the zoning ordinance. It would be a Board of Selectmen ordinance, because it would address activity on Town property. Meanwhile, until there is a policy in place, these requests are addressed on a case-by-case basis. Mark Kaplan asked if the Town can say no, if there is no ordinance. Larry Ballin said the Town would have to tread carefully. Jessie Levine said they would have a public hearing on any proposed ordinance, to get public feedback on the idea.

6. Jay Lyon thanked the Selectmen for all their help on Peter Stanley's retirement party. It was a great success. While he was here, he reviewed the status of some grants that look promising for the Fire Department.

7. Loan Closing—New London Finance Officer Carol Fraley and Sugar River Bank Loan Officer Mark Pitkin met with Selectmen to finalize paperwork for the \$497,000 bond that was approved at Town Meeting. Mark Pitkin clarified that though there are two different projects (\$197,000 for library renovations, and \$300,000 for purchase of the Inn property), they are all in one loan, and he brought a check prepared in the full amount.

At this meeting, Selectmen signed:

(a) The Commitment, stipulating the amount and that the rate is 3.99%. Mark Kaplan asked if the Town will be paying interest on the full amount, or only on the money that will be used. Mark Pitkin explained that that rate of interest is for the full amount, as the bank would not have been able to guarantee that rate for amounts borrowed in the future. Larry Ballin said it was their understanding that they would pay interest on the amount used. Mark Pitkin reminded everyone that this discussion did take place, and this is the route that the Town chose. The Town could have taken \$300,000 at that rate, and bid back out for two or three months, but this appeared to be the best alternative. He and Carol Fraley pointed out that the

amount borrowed can be invested in something like a CD which might pay as much as 4.5%, and thus the Town could actually make some income back. Larry Ballin asked if they do that (invest borrowed amounts) on a regular basis. Yes. Nevertheless, Jessie Levine said that in the future, they will be very careful with the wording in that regard.

Mark Kaplan noted that the library does not even have final bids yet. Larry Ballin said the Town is committed to \$197,000. The library will have to be responsible for amounts beyond that. He agreed that the proper course here is to place this into an interest bearing account, and generate funds. It was noted that it will need a warrant article at the next town meeting to use those.

(b) Governmental Certificate. Mark Pitkin explained that this is similar to a business resolution. It states that the Selectmen have the authority to sign on behalf of the Town. He noted that a fourth signature—the Treasurer's, and a letter from Town Counsel, will be needed before the loan transaction will be complete. He said that this step does require a vote by a quorum. Mark Kaplan moved that the Selectmen sign the Governmental Certificate. After reviewing the document, Larry Ballin seconded the motion. There was no further discussion. Motion unanimously approved.

(c) The Note itself. Mark Pitkin reviewed the terms and conditions. The amount borrowed is \$497,000 at 3.99% interest rate. He reviewed the ten-year schedule of interest and principle payments, and provided to Carol Fraley a detailed amortization schedule.

The check will be turned over to the Town as soon as the two items mentioned in (b) above, have been obtained.

Sue Clough asked about the status of the purchase of the half-acre from the Inn. Is all the deed work done? Jessie Levine said the plan is about to be recorded at the Registry. It has gone before the Planning Board, and Bridget LeRoy is in process of obtaining lien releases.

8. Roundabout—Jessie Levine reported that they have gone to bid with this. There will be a pre-bid meeting on Friday, May 25 at 2, and the bids are due at 4 p.m. on May 31, 2007. They will be reviewed by both the State and by the Town's engineers. The Town must go with the lowest qualifying bid.

The goal is to start work in June, and have it completed by October 31. She will contact businesses as soon as she knows the exact start up date. Sue Clough relayed the frustration expressed by the CAC about this work taking place in summer. Jessie Levine said that with any major public works projects, there will be inconveniences and they will try to address those as best as possible. As soon as she has an idea of the construction schedule, she will notify residents and abutters.

9. Other Business

(a) Sue Clough opened some discussion about the suggestion that Bill Clough made at Saturday's CAC meeting to the effect that, since the Planning Board is likely to continue to be involved in specific applications, the Town should consider establishing a subcommittee that would address strategic planning on an on-going basis. Jessie Levine said she will forward the CAC minutes to the Planning Board before tomorrow night's meeting. It would be the Planning Board's decision. Sue Clough said that strategic planning for the Town is really the responsibility of the Board of Selectmen, and she said she feels the Selectmen have been quite forward looking particularly as regards the financial interests of the Town. Jessie Levine said the Town would need more regular professional staff to carry that ball. All three Selectmen agreed that there needs to be strategic planning conversation in Town on an on-going basis.

(b) Larry Ballin reported that at that CAC meeting, there were also some questions raised about Elkins, and the Mesa building in particular. At this meeting, he said he feels the Town should move forward with scheduling a charette to obtain more feedback on what people want there. Mark Kaplan pointed out that the last time they held a charette in Elkins, there was not a strong push to develop the Mesa property into something different than what it was, and that people were saying to leave Elkins the way it is. Now, Selectmen observed Mesa is no longer a tenant in that building, and Larry Ballin said there may be some different feelings there now, after they've just been through two 100-year floods in the past single year. For one thing, values are being affected by the amount of standing water there. Also, holding the charette in the summer would be a good idea.

(c) Sue Clough said the Selectmen have not finished with the appointment process yet. There is still the Solid Waste Committee, and they may appoint one more alternate to the Planning Board.

(d) Sue Clough reported hearing some concern regarding the bills before the legislature that will expand protections for wetlands and shore land. Jessie Levine said the proposed bills will tighten up protections, and further restrict building activity in those areas. She said that as it is, the State's regulations are more lenient than New London's, and asked if the Town even wants to take a position on these. Selectmen questioned whether the bills will even affect New London's regulations (given that New London's restrictions are already tighter than the State's). They agreed that the expanded restrictions might affect the value of the small lots but would enhance the value of other lots, but the Town is not obliged to represent individual cases.

10. At 10 a.m., Selectmen agreed to enter non-public session per RSA 91-A:3 I and II (b and d), in order to discuss the possible acquisition of real property, and a personnel matter.

11. At 10:40 a.m., Selectmen reentered public session to sign the following items:

Building Permits:

- o Jaromir Divilek, 77 Whitney Brook Road (Map 052, Lot 004), permit to screen in porch on portion of existing deck and shed also "after the fact" - Approved

Sign Permits:

- o Application for a Permanent Sign for The Banks Gallery, 209 Main Street (Map 073, Lot 080), for a 4.5' sign on posts indicating "The Banks Gallery" and a 3' sign on building hung from post supports with steel hangers on the front of the building indicating "The Banks Gallery American Art" - Approved

Other Items for Signature:

- o Disbursement & Payroll Vouchers for the week of May 21, 2007 – Approved
- o Extension of credit by Sugar River Saving Bank for purchase of land from New London Inn (\$300,000) and roof repairs and HVAC at Tracy Memorial Library (\$197,000) – Approved
- o Town of New London Proclamation Public Works Week May 20 -26, 2007 – Approved

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- o Application for Use of the New London Town Commons for the Kearsarge Community Band on June 13, 2007 from 7:00 PM – 9:00 PM for band rehearsal - Approved

Appointment Cards:

- o Robert S. Brown, Dale L. Conly, and Ruth A. White (Alternate) for Conservation Commission – Approved
- o Karen E. Ebel, Michael Doheny, and Michele H. Holton (Alternate) for Planning Board – Approved
- o Michael W. Todd (one-year term), Courtland J. Cross, Caroline E. Newkirk (Alternate), and Jeffrey D. Horten (Alternate) for Zoning Board of Adjustment – Approved
- o Karen B. Hogle and Gordon P. McKinnon for Board of Firewards – Approved

Abatement Forms:

- o Robert Mahar, 97 Northwood Lane (Map 104, Lot 006) – Approved
- o Robert Drent, 130 Hilltop Place (Map 144, Lot 001-130) – Approved

The meeting adjourned at 10:45 a.m.

Respectfully submitted,

Sarah A. Denz
Recording Secretary