



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES May 29, 2012

PRESENT:

Peter Bianchi, Chair
Tina Helm, Selectman
Janet Kidder, Selectman
Kimberly Hallquist, Town Administrator

ALSO PRESENT:

Doug MacMichael, New London Resident
Rob Prohl, Budget Committee Member
David Seastrand, Police Chief
Merry Armentrout, Reporter for the *Intertown Record*
Renate Kannler, New London Resident
Bruce Hudson, New London Resident
Mike McChesney, New London Resident
J.L. Tonner, League of Women Voters
Park Adams, New London Resident
Phyllis Piotrow, New London Resident
Linda Jackman, Administrative Assistant
Tom Cottrill, Planning Board Chair

Chair Bianchi called the meeting to order at 6:00pm. He began the meeting by introducing JL Tonner, who was there on behalf of the League of Women Voters. Ms. Tonner was present to request that the fees to use Whipple Hall be waived for the candidate forum, held prior to elections.

Ms. Tonner explained that the League of Women Voters hold the candidate forum for the benefit of voters and hoped they could use the hall without paying the rental fee. She noted that there will likely be amendments to the constitution (they will know when the legislature finalizes this, probably in the coming weeks) so they would also like to have a second meeting to review the pros and cons of said amendments, sometime in late October. Chair Bianchi said that it is the consensus of the Board of Selectmen that people using Whipple Hall should pay rental fees. The policy is that the Board is reluctant to waive fees. Ms. Helm further explained that the Board decided to tighten up the rules and regulations that already existed. Implementation of the rules had been lax, but they acknowledged that some situations may arise where waiving some or all of the fees would be appropriate. They agreed that if someone was not happy with paying the fee, they should come to the Board of Selectmen to request a waiver, which Ms. Tonner was doing.

Ms. Helm thought that this situation was different than traditional non-profits or others who have used the facility. This is a public service the League of Women Voters provides for the entire region. She felt it was a valid reason to consider for a waiver. Ms. Helm asked about the past use of the library for candidate forums, as she recalled it being held there when she was first running for office. Ms. Tonner said that they generally have the forum at Whipple Hall but hold some other meetings in the library occasionally. She added that they do not pay a fee to use the room at the library.

Chair Bianchi said that he would have a hard time justifying waiving the fee as there are many non-profit organizations who could ask to do the same. The Barn Players and the people from the Shakespeare group are non-profits and are paying to use the hall. It seemed to him that they were right back where they started from when they started the discussion about tightening up the rules. Ms. Helm disagreed; they are now having people come to them to ask for waivers. She also differentiates one request from another as one is a community service and the other organizations are not. Chair Bianchi said he would be hard-pressed to charge a fee to any non-profit if they decide not to charge the League of Women Voters for this use.

Ms. Tonner asked how New London would feel if they didn't have a forum to listen to the candidates running for offices in the town, region or state. Chair Bianchi stressed that he feels such forums are very important; however they had come up with a policy to charge everyone.

Ms. Kidder said the League doesn't charge people to come listen to the forums. The Playhouse does charge for their plays. This is a voter service they are providing.

IT WAS MOVED (Tina Helm) AND SECONDED (Janet Kidder) to waive the rental fee as requested by the League of Women Voters for the use of Whipple Hall on October 30th, 2012 for the candidate forum.

Ms. Piotrow noted that they did have a candidate's night at the library in the past, but the room was not large enough. She opined that it didn't seem appropriate to have this sort of thing held in a church facility, but Whipple Hall seemed to be the most appropriate location.

Ms. Kannler asked what they have paid before to use the hall. Ms. Tonner said they have never paid. Ms. Helm said this is a good example of how things had been run in the past. They still need to have people come to ask for a waiver if they feel they are deserving of one. Sometimes the Board will reject it, and in some cases that have come before them, they have compromised and reduced the fee for an organization.

Chair Bianchi called for a vote: THE MOTION PASSED 2:1 – Tina Helm, Yes, Janet Kidder, Yes, Peter Bianchi, No.

Ms. Helm thanked the League of Women Voters for doing this work to help more people get involved in these types of events.

Chief Seastrand – Commendations and Hiring Questions

Chief Seastrand shared that a New London resident, who was staying at the Inn at Pleasant Lake, heard a tremendous noise and crash outside and took it upon himself to investigate. He found a car that was on fire and was able to pull the driver to safety. He felt the man went above and beyond what a citizen should do and thought the Town could come up with a plaque or proclamation to recognize the person. Chief Seastrand noted that Fire Chief Jason Lyon felt similarly about this being a good thing to do.

Ms. Helm agreed that it was beyond the call of duty for this man and the Town should recognize his heroic efforts. Chief Seastrand said the citizen could be recognized either by a proclamation or whatever the board considered appropriate. Mr. Cottrill wondered if they should present such a thing at the annual Town Meeting on behalf of the Town. Several people thought this was a good idea. Chair Bianchi suggested that Chief Seastrand and Chief Lyon put something together and the Board of Selectmen would approve it.

Chief Seastrand added that during the same day, a New London officer had to administer CPR on someone on Burpee Hill, saving the man's life. He said that he has ordered a "Life-Saving" ribbon for the officer's uniform and hoped to be able to present it to him at a Selectmen's Meeting. The Board of Selectmen thought this was a good idea.

Chief Seastrand reminded the Board that at this year's Town Meeting it was voted in to fill a vacant police officer position. He has not done anything to advertise and move forward with the hiring and wondered what the Board of Selectmen would like him to do. He could either try and take someone from another agency, or hire someone with no experience who would have to go through the academy. Chief Seastrand said that some people have already submitted applications after reading the story in the paper. He explained that it is cheaper to start off with someone without experience and then they can mold them to what they need for New London even though having to pay them while they are in training at the academy. They could also hire someone who is certified, train them to their own procedures, and then they would most likely come up to speed a lot quicker than a new person but they would be more expensive.

Chief Seastrand said his preferred option would be to find someone who would fit within the town agency and pay structure. Then they can get them working quicker. There is another part-timer who is thinking of leaving, so they may be short-handed even more in the future. The last time they were hiring there were about three candidates out of a dozen who applied who would have fit the agency.

Chair Bianchi said that Chief Seastrand should do the first screening of applications after the ad is sent out. The Board of Selectmen would help him make the final decision after he has selected candidates who would fit the agency.

Ms. Helm said she would like to try and find someone certified unless they could put some sort of clause into a contract, for someone who needed to be trained, that they would fulfill a commitment to the town for a set number of years. Ms. Hallquist suggested that such contracts are often difficult to enforce.

Ms. Kidder thought a seasoned individual would be the way to go, rather than hiring someone new who may decide they don't want to continue with the job after they complete the training.

Chief Seastrand said they are evaluating all the cases that come in and are trying to keep up without the detective position, which was cut back when the vacancy arose in the agency. Chair Bianchi asked Chief Seastrand to keep the Board of Selectmen informed of any issues that arose.

Review of Minutes of May 21, 2012

IT WAS MOVED (Tina Helm) AND SECONDED (Janet Kidder) to approve the minutes of May 21, 2012, as amended.

Ms. Helm said on page 5: 3rd paragraph: If the position is not "filled" (filed).

THE MOTION WAS APPROVED UNANIMOUSLY.

Job Description for Planning & Zoning Administration Position

Ms. Kidder said LGCs job description looked very similar to the one Peter Stanley came up with. She thought that once they come up with a description they all agree on, Ms. Hallquist could post it and vet all initial candidates and weed out the ones who are not qualified. She suggested that the chairmen of the Planning Board, Zoning Board of Appeals and the Conservation Commission be on a committee to narrow down the candidates.

Ms. Kidder thought that the “Job Summary” section on the first page of LGC job description was fine but suggested adding something noting that “the individual hired will have an appreciation of the rural nature of a small New England town.” She felt it was important for the person to have a sense of the area.

Chair Bianchi was concerned that the LGC description references the “Planning and Zoning Department” and thought this should be amended, as there are no such departments in New London. It was agreed to take this portion of the description out.

Ms. Helm asked if it was true that the Planning and Zoning Administrator reports to the Board of Selectmen and the Town Administrator. Ms. Hallquist said that this was true.

Mr. Cottrill said that the person would need to understand that they have to attend Zoning and Planning meetings, prepare applicants for the meetings, and do the appropriate follow-through work.

Item #29 in the “Related Duties” section should have added: “projects as assigned by the Town Administrator.”

To #31 they should add “Serves as a commissioner from New London to the UVLSRPC.”

After physical requirements, they should add a sentence saying: “must be able to do site inspections which would require walking/hiking through uneven or challenging terrain.”

Ms. Helm felt there were some duplicate bullets and thought some consolidation could occur. #18, #23 (under “Essential Duties”) and #8 (under “Knowledge, Skills & Abilities) deal with budgets and she wondered if they could be consolidated. Ms. Hallquist thought they should be part of both sections, as the applicant needs both the knowledge of budgets and the description of budgeting as a duty.

#27 under “Essential Duties” it says they have to both attend workshops/seminars, and #19 gave a similar description. Ms. Hallquist said that since they were in the same section they could be combined.

Ms. Hallquist noted that they are free to add items and only had to keep the items that are important to them.

Chair Bianchi thought the supervision exercise should be deleted as there are no employees in the “Zoning Department.”

#5 should have added: “conduct site inspections as needed.”

#13 Chair Bianchi thought that “prepares violations for State ordinances” should be removed. He didn’t think the Town should be enforcing State regulations as it was above and beyond what a Town employee should do. Ms. Kidder asked if they should be able to alert State officials. Chair Bianchi said that was acceptable.

#21 With regards to developing or recommending technologies, Ms. Helm wondered if this meant that new technology was coming along all the time. Ms. Hallquist said that it could suggest intertwining of assessing issues with more technical issues. She felt this item would be addressed by the assessors.

#28 With regards to the grant process/writing grants, Chair Bianchi didn’t think the new Planning and Zoning Administrator should do these things unless they are given permission to do so. He thought it should say something like: “Advises the town of grants and writes and administers grants when the Town has approved.”

#24 regarding supporting technical support personnel (under “Knowledge and Skills”), Ms. Hallquist said that it sounded like it is describing a building inspector but maybe it was building surveyors who submit technical plans. Mr. Cottrill agreed with this and said that the Planning & Zoning Administrator should be able to review these documents to make sure they are right before going on to a meeting. Ms. Hallquist suggested getting rid of “support personnel” and keeping “consultants.”

It was asked if the requirement for a “Certified Planner Certification (#3 last page) was necessary. Mr. Stanley does not have this certification. Mr. Cottrill said that for huge subdivisions and plans, it is helpful to have someone who could handle everything but that they could get assistance from the RPC. Ms. Kidder wondered if they might use the RPC less if they had someone with this qualification. Mr. Cottrill said that it depends on the applicants. Sometimes they have had people come in who would challenge the regulations. Either the RPC or Ken McWilliams (former Town Planner) knew the rules and served as an unbiased gate-keeper and would settle the issue. He didn’t think someone needed to be fully certified but they could become certified and it could help in the future. Ms. Helm noted that this type of certification would require a yearly fee to be paid which they should keep in mind. She didn’t think they should require this qualification. Mr. Cottrill thought they may miss out on some applicants if they asked that this be a requirement. They decided to leave the certification out of the job description.

Mr. Cottrill said that the new Planning & Zoning Administrator should attend department head meetings to get input from the department heads on issues that may impact them.

Ms. Hallquist thought that Mr. Stanley’s summary description was more specific than LGC’s but on the whole, thought they were very similar. She felt that Mr. Stanley’s description had some good points. And opined that his job summary was clear and they could simply add Ms. Kidder’s sentence about being familiar with the rural nature of a New England town.

Chair Bianchi was concerned that the person would be expected to have a big legal background. He didn’t think they should expect the Planning & Zoning Administrator to provide legal advice to keep them from getting sued. Mr. Cottrill said that the concern is that the person would have an appreciation for the local zoning and State statutes and have the ability to articulate them and guide the applicants through the process. He felt the person should have some appreciation for legal jargon.

Chair Bianchi wondered about the mention of the administrator researching titles and verifying ownership/boundary data. He felt this should be done by someone at the applicant’s own expense and not by the Planning & Zoning Administrator. Mr. Cottrill said that what was meant by this was that they would quickly verify who owns the lot, and check the boundaries and setback to make sure it is legitimate. If they found that things were not done right, it would be kicked back to the applicant to tend to the issues.

Chair Bianchi didn’t know if they should expect the new hire to be on top of things, such as Supreme Court cases and amendments concerning zoning. Ms. Helm said there is an interconnection between the items they are discussing. Researching, understanding recent Supreme Court decisions, etc. is not a bad thing to be aware of. Mr. Cottrill said that Mr. Stanley and Mr. McWilliams were both able to come up with this information and gave helpful remarks about these planning and zoning changes. Ms. Hallquist noted that all local officials have access to this information via the monthly *Town and City* publication.

Chair Bianchi wondered about the part in Mr. Stanley’s description that said “Monitors trends and makes recommendations regarding the administration of the zoning ordinance...and makes recommendations.” He didn’t know who the recommendations were being made to. Mr. Cottrill said that Mr. Stanley makes

recommendations to the Planning Board to change the language to make it easier for everyone to comprehend. Some zoning wording he recommends changing to clear up confusion.

It was noted that the duty of “Integrates records into database and GIS” as included in Mr. Stanley’s version of the job description should be included – this replaces the reference to computers found in the LGC version.

It was noted that the Planning and Zoning Administrator has served as Ex Officio to some boards. Mr. Stanley had been serving in this capacity to both the Energy Committee and the Conservation Commission.

Chair Bianchi suggested eliminating the mention that the person needed a driver’s license for special vehicles. Mr. Cottrill said that if it is a problem that they don’t have a license, they should leave it in.

Ms. Helm noted that the Town of Lincoln job description only suggested that an Associate’s degree was required. Chair Bianchi said all the descriptions had an opt-out for this, such as they could also have had so many years of experience. He commented that the Town of Lincoln job description was short but seemed to hit every point.

Ms. Helm asked Ms. Hallquist if she would blend a draft job description together and pass it by Tom Cottrill and the Board of Selectmen for review. Ms. Hallquist agreed to do so.

Mr. Hudson asked if this individual would be astute in building codes and construction. Chair Bianchi said that these aspects were mentioned in all three job descriptions. Should State infractions become apparent, the new hire would be expected to consult with and notify someone who was more attuned to the situation.

It was asked if the new hire would have to have septic design knowledge. Chair Bianchi said that if the plan shows that there is a test pit and system on the lot that is all the Planning Board needs to know. He didn’t think that they should require the person to know more than just very basic knowledge of septic design. The plans go to Health Officer Don Bent to be reviewed, not the Planning & Zoning Administrator. Mr. Cottrill said the plans also go to the State.

Chair Bianchi thought they should make the job description as concise and simple as possible. Ms. Helm agreed with this notion.

Chair Bianchi said they needed to discuss what authority this person would have to approve building permits but that they could discuss this after the new person was hired.

Chair Bianchi said he would like this job description completed for the next meeting on June 4th. He would feel comfortable publishing the ad as they will have a description ready by the time it goes to print. The Board asked that the salary range for that job classification be included in the ad.

Chair Bianchi explained that he did some research on other towns and the salaries for this position. Few towns have full-time Planning & Zoning Administrators, and those that do, about half are “exempt” positions (salaried). He wondered if they should make the job exempt or non-exempt. Ms. Hallquist explained that exempt means the position is paid on a salary basis, with no overtime, which is why employers like it. However, it is important that only positions that qualify as exempt be classified that way as if they hire someone and it is not qualified as exempt, they will have to pay fines and back wages for overtime worked. She noted that person’s job duties determine whether they qualify as exempt or not

– does the person exercise discretion and independent authority on important matters. If not, then the job is non-exempt, and must be paid on an hourly basis with overtime. Mr. Cottrill suggested building a case for the person to be exempt which would help with applicants better and getting things done sooner than later. They won't want someone having to come back to the board for every little question.

There was a reference by Chair Bianchi from some minutes of April, 2010 which gave permission for Mr. Stanley or Ms. Levine (former Town Administrator) to make out building permits. He thought this was a bad idea. If the Board of Selectmen decides, after the fact, to negate the building permit, the applicant may have already started building. Ms. Kidder asked when they have ever NOT signed a building permit that has come to them. Chair Bianchi said that this has never happened and that they are confident that Mr. Stanley has looked at the permit and has vetted the information.

Mr. Hudson asked who follows up on the building permits to make sure things were complete and built to the plans of the permit. Chair Bianchi said that the person in this position should check on it and also the assessors. Setbacks need to be checked and this is done by the Planning and Zoning Administrator before the permit is issued. Mr. Hudson felt there should be someone to follow up these things as he has seen instances in his neighborhood where property lines run through someone else's home. Mr. Cottrill said that he didn't believe Mr. Stanley was a Code Enforcer. He also recalled that Mr. Stanley noted at an early meeting that he hadn't had time to review permits after construction had started due to his taking over the Planning duties.

Mr. Hudson asked if this was a 35 or 40 hour/week job. Chair Bianchi said that this hadn't been decided yet. Ms. Helm was inclined to stay with the 35 hours to get someone on board and then reassess the hours later on. Mr. Cottrill thought they should include "35-40 hours/week" in the ad so they can go up to 40 hours later on and the person will understand that this was a possibility.

It was determined that besides the three Board of Selectmen members, the chairmen of the Planning Board, Zoning Board of Appeals, and the Conservation Commission, and Ms. Hallquist would review the qualified applicants.

Ms. Helm asked Mr. Cottrill if this decision would meet what the Planning Board had requested of the Board of Selectmen regarding their involvement with the hiring. Mr. Cottrill said that it did. Chair Bianchi said final decision of who gets hired lies with the Board of Selectmen.

Chair Bianchi said they should advertise the position the following week, beginning June 5th. Ms. Hallquist noted that the LGC ad can go in anytime. They would also submit small ads in the Concord Monitor (the Sunday issue on June 10th), the Valley News, the Intertown Record, and The Kearsarge Shopper. Ms. Hallquist said there was a Planning & Zoning list-serve that could be utilized as well.

It was decided that advertising would be done from June 5th through the 8th. It was determined that they would start interviewing the week of the 25th until they are done and that they would have to put the ad out a second time if they don't get any applications they like. They agreed to put the low and high ends of the salary requirements in the ad.

Ms. Helm noted that Peter Stanley had said he would be available on his cell phone for help after his last day, which was that Thursday.

New Business

It was requested that it being their 80th year in business, July 31, 2012 be declared "The New London Barn Playhouse Day."

IT WAS MOVED (Janet Kidder) AND SECONDED (Tina Helm) to proclaim July 31, 2012 as New London Barn Playhouse Day. THE MOTION WAS APPROVED UNANIMOUSLY.

Town Administrator's Report

Ms. Hallquist referred to a notice that they received from a resident on Old Main Street by the name of Larry Hyvonen. Mr. Hyvonen feels that town personnel doing road maintenance have damaged his property and he does not want them on his property. This notice was hand-delivered to Karen (Highway Department staff member) as she was mowing in the area.

Ms. Hallquist said she received a call from a reporter from the Valley News regarding a letter New London received from the DOT about the potential elimination of some street lights. She told the reporter that they are still waiting to hear if New London will actually lose any lights. The reporter asked if New London would be willing to pay for the lights on their own, so as not to lose them. Ms. Hallquist responded that the Board of Selectmen could consider this but that no discussion has been held on the matter.

Ms. Hallquist noted that bids for the furnace and the roof for the Town Office would be going out that week.

Committee Meetings/Reports

Ms. Helm said that the last Planning Board meeting was very good. There were two tree-cuttings, a request to fence cattle, and the Planning Board took a vote to encourage and recommend to the Board of Selectmen to appoint Mr. Stanley as an alternate to the Planning Board starting immediately and up to a year until a new person is hired. She thought this could wait until the 26th when they do their other appointments. The general consensus was that once someone was hired, that Mr. Stanley would need to step down (as an Alternate) as it may be uncomfortable for the new hire, having him on the board. Chair Bianchi didn't see a need to appoint Mr. Stanley as an alternate. Ms. Kidder said that he was welcome to go to the meetings as a citizen and wouldn't need to be an alternate.

Ms. Hallquist noted that once a person is appointed, the person serves out their term unless they resign or are removed because they did something wrong, it's not a temporary appointment. Ms. Kidder thought he should just come as a citizen and he could offer advice as such. Ms. Hallquist said that it would be good to have three alternates.

Ms. Helm said that Emma Crane was nominated and accepted as the Conservation Commission's representative to the Planning Board. Her term had expired.

It was noted that Jimmy DeAngelis was interested in being on the Planning Board. Chair Bianchi didn't think he should be appointed because he is new to town and the Planning Board was too important a board to sit on as a first town government seat. Ms. Helm said people should be given a chance if they want to be on a board. It was suggested that the Board of Selectmen think about people who would be good additions to the Planning Board. Chair Bianchi asked if they still wanted to interview people who are appointed to the Planning Board. Ms. Helm said she was fine to do so.

Chair Bianchi said that they would discuss the Bandstand Committee request for money at the June 4th meeting. They were instructed by Terry Knowles, the assistant to the Attorney General, that the only thing the committee can pay for from the money they have is the bands. There seems to be some confusion as to what items would be appropriate to be paid for out of the fund.

It was noted that the Bandstand Committee is not going out to local businesses to sponsor the bands, as they used to. Chair Bianchi said that the intent was always to solicit money from the businesses to pay for the bands. It was noted that Ms. Kidder has not been brought up to speed on the issue of the Bandstand Committee and Steve Mendelson Trust so a copy of the file will be made for her review before the next meeting. Ms. Hallquist noted that the Board has not yet received written follow-up from Terry Knowles of the Office of the Attorney General of the meeting on this subject that was held in Concord on May 4th.

CAC Meeting Agenda

Ms. Helm said they would ask for generic recommendations of people who would like to be appointed. There were two people whose terms were up and they both want to be reappointed. They agreed to open up the conversation to the CAC members to ask questions as they wished.

Application for Building Permits:

- Amendment – Elizabeth Edmunds, 117 Edmunds Road (Map & Lot 095-030-000) build deck – Permit # 12-007 – Approved.
- Marie Rossachacj – 260 Forest Acres Road (Map & Lot 118-010-000) replace front deck – Permit #12-046 – Approved.
- Elizabeth Edmunds, 117 Edmunds Road (Map & Lot 095-030-000) build detached 2 car garage behind house – Permit #12-047 – Approved.
- Elizabeth Edmunds, 112 Edmunds Road (Map & Lot 107-001-000) build 36 x 48 barn – Permit #12-048 – Approved.
- Edward & Barbara Burt, 201 Little Sunapee Road (Map & Lot 059-040-000) build storage shed on back of garage – Permit #12-049 – Approved.
- Dariel Connors Trust, 47 Bartons Rowe (Map & Lot 064-003-000) replace garage – Permit #12-050 – Approved.

Application for Sign Permits:

- Temporary: NL Garden Club – sign at information booth – Garden Club Antique show 7-28 9AM-4PM – Approved.
- Temporary: Summer Music Associates – sign at information booth – Approved.
- Permanent: Aesthetics of New London, LLC – sign will be on Village Green's sign board – (Map & Lot 085-042-000) – Approved.

Application for use of Whipple Memorial Town Hall:

- League of Women voters – Candidate Forum – October 30th, 6: PM – 9: PM – REQUESTING FEES BE WAIVED - Approved.

Application for use of Sydney Crook Conference Room:

- Adventures in Learning – July 5th, August 22nd, September 5th, November 28th, 9AM – 12PM – Approved.

Other Items to be signed:

- Disbursement voucher
- First & Second Property Tax Billing 2012 - \$8,831,127.22
- Warrant, Yield Tax Levy, \$490.68 (Map & Lot 114-001-000) Approved.

**IT WAS MOVED (Janet Kidder) AND SECONDED (Tina Helm) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 8:55pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London