



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES

June 13, 2011

PRESENT:

Mark Kaplan, Chair, Board of Selectmen
Tina Helm, Selectmen
Peter Bianchi, Selectman
Linda Hardy, Interim Town Administrator

ALSO PRESENT:

Doug MacMichael, New London Resident
Kim Hallquist, Town Administrator (to begin June 20, 2011)
Pat Trader, Reporter for *the Intertown Record*
Jim Wheeler, Budget Committee Chair
Norm Bernaiche, Town Assessor
John Wilson, Budget Committee member
Richard Lee, Public Works Director

Chair Kaplan said that the first item on the agenda was Norm Bernaiche who would be submitting abatement requests. Mr. Bernaiche said that he was there to answer any questions they may have but that most of the verbiage explained everything. There were 80+ requests for abatement after the reevaluation, which prompted meetings with about 250 people. Mr. Bernaiche said that this was a two year process when you include the actual reevaluation and making corrections.

Mr. Bianchi asked how much he was suggesting that they were going to give back. Mr. Bernaiche said that he doesn't figure this number out as it could influence his opinion of fair and equitable. Mr. Bianchi said they have \$30,000 in the Overlay Account and wondered if that was enough. He wondered if they had to go back and change the school and county portions as well. Mr. Bernaiche said that they didn't. This amount is included in the overlay that will be set aside from the town. He explained that the Town satisfies the debt for the school, county and municipal budget. They are managing the assessment process for the school and county by collecting that \$30,000. If they set the overlay at \$100,000 as some towns do, it would be one way of dealing with the unreserved fund balance. Chair Kaplan asked if they would reach the \$30,000 point. Ms. Hardy said that in her head she came up with over \$32,000.

Mr. Bianchi said that they would drop down on the grand list by \$2 million dollars by paying out the \$30,000 overlay. Mr. Bernaiche said that in the fall, the overlay is adjusted to make up for the differences. It is part of the tax rate setting process.

Chair Kaplan said that savings have occurred with abatements because of the improved accuracy of the evaluations due to having assessors. They now avoid exorbitant court costs. Mr. Bernaiche said that he listens to what the taxpayers say; there are some errors that are made due to parts of properties they were not aware of. These errors lead to some adjustments.

Mr. Bianchi felt that there were a lot of substantial abatement amounts. Mr. Bernaiche said some people have appraisals done after the reevaluation to clearly articulate the errors that were made. He added that

all properties were visited before setting the reevaluation and that there is a lot of information that comes to light while doing a reevaluation. Mr. Bianchi said it seemed that some of the abatements were from homes that no one had been into. Ms. Helm indicated that this is why they do valuations; to fix any errors that may come up. She noted that Mr. Bernaiche had recommended the denial of 13 abatements. Mr. Bernaiche said that when they talk to people and deal with them, they get more educated about the properties and it is a process of fine-tuning. A home they spoke of that had a substantial abatement was high because they had not been able to get into the home (it was seasonal). It had been listed as year-round. The home was densely surrounded by trees and was found to be closer to the lake than would be approved under current standards. These things all affected the valuation of the property.

Mr. Wheeler agreed with revaluation comments but wondered why they didn't they know the details about these properties five years ago when the last evaluation was done. Mr. Bernaiche said that the owners never complained before; they just paid it. People are now looking more closely at things like this due to the poor economy. He added that the process gets better and better year after year as they fine tune what they see. Chair Kaplan said that while their criteria may change a bit based on the market, their approach stays the same which is important. He explained that in the past when they had used an out-of-town assessor, the taxpayers grew angry with the administration because it was hard to be able to meet with the assessor and it wasn't convenient for anyone.

Mr. Bianchi wondered why these major differences in valuation were coming to light now. Some people complain about valuations that are too high and some because they are too low. Mr. Bernaiche said the low ones are more of a systematic change. If he finds an error and something is clearly wrong they change it. Sometimes there is a property that feels like it is being picked on or singled out. He tries to be fair as it is his job.

Ms. Helm said it seemed that there were more abatement requests this year than last. Mr. Bernaiche said that this was related to the revaluation. He said this always happens. Mr. Wheeler asked if Mr. Bernaiche would be comfortable with a \$30,000 overlay for the following year. Mr. Bernaiche answered in the affirmative.

Mr. Bernaiche said he would have a report for the Board of Selectmen to show the difference in the net effect from last year to this year. He said the 2009-2010 net effect was up almost \$2 million dollars. Condominiums have gone down. Hilltop was especially difficult to assess, but the Lakeshore properties went up.

Bianchi said he was concerned with the percentages of valuation that some properties went down. Mr. Wheeler asked what a typical amount for overlay was. Mr. Bernaiche said it depended on the market. He added that abatement requests are expected especially after a revaluation in a down economy. In 2005 the market was still strong and people ignored depreciation and topography. Now with the economy being down, people are more sensitive to those issues.

Mr. Bernaiche said the property owners knew about the recommendations he was bringing forth and said he would be happy to have them pick the ones out that they wanted more information on. He would meet with them at another date to discuss those. Mr. Bernaiche wanted the Board of Selectmen to be comfortable with his recommendations. He noted that it used to be that if a homeowner refused an inspection, they would lose their right to appeal. This has been reversed, as the right to privacy has outweighed the need for accurate assessing. People no longer have to let the assessors in but can still appeal.

Mr. Bernaiche said they would follow up on every building permit to change the valuation of properties. They look at every permit that is given to them by Peter Stanley (Zoning Board Administrator). If the house was in good condition and someone put on a new roof and the house was still in good condition, they wouldn't upgrade it. If they put on a new roof, windows and siding, the home would most likely be upgraded to "very good" condition. They have to visit the properties to have accurate data. They discover some things that lower and increase the value.

Ms. Helm asked if when they find a flagrant violation they report it back to Mr. Stanley. Mr. Bernaiche said that they don't want to be the police, but certainly if something isn't correct they will make Mr. Stanley aware. They are not out there to find these things, but if they see something that needs attention, they will bring it to light.

Mr. Wheeler said that his reality office just listed a house and the photo on the assessing card showed the house still under construction even though it has been completed for over one year. He wondered if this was an anomaly or if such an instance occurs often. Mr. Bernaiche said they have had some problems with the SMS cards. Sometimes they have pictures of properties at different stages. The older pictures are coming up first and it is a programming problem.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Tina Helm) to accept the recommendations from Norm Bernaiche in his memorandum dated June 9, 2011.

Mr. Bernaiche said that if Mr. Bianchi had a problem with a couple of the request for abatement, they exclude them from the motion and approve the rest. He would come back to another meeting with further information on those few properties.

Chair Kaplan amended his motion:

**IT WAS MOVED (Mark Kaplan) AND SECONDED (Tina Helm) to accept Norm Bernaiche's recommendations from the June 9, 2011 memorandum, excluding Checkerberry Knoll Trust, Kreisler (Owls Nest Road), and Richardson (Camp Sunapee Road).
THE MOTION WAS APPROVED UNANIMOUSLY.**

Fuel Prices – Carolyn Fraley

Ms. Hardy indicated that Ms. Fraley was supposed to come in to talk about fuel prices. Carol thought she would wait until later on in the summer when a better price may be available. Chair Kaplan said he had asked Ms. Fraley to keep an eye on the price each week and when it gets low enough they will sign a contract.

Minutes Approval

June 6, 2011 – Public Minutes

There were a few amendments to the minutes that Ms. Hardy took down to incorporate into the approved version.

IT WAS MOVED (Tina Helm) AND SECONDED (Peter Bianchi) to approve the public minutes of June 6, 2011, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Non-Public Meeting Minutes of June 6, 2011

IT WAS MOVED (Peter Bianchi) AND SECONDED (Tina Helm) to approve the non-public minutes of June 6, 2011, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Old/Pending Business

Ms. Helm thought closure was necessary for a few things:

She had heard that some people were surprised about the lack of an announcement regarding the new Town Administrator. She passed around a sample announcement that could be sent out to the list serve by Ms. Hardy the following day. Everyone approved of her wording, and Ms. Hardy agreed to have it sent out the following day.

Ms. Helm was also concerned that they will be having the Elkins subcommittee meeting the following Monday. She wondered who would inform the members of the subcommittee of the meeting. Ms. Hardy said she would do this.

Ms. Helm also commented on the signage being requested by the DOT. She went around at the different locations where signs were being requested. Most of the signs they had wanted have been installed. The "Share the Road" signs on Route 11 had not been put up yet. She suggested including this request with the others they are asking for in Town. They had voted to install the signs on Monday, June 14, 2010 and have not followed through. One sign would be requested coming from Hominy Pot Road to Rowell Hill Road, and one from Seamans Road to Overlook Terrace.

Ms. Helm asked who would be identifying the new signs they need for the beach parking. Ms. Hardy believed Mr. Denning (Recreation Director) was working on the wording and positioning of the signs with Chief Seastrand. Ms. Helm thought all of the sign requests should be included in one letter and be sent together. Ms. Hardy agreed to follow up with Mr. Denning and Chief Seastrand.

Ms. Helm said that a 30mph sign was promised to the residents of Great Pines. While they had originally thought the sign needed be opposite of Fenwood she said it really needed to be a bit further down to be effective. She felt its proper placing would be adjacent to the fourth telephone pole up from Spruce Lane.

Ms. Helm said that they never decided about the Gnu that Tomie DePaola painted. It is currently in with the Recreation storage and Mr. Denning suggested putting it out in front of the town offices. Ms. Helm felt it would be OK to have this be a temporary home for the Gnu until Labor Day. After that, they could perhaps find another place for it to go. Mr. Bianchi noted that they never addressed the building permit need for the Gnus after they were auctioned off.

Ms. Helm said that the CAC was happy that COA hosted them at their last meeting. It got her thinking that it would be beneficial if some representatives from the hospital could come speak with them as there was a lot of misinformation being spread. She indicated that they would be willing to come July 11 to the 6pm Board of Selectmen's meeting. She was not sure who would be coming as the representative.

Ms. Helm asked where the Town stands with the reworking of the inter-municipal agreement with Sunapee. Ms. Hardy said an email was sent to Bart Mayer (Town Counsel) to contact the Sunapee attorney about this. She would call or write a follow-up request.

Ms. Helm reported that she got a call from someone involved in a non-profit organization in town that would be looking for a new CEO in the near future. He asked if they may have access to the resumes they received for the Town Administrator position. She said she felt uncomfortable with the question and wanted to bring it before the other Selectmen. Mr. Bianchi said they should not be allowed to have access to the resumes. Chair Kaplan agreed and said that the Town of New London owned and paid for those applications. For them to take what is now Town property and expose or give it to anyone else wouldn't

be right unless they would do it under some sort of rule or regulation. She would call the gentleman back and tell him that they feel they cannot comply with his request.

Chair Kaplan said he recently had a conversation with Alissa, who is the assistant to Barry Cox from LGC. They are in the process of examining Ms. Hallquist's background and they should have everything wrapped up sometime next week. They will send the hard copy of everything to Mr. Kaplan via Ms. Hardy.

It was noted that July 11th was the last scheduled evening meeting. They would discuss how meetings would be scheduled at the next meeting.

Richard Lee's Memorandum regarding Elkins Dam

Mr. Lee explained that the RFP for engineering went out and they received seven proposals that ranged from \$22,000 to \$36,500. The State reviewed them but didn't come back with any recommendations, but rather with some specific questions to ask the firms to make sure they would be doing what the Town wanted them to. After this step, there were about four firms that met the criteria. Mr. Stanley and himself interviewed the firms and decided on offering the work to Wright Pierce. Mr. Lee said that the firm impressed them in that the first thing they recommended was re-writing the emergency action plan, doing the hydrology study, and then going to the State to be moved down to a "significant hazard" classification instead of "high hazard." He added that one engineer has already had some conversations with the Dam Bureau and is up to speed with the dam and the area. Some of the work would not need to be done if their classification was lowered. The total would be \$27,700 if they had to do everything but this could drop down to about \$20,000 if the classification was lowered. Their plan of action would be to first re-write the emergency action plan, then the hydrology study, and then get the classification lowered. Mr. Lee summarized that \$27,700 included everything the State requires to meet requirements from the letter of deficiency.

Mr. Bianchi hoped that any engineer hired would look at the three structures affected by the high hazard classification. One was the Mesa building, which is now gone, one is a back addition to George McDonald's barn, and the last is 1-2 posts off of the corner of Hillcrest Drive, including a post off of a garage. These are not living spaces so there may be some give and take to get the hazard classification lowered. Mr. Lee noted that this same firm did a similar study for a dam in Wilton and was successful in compiling the appropriate information to get the classification lowered.

Mr. Lee said they could start right away if approved. They are not under a deadline as long as they keep working towards an end. Wright Pierce should be done with this by the end of the calendar year. Surveying will be done in a month and then they will do drainage calculations and flows, etc. The outside work would be done by the end of August at the latest.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Tina Helm) to accept the proposal by Wright Pierce for \$27,700. THE MOTION WAS APPROVED UNANIMOUSLY.

Ms. Helm thanked Mr. Lee for getting to the dam malfunction so quickly a couple weeks ago. Mr. Lee said he wasn't sure what happened with it. They think the sensor had some algae on it which caused it to misread. They will manually override it if it doesn't correct itself and will call the engineers from Maine to come repair it if need be. They are keeping an eye on it for now. Mr. Wilson said that according to his calculations, the level of the lake is almost back to normal with only 5" left to rise.

Mr. Lee brought up an issue with a Mr. Batula who lives on Pleasant Street. There is a culvert that goes across his lawn and over a bank which had to be installed in order to put his leach field in. On his plan

part of the approval was to put the culvert across his lawn. Since then, it has rusted out and his lawn has caved in in a few places. He came to Mr. Lee in 2006 and wanted the town to replace the culvert. Mr. Lee told him that they could not; he had to have this culvert for his own leach field and it was not the Town's property or responsibility. He invited Mr. Batula to come to meet with the Board of Selectmen to hear their remarks but he didn't come. In 2009 a large storm came and the Town's culverts were clogged and water was sent down the hill and into his driveway and into his basement. He blamed the Town for this and said the culvert should be replaced at their expense. Mr. Lee said that they could not help him but if he wanted to hear it from the Board of Selectmen, he could certainly go to a meeting. He failed to do so. Mr. Batula is now back again speaking with Mr. Lee explaining that the culvert under the street causes the problems and is not just the problem of the one on his lawn. He would now like to know if the Town would like to help him fix the culvert across his lawn. Again, Mr. Lee offered for Mr. Batula to come see the Board of Selectmen, but he doesn't want to and asked Mr. Lee to come to them and ask them their opinion. He thinks because the culvert is rusted out and leaking, it is causing water to go into his basement. Mr. Lee said that his feeling was that if the culvert under the street was bad, they would have the same problem of the material around the culvert caving in. Mr. Lee told Mr. Batula that if he fixed his own culvert and the problem persists, the Town would come in and fix the culvert under the street. He said that he was not recommending a solution one way or another but was there presenting it to them on behalf of Mr. Batula. His professional opinion was that this would set precedence for others who may need help in similar situations.

Mr. Bianchi said he has never met the man but a friend of his asked him about it. He felt that it was part of his private septic system and that he should pay for it. He said he wanted to recuse himself from the discussion as he has been approached as someone to do the work to replace the culvert.

Ms. Helm said it would open a Pandora's Box by fixing something the homeowner is responsible for. If the culvert under the Town road is responsible for this problem it would be a different issue. If the culvert under the road was as bad as the one on his lawn, the road would be caving in. Chair Kaplan said it was clear that the maintenance of the pipe was the homeowner's problem. They can't help everyone in Town with these types of problems. It is on his property and he owns it. Mr. Lee said he would send a letter to Mr. Batula to let him know their decision.

Mr. Bianchi said a citizen was concerned about some low hanging trees from Carter Road to Jacobson's house. He said he would bring it to Mr. Lee's attention. Mr. Lee agreed and said there were a couple of trees in that area that needed to be looked at.

Meetings

CAC Meeting – June 11, 2011 – It was the consensus of the Board of Selectmen that this meeting went well. It was hosted by COA and held at the Chapin Senior Center.

Ms. Helm said she had received two emails regarding some updates from the Conservation Commission. The first shared that since the Board of Selectmen had endorsed the assistance from the Merrimac County House of Corrections, they have been granted four dates where inmates would come help with manual labor. On June 3rd and June 10th, teams were present and helped. It was evident that the arrangement worked out very well and saved the Town some money. They were able to cut and clear brush on the Low Plain, as well as do some needed work at the Philips Cricenti Bog. There are two dates planned for October.

Another email indicated that the Conservation Commission is working on a parcel of land owned by the Town with the thought of developing a forestry plan that would generate some revenue for the Town.

Mr. Bianchi said that some future items for the agenda should include single stream recycling. They told the representatives from the Co-Op that the Town would have a decision by the end of the month. He suggested putting this item on the next two week's agenda for discussion.

Mr. Bianchi asked if Russell Aney would be presenting on the 27th. He wondered if there was any money available in the budget for upgrades he is proposing to the Town Offices. Ms. Hardy said she would check on those details.

Mr. Bianchi asked Mr. Lee about West Side Drive and if it was going to be paved before their bond was due to be called. Mr. Lee said that he has been told it would be done by the end of the month. Once that is done they can have a hearing for the Town to accept the road. Mr. Lee said he needs them to clean out the culverts and put some boundary markers out. He will inspect everything before the Town is asked to accept the road.

Mr. Wilson mentioned if they will do a survey on the dam, it may be helpful for them to know that the State has changed their sea level data so the numbers they have been using prior will be different. He explained that he and Clayton Platt had talked and he found that the State determined that they are not the same number of feet above sea level as they thought they were. If they do the survey, they will want to make sure their figures are accurate. Mr. Lee said the engineers will be up to speed on the details. Mr. Wilson said he would like the top of the pillar to remain a useful measuring tool after this work is done and that whatever figures needed are used. Mr. Bianchi thought a staff gauge would be helpful to use as a reference point of the lake level. Mr. Lee thought they should talk with the Protective Association and Fish & Game to make sure of the level schedule for the future. There had been a question about drawing it down every five years. Overall they want everyone on the same page.

Upcoming Meetings

Planning Board – Ms. Helm said that the agenda has changed; there will be no Master Plan meeting until June 28th. At the meeting on the 14th they will go over Site Plan Reviews, and a review of the telecommunications form, among other things.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Tina Helm) to go into non-public session pursuant to RSA 91-A. THE MOTION WAS APPROVED UNANIMOUSLY.

Application for Building Permit:

- Colby Sawyer College, 541 Main Street (Map & Lot 085-033-000) stabilize Cleveland Library silo – Permit #11-045 – Approved.
- Robert & Laurie Durkin, 485 Old Main Street (Map & Lot 121-005-000) build wood shed – Permit #11-046 – Approved.
- Melora Balson, 836 Route 103A (Map & Lot 103-016-000) construct half court basketball area – Permit #11-047 – Approved.
- Sofia Katsanos, 1223 County Road (Map & Lot 117-004-000) add door & covered way on garage – Permit #11-048 – Approved.
- 177 Poor Road Realty Trust, 177 Poor Road (Map & Lot 091-005-000) single story addition – Permit #11-049 – Approved.
- Peter & Debbie Stanley, 638 Burpee Hill road (Map & Lot 056-006-000) window replacements – Permit #11-050 – Approved.

Application for use of Whipple Memorial Hall:

Application for use of New London Town Commons:

Application for sign permit:

- St. Andrews Church, 52 Gould Road – sign at information booth – Approved.

Tax Abatements:

- Laurie DiClerico, 614 Little Sunapee Road (Map & Lot 033-017-000) approved.
- Brian & Devine Sullivan, 511 Otterville Road (Map & Lot 042-033-000) approved.
- Michelle Cox, 320 Otterville Road (Map & Lot 042-022-000) approved.
- Stanley Bucklin, 733 Morgan Hill Road (Map & Lot 010-002-000) approved.
- Irene Bickford, Route 11 (Map & Lot 078-024-000) approved.
- Vahan Sarkisian, Lodge Lane (Map & Lot 080-016-000) approved.
- Vahan Sarkisian, Lodge Lane (Map & Lot 080-017-000) approved.
- Vahan Sarkisian, Lodge Lane (Map & Lot 080-018-000) approved.
- Matthew & Kathryn Bemis, 10 Buker Way (Map & Lot 111-032-000) approved.
- Joseph DiClerico, 614 Little Sunapee Road (Map & Lot 033-018-000) approved.
- Steven & Patricia Bryck, Lakeshore Drive (Map & Lot 037-017-000) approved.
- Jeff & Elizabeth Feingold, 14 Andover Road (Map & Lot 110-002-000) approved.
- Dennis & Roberta Aufranc, 1200 Newport Road (Map & Lot 056-015-000) approved.
- Dennis & Roberta Aufranc, 1907 Newport Road (Map & Lot 056-012-000) approved.
- Laurey & Anne-Marie Kenerson, 141 Wilmot Center Road (Map & Lot 065-002-000) approved.
- Verne & Judith Barrett, 25 Scythe Shop Road (Map & Lot 078-017-000) approved.
- John M. Jr. & Michele Holton, 51 Squires Road (Map & Lot 096-019-000) approved.
- Stephen & Elizabeth Foy, 33 Prescott Lane (Map & Lot 073-020-000) approved.
- Francis Wilson, 78 Birch Acres Road (Map & Lot 074-040-000) Denied.
- Amelia Bucklin, 617 Little Sunapee Road (Map & Lot 033-010-00) Denied.
- Donald Campbell, 151 Wilmot Center Road (Map & Lot 065-003-000) Denied.

Other items to be signed:

- Disbursement voucher for week of June 13, 2011
- Warrant Yield Tax Levy – in the amount of \$5009.08

IT WAS MOVED (Peter Bianchi) AND SECONDED (Tina Helm) to adjourn the meeting of June 13, 2011. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting was adjourned at 8:40pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London