



TOWN OF  
NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN  
MEETING MINUTES  
November 4, 2013

**PRESENT:**

Tina Helm, Chair  
Peter Bianchi, Selectman  
Janet Kidder, Selectman  
Kimberly Hallquist, Town Administrator  
Wendy Johnson, Finance Officer

**ALSO PRESENT:**

Fred Sladen, New London resident  
Jane & Alan Birk New London residents  
Tom DeMille, Chair of the Board and President of the Barn Playhouse  
Michael Woods, Esq.  
Acting Police Chief Ed Andersen  
Leigh Boose, *The Messenger*  
Gayle Hendrington, WNTK  
Minette Sweeney, *InterTown Record*  
Karen & Peter Hogle, New London residents

Chair Helm called the meeting to order at 8:00am.

Noise complaints - Barn Playhouse Whipple Court residence

Fred Sladen and Jane & Alan Birk, neighbors of the Barn Playhouse residence property (commonly referred to as the "green house") on Whipple Court, met with the Board to discuss their continuing concerns with the noise coming from the green house property. Mr. Sladen explained that he moved to his property in 1992 and since then has been experience "egregious incidents" as a result of the people living at that property in the summer. He noted that through the years there have been many similar complaints to the Selectmen and he wondered why it was allowed to continue.

Mr. DeMille, Chair of the Board and President of the Barn Playhouse, stressed that they want to be a good neighbor. He noted that the green house has been a boarding house since the 1930's and has been used by the Playhouse since 1977. The residents (cast and crew of the Barn Playhouse) are told that they must stop playing music at 11:00pm. He noted that there was one occasion when Mr. Sladen called the police because of noise and it was found that there were seven people playing charades at 11:15pm. He felt this was an absurd complaint. Mr. DeMille explained that the noise that is being experienced is normal noise that comes from the actors coming home after the performances and is not similar to what they would find from a drunken brawl. He feels they respect the neighborhood and will continue to reinforce the rules to keep the

noise down. Mr. DeMille opined that Mr. Sladen was out of control with the emails he was sending.

Chief Andersen said he has record of 19 calls coming into the Police Department related to the green house property. These calls identified noises coming from parties and loud car doors slamming. He offered that any noise will seem louder in the summer if the windows are open. Officers outside the building have been able to hear loud music coming from the inside and they have had to ask the occupants to turn it down. Officers have done multiple patrols in this area but this kind of patrolling is difficult. Chief Andersen noted that if the noise is loud enough to wake neighbors with the doors and windows closed, it is ruled as disorderly conduct, which can be enforced. Basic noise from driving home and shutting doors is a normal activity and wouldn't fall under disorderly conduct.

Selectman Bianchi noted that he did not think this was a zoning issue; peace and quiet are the right of anyone no matter what zone they live in, however he did not want to see the police department handing out summons due to this matter. They have to somehow enforce a respectful peace and quiet in the neighborhood. The Town voted down a noise ordinance in the past because it is not something that is easy to gage.

Selectman Kidder observed that when the building was a boarding house it was quite a bit quieter. However, her in-laws lived in the neighborhood and complained to then owner, Norman Ledger, about the noise when it was used to house Playhouse cast and crew. Selectman Kidder suggested that there is going to be a problem with that housing no matter where it is in town as the kids are all geared up after a performance and it takes a while for them to calm down. She wondered if they could find a place for the young people to congregate in the town to burn off that excess energy before going back to their residence as a way to deal with the noise. Perhaps if the Town decides to turn the 1941 Building into a kind of place where these kids could go after hours, it would be helpful.

Karen and Peter Høglund own property abutting the green house. Mrs. Høglund noted that they definitely feel the Barn Playhouse is an asset to the town and commented that both the DeMilles and Sladens have been wonderful neighbors. She noted that her property houses three tenants and there have been complaints from them because of loud parties at the property being discussed. The tenants have had to go to the house and knock on the door and ask the occupants to be quiet. She would hate to lose her tenants because of the activity in the house, which seems to escalate in the summer. She thought things have improved a lot but it is a hard thing to control.

Chief Andersen said he would be happy to have a meeting with the residents of the property at the start of the next season to explain the statute with regard to disorderly conduct and how the police department handles noise complaints. He noted that the police department does not like to make an arrest in these cases if possible, but arrests may be the only option for those unwilling to quiet down. The Board felt that speaking with the residents was an excellent idea.

Ms. Birk understood that there are rules posted for those living in the house, but she thought with any rental there should be a contract signed with the rules stated about noise. She stressed that neighbors do not want to see people arrested, but perhaps a fine could be given to offenders to encourage them to observe the rules. Secondly, she didn't feel they were getting as many complaints as they normally would because some neighbors have their windows closed with air-conditioning on so they cannot hear the noise. She wondered if the green house could perhaps get air-conditioning units and the ask those living there to keep the windows closed.

Selectman Kidder asked Mr. DeMille if the actors are asked to sign a contract before living in the house. Mr. DeMille said the residents do sign a code of conduct outlining the behavior expected of them. He stressed that they do not want to disturb the neighbors but they have to understand that moving 16 people in and out of a house will cause some noise. It has been this way for 37 years.

Selectman Bianchi read from the contract the Barn Players handbook. He noted that these rules were stricter than the Town's rules. Mr. DeMille noted that those were the rules Norman Ledger used when it was a for-profit organization and noted that those are not the current rules for the Barn Players.

Mr. Sladen referred to the Selectmen's minutes of May 23, 1994 where there was a discussion about the Playhouse and noise. At that time it was decided there would be no trucking in the area, the green house would be used only for sleeping and the barn would be used only for painting sets, and noise violators would be arrested.

Mr. Sladen said there were two approvals given by the ZBA in the past. The Notice of Decision of September 23, 1978 approved the use of the property for lodging during summer months; because of its proximity to the public, general provisions of Article 2 as related to annoyance or disturbance be strictly adhered to. The Notice of Decision from November 14, 1990 gave relief from an administrative order which approved the 30' x 50' storage barn to be limited to storage only and the painting of flats. Due to its proximity to other properties, the decision stated that the provisions of Article 2 as related to annoyance or disturbance were to be strictly adhered to.

Mr. Sladen said they had never met the second stipulation with regards to annoyance and disturbance. The Town's Zoning Ordinance has an enforcement article which states that failure to comply with the decision is subject to enforcement by the Town. If they make something a stipulation and it isn't met, the Town has to take away the approval which would be a logical move. The neighbors do not want to shut down the Playhouse they just want the noise to stop. They are asking for relief from this issue.

Chair Helm said they are generally able to resolve certain issues but in this case she thought they should consult the expertise of Town Counsel. It saddened her that neighbors couldn't work this out. She was convinced that the Barn had done as much as they can to ameliorate the situation but given the nature of the beast, it remains a difficult issue. Selectman Bianchi respectfully disagreed. He said if Chief Andersen agreed to meet with the residents that would be a logical first step. The cast will be mostly new next summer and they could be strict with the rules and

perhaps hand out a few summonses if needed. He felt this would improve the situation. Selectman Bianchi did not want to get Town Counsel involved. Mr. DeMille said he would cooperate with the police to deal with this. He reiterated that the noise was not from drunken parties in the streets; it is just normal back and forth travels to and from the house. He didn't think all the emails Mr. Sladen was sending were necessary.

Selectman Kidder suggested that going forward and looking into the future, the use of the house should be something other than housing. Perhaps it could be used for building sets, feeding people, etc. They should look to other locations for housing and suggested reaching out to the college. Mr. DeMille said the green house was pretty much a boarding house with seven bedrooms so it could not be easily used for other activities. They do rent from the college as well because they have about 55 people who need to be put up somewhere and they don't have room. It is an economic problem.

Ms. Birk hoped each of the Barn Players had to sign a contract and not just be given a list of the rules. Selectman Bianchi thought both sides had to try harder in this situation to come to a resolution.

Chair Helm thought the following were appropriate steps:

- Chief Andersen would meet with residents about noise and how complaints are handled
- A contract would need to be worked out with the residents and the Barn Playhouse
- The Selectmen encourage the two parties to work a little harder and try and work it out at the neighborhood level.

Selectman Kidder asked that both parties keep in touch with the Selectmen if these suggestions are not working.

Chair Helm said these young people have an energy she admires and it is a benefit that they are doing something positive and not something negative as they all too often see these days. They need to figure out a way to make this work.

#### TDS Franchise Agreement Hearing – Continuation

Ms. Hallquist noted that the Town's attorney had not yet responded to the latest TDS request for amendments to the franchise agreement. She suggested that the Board continue the hearing to the next Selectmen's Meeting, November 13th.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) to continue the public hearing to November 13, 2013 at 8am at the Fire Department. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### New Business

##### *Elkins Project - Engineering Study*

Ms. Hallquist said she and Mr. Lee have both looked at the engineering study as prepared by Pathways. She pointed out that Pathways has revised the figures presented at the public informational meeting from over a million dollars to \$660,927.10. The changes were due to a

miscalculation in one of the quantities of an item and also the road reconstruction costs were included in error. This amounted to reductions of over \$300,000. The Town will be responsible for 20% (about \$159,000) of the project cost, and the State will pay the remaining 80%. Ms. Hallquist noted that the current figure is less than what was anticipated.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Janet Kidder) to accept the engineering study as presented, with Option 3 as the preferred alternative. THE MOTION WAS APPROVED UNANIMOUSLY.**

#### Transfer Station

Chair Helm announced that starting Sunday November 10<sup>th</sup> the Transfer Station will be open on Sundays from 9am – 3:30pm.

#### Budget

Selectman Bianchi said he will support Ms. Hallquist's recommendation again this year to not ask the department heads to come in at a certain percentage when budgeting. Selectman Kidder thought the way the budget was presented last year was excellent; the department heads came in with lean budgets. She noted that she hopes that if there were things a department head needed, he or she would bring it to the attention of the Board. She said the budgets have been coming in under the rate of inflation which she felt was an important number to consider. Selectman Kidder anticipated that this year's budgets would follow suit with last year's.

Chair Helm thought the department heads understood that they could not present huge budgets and did not think they would, however if staff feel that they could not present their actual needs, it is hard to plan. She was very comfortable not setting a goal as long as the department heads understand that the Selectmen have to be realistic in determining what can be included in the coming year's budget. Selectman Bianchi said it isn't the department head's job to know about what the other departments are doing and what their budgets entail; they should just have to focus on their own budgets. Chief Andersen said he has been handling the budget for another small town for the last 15 years and looked forward to working with the New London Police Department budget.

Selectman Kidder observed that the Police Department has been down one officer since April. She wondered if it was possible to do without this additional officer. She wanted Chief Andersen to think about it and talk about it with his officers and be prepared to address the issue during his budget review. Chair Helm added that at the last CAC meeting there was some discussion on outsourcing in some areas. She wanted the department heads to consider if they were asked to outsource certain services, where would they do this? She stressed that the Board is not saying they will ask it to be done but this is a discussion that has come up and is done in other towns. Selectman Bianchi said there was a difference between outsourcing and hiring someone to do something like paving or roofing a building. Some towns outsource things like plowing and dispatch.

The Board noted that the department heads would not be required to meet with the Board prior to submitting their budgets in December, however they should be informed to keep their budgets lean. The Board will meet with the employee committee in November.

Selectman Bianchi asked if the Mutual Aid policies had been signed as was recommended in the Sherriff's report. Chief Andersen said they have not, however the Town is covered under a state statute that addresses mutual aid between towns. Selectman Bianchi suggested they should get all their mutual aid agreements in place, if need be.

#### Old Business

Town tax rate setting – the town's tax rate has not been set yet as the Department of Revenue Administration is awaiting information from the Water Precinct. Ms. Johnson will follow-up by calling the Precinct to see if they are close to sending their paperwork in.

Selectman Kidder suggested that Ms. Johnson contact Representative David Kidder about possible plans to change the County's fiscal year to July 1-June 30<sup>th</sup>. Such a change might help the Town of New London since the Town must pay the county bill in December but the year's tax payments are not due until March.

#### Town Administrator's Report

Ms. Hallquist said the Employee Committee has been meeting with the three insurance companies that have submitted proposals and the committee will attend the Selectmen's meeting on November 25<sup>th</sup> to report on the issues they have been discussing during the year. She added that the NHMA conference is being held November 6 & 7 in Manchester, she plans to attend on the 6<sup>th</sup>.

#### Committee Meetings & Reports

Chair Helm and Ms. Hallquist attended the recent joint meeting of the Sunapee Sewer. The minutes from the previous meeting could not be approved because there was not a quorum from New London. November 21<sup>st</sup> is the next meeting and Chair Helm urged the Selectmen to attend.

Selectman Bianchi said there is a discrepancy as to how much New London is putting into the sewer plant. The meter at the plant has been known to malfunction. Sunapee has no meters and only subtracts what New London's meters say and what the plant meter says to determine Sunapee's usage. Ms. Hallquist said Underwood Engineers will be asked to look into this issue and to suggest alternatives to the current system.

#### Approval of Minutes

IT WAS MOVED (Janet Kidder) AND SECONDED (Peter Bianchi) to approve the minutes of October 28, 2013, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

#### Upcoming Meetings

Nov. 12<sup>th</sup> Planning Board, 7:00pm  
Nov. 13<sup>th</sup> Selectmen, 8:00am (Fire Station)  
Nov. 26<sup>th</sup> Planning Board, 7:00pm

Dec. 4th Budget Meeting, 7:00pm

Other Business

Chair Helm thought Ms. Hallquist's letter to the towns that participate in New London's dispatch service was good. The letter gave the adjusted rates for dispatching service in 2014. The towns that receive dispatching from New London are reviewing the new rates.

Application for Building Permit:

- Doug & Rebecca Gladstone, 910 Lake Shore Drive (Map & Lot 064-016-000) demolish existing house and build new one – Permit #13-123 – Approved.
- Scott Williamson & Carrie Stampfer, 678 Lake Shore Drive (Map & Lot 050-001-000) demolish existing house and build new one – also permit for temporary structure – Permit #13-124 – approved.

Other Items to be signed:

- Disbursement voucher
- Intent to Cut – Janice White, 133-015-000 – approved.

**IT WAS MOVED (Janet Kidder) AND SECONDED (Peter Bianchi) to adjourn the meeting.**

**THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 9:42am.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London