



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES July 12, 2010

### PRESENT:

Tina Helm, Chair, Board of Selectmen  
Mark Kaplan, Selectman  
Peter Bianchi, Selectman  
Jessie Levine, Town Administrator

### ALSO PRESENT:

Gabriel Leonard, New London resident  
Bob & DJ Lavoie, New London residents  
Michael Doheny, New London resident  
Gina Gioldassis, Reporter, *Intertown Record*  
Leigh Bosse, Owner, "*The Messenger*"

Chair Helm called the meeting to order at 6:00 PM.

Dog Park: Chair Helm welcomed Gabriel Leonard, who was there to make a proposal for a dog park in town. Mr. Leonard explained that he is a new resident of New London, residing in Elkins. He expressed his desire to get more involved in the community and thought a dog park would be a good way to do this. He feels it would help promote responsible dog ownership and the health of dogs, and would give dogs and their owners a chance to socialize with others. Mr. Leonard said that he grew up in York, Maine, where there are dog parks and open runs on the beaches. He felt having a dog park in New London would promote public health and safety and would make for less barking when dogs meet on the street. He felt that if they put money in for a children's park or ball field, they were aiming at only one demographic, but if they created a dog park it would be available for everyone of all ages to enjoy.

Mr. Leonard said that he had approached Recreation Director Chad Denning about identifying property in town that would be appropriate for such a park. Mr. Denning suggested that he consider the old wastewater treatment plant site, which has a parking area, some fencing, and ample land. Mr. Leonard noted that there are existing hiking trails that come in and out of that area that are already maintained by the Town. Additionally, water and electricity are available at the site. Mr. Leonard thought a dog park would add something to the community. He has spoken to a lot of people and has had a positive response.

Mr. Bianchi said he has had a dog and loves dogs and added that some of his kids live in communities that have dog parks but he has never been to one. He wondered if Mr. Leonard could share what it was that he was envisioning. Mr. Leonard said that he would love to see a small gazebo, sitting benches, boulders for the dogs to climb on, and possibly toys for the dogs. He opined that if it were set up properly, it could be a great way for adults and others in the community to socialize. He said that it should have two entries and a double-gate entry to prevent dogs from escaping.

Mr. Kaplan said he didn't have a dog but if everyone was in agreement, he would have no objection to the idea. He added that the Board of Selectmen would need to see proof of community support in order to proceed. Mr. Leonard said he has spoken to the owners of the local pet store, the hardware store,

restaurants, and other people about donating products, time and hardware, and has had a positive response.

Chair Helm asked if they had crunched any numbers to figure out what they would need for the project. Mr. Leonard explained that the fencing would be the most expensive part of the project. The ideal size is about half an acre, and the estimated cost of a chain-link fence is between \$20 to \$25 per linear foot. He suggested that the cost of labor would be additional, and thought the fencing should be buried about 1.5' deep to make it secure and to prevent dogs from digging and escaping. Mr. Leonard said that he is a contractor and that he and others would be willing to donate time. He has not done any further number crunching yet as he was just feeling out the project with the Board of Selectmen to see if it was even something that would be considered.

Mr. Leonard added that he thought perhaps an automatic light would be helpful for those times of year when it gets dark earlier, as well as some sort of water source. He shared that in other dog parks he has been to he has seen a small hydrant that can be turned on and off to water the dogs. This should be above some sort of platform or drainage for the water to prevent erosion. Mr. Leonard explained that the building that is on the site now has water and electricity.

Chair Helm asked about the existing fence at the wastewater treatment plant. Ms. Levine said that the fence mainly keeps people from driving through the parking area into the Lyon Brook property. She said that she did think it offered a good separation between the public road and the proposed dog park.

Chair Helm proposed that if they are willing to go back to the drawing board and be more specific about a plan, including drawings and numbers showing what they envisioned and what could be donated, it would be helpful. She noted that they have a pretty good history in town of people volunteering to make things like this happen. She said that she is concerned, in this financial climate, that when they start to prioritize all the needs in the community, there will be a population that is not committed to this type of project. She felt it was important to have more data. Mr. Bianchi figured the fencing would cost about \$18,000. Mr. Leonard said he would try to get some fence donated but would also try to cut costs by getting volunteer labor.

Mr. Kaplan asked if the park would be used year round. Mr. Leonard answered in the affirmative and said that in the winter only the trash would need to be collected.

Chair Helm asked for a consensus on giving Mr. Leonard permission to put together a more detailed plan. Mr. Bianchi said that before any of them can say yes, no or anything else, they have to have more facts. He felt the idea was fine but the bottom line would be the dollar signs.

Ms. Levine said that the Board of Selectmen seemed to be okay with the concept of using public land for this purpose but needed more details. She noted that RSA 35-B:1 allows the Board of Selectmen to use Town property for parks without going to Town Meeting for approval. At some point, however, they may want to have a public hearing for abutters to voice any concerns, and she thought that RSA 674:54 would require a public hearing before the Planning Board. She indicated that, for instance, the automatic light that he has suggested may set off some red flags in the residential neighborhood, and that the increased traffic may also be of concern. Mr. Kaplan said he would like to see a public hearing with notification. He thought that the evening lights could cause a problem, or if there is a probability of dogs barking, people would want to be notified.

Chair Helm congratulated Mr. Leonard on his initiative, as she likes to see the public get involved in the town. She thanked him for coming and asked him to gather more information about the project.

Richard Lee, Public Works Director: Chair Helm asked Ms. Levine to provide an update on Richard Lee. Ms. Levine explained that he had suffered a heart attack the previous day, but he was lucky and is doing okay, but will be at DHMC for a few more days. She said that obviously they will postpone his meeting with the Selectmen about paving and about the utilities chapter of the Master Plan. She added that the Planning Board has also agreed to postpone their discussion of the wastewater portion of the utilities chapter.

Minutes of June 28, 2010: Mr. Bianchi noted that on page 6, first paragraph it should say “his report from” instead of “his report to...” Chair Helm noted on page 10 between paragraphs two and three, it explains that “one positive thing is that they are working with a partnership with Sunapee.” She asked that one sentence be added to note that Mr. Bianchi said he was discouraged after the meeting. Mr. Kaplan noted that on page 4, second paragraph it should say “that” instead of “is.”

Mr. Kaplan had a question about the indication on page 8 that the Conservation Commission would need the approval of the Board of Selectmen to go forward with a Purchase & Sales Agreement when purchasing a land parcel. Mr. Kaplan asked if they really needed the approval of the Selectmen to enter into a Purchase & Sales Agreement. Ms. Levine said they did. Mr. Kaplan explained that when the property at Clark Pond was being considered, he and Larry Ballin met with them and told them they shouldn't do it, but they went ahead and bought it anyway. He wondered if the Conservation Commission was authorized to expend funds even though they didn't have approval. Ms. Levine said that they were not so authorized and that they had not expended funds without approval; they had Town Meeting approval. She said that they will also have to get Town Meeting approval for this new project at some point in the process. She added that the meeting with the Conservation Commission that he referred to happened after the Town Meeting vote, when they learned that the size of the acreage differed from that originally negotiated.

Chair Helm asked about the building permits section of the minutes. She wondered if the building permit issued to Ken Miller and Ralph Lapham for the demolition of the Mesa building had been an example of the new process whereby Ms. Levine and Peter Stanley have authorization to approve permits before being reviewed by the Selectmen. Ms. Levine said that she could not recall specifically and indicated that all permits come to the Board of Selectmen eventually. After further discussion, she said that she would ask Linda Jackman to specify in the minutes which permits had been issued by either her or Mr. Stanley.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to approve of the minutes of June 28, 2010, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

#### New Business

Legislative Policy Process: Ms. Levine referred to the copy of the NH Municipal Association (NHMA) memo in the agenda packet. She explained that the NHMA lobbies on behalf of municipal interests. However, if they don't know what the municipalities want, then they don't know how to proceed. The Municipal Advocacy Committee (MAC) meets monthly and has been divided into three subcommittees, each tackling different policy areas. Each subcommittee came up with policies that are recommended to be adopted in the fall. As she would be the Town's voting representative at the policy meeting, she needs to know if the Board of Selectmen supports the proposed policies so she knows whether or not to vote for them. Ms. Levine was hoping they had had a chance to read through the proposed policies to see if there were any that they had problems with.

Mr. Kaplan said that he agreed with what was proposed. Ms. Levine said that one policy that was missing in the list, as it had been voted out during one subcommittee meeting, was the proposal submitted by Donna Nashawaty to require the State to collect the statewide property tax directly. The opponents of this were upset because municipalities would lose the interest accrued on the money – called “float” -- until it is sent to the State. Ms. Nashawaty’s proposal lost 10-6 but could still come up again in September, on the floor of the policy session, or could be proposed directly to the Legislature.

Chair Helm said that she felt strongly about any policies dealing with the “evergreen clause.” She wanted to be sure that the NHMA supports the elimination of the evergreen clause. Ms. Levine said that it certainly does, and added that the evergreen clause currently does not affect the Town because there are no unions or collected bargaining agreements. She said the NHMA is opposed to the evergreen clause because it takes away the need for unions to renegotiate, as they keep getting the escalators regardless.

Mr. Bianchi said he had nothing to add and supports the proposed policies.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to authorize Ms. Levine to be their delegate to the legislative policy conference to vote on these policies. THE MOTION WAS APPROVED UNANIMOUSLY.

CAC, July 17: Ms. Levine said that there were not any specific agenda items for the meeting.

FEMA Funds: Ms. Levine said that after the 2008 ice storm they received \$65,000 in FEMA funds. After this money was received, the Selectmen authorized them to use the funds to purchase emergency equipment to aid in future incidents. Due to the storm in February, \$17,000 in FEMA funds was given to the Town. She said that the Emergency Management Committee would like to request the same allocation of those funds for emergency purposes. Ms. Levine said that she would bring a more formal request to a future meeting. She noted that one of the things they envision using the money for is the purchase of portable radios that are less expensive than mobiles and that can be assigned to members of the Emergency Management Committee. They can be used for emergency events or also for something like Hospital Days where they have more help than radios available. They are currently researching prices for these types of radios.

Energy Committee Appointment: Ms. Levine noted that Frank Anzalone has resigned from the Energy Committee and that the committee is currently supporting the nomination of Margie Weathers to fill his position. She said there is no statutory number for an Energy Committee but they like the size it is now (10 people). She summarized that the Energy Committee was seeking the appointment of Margie Weathers in Frank Anzalone’s place. Ms. Levine noted that Ms. Weathers, a realtor in town, has been attending some meetings but had not filled out a volunteer interest form as of yet.

Chair Helm said that it seems important to have vitae for people who are representing the Town. They need to make sure they know who is on these committees. Mr. Bianchi said that he has no problem with her being on the committee but that people should fill out the basic form. He added that they should say she has their initial support but that she should fill out the form.

Michael Doheny said that he thought it was important to maintain that continuity of people filling out the required form to serve on committees for the Town. Ms. Levine said that by and large, the Selectmen have been consistent with that process, with the exception of the Energy Committee, which was filled by blanket appointments by the Board of Selectmen. Chair Helm said they should be vigilant going forward to follow procedures.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to appoint Margie Weathers to the Energy Committee, contingent upon her submitting a completed Volunteer Interest Form. THE MOTION WAS APPROVED UNANIMOUSLY.

### Old Business

Sunapee Wastewater Update: Ms. Levine referred to emails between her, Donna Nashawaty, and Bond Counsel David Barnes, as well as with staff from Senator Jeanne Shaheen's office. Mr. Barnes feels that New London's best bet to change Rural Development's (RD) decision (not to grant the wastewater treatment funds to New London) is with congressional delegation. He thinks there is no legal avenue and that now they need to apply political pressure.

Ms. Levine said that she and Richard Lee met last week with Engineer Ed Rushbrook, who conducted the Town's peer review of Wright-Pierce, to discuss Wright-Pierce's work on the grant writing. Mr. Rushbrook said that he did not think the engineers had done anything wrong, and in fact, RD had "done it again." They have denied other municipalities like Berlin, Newmarket and Pembroke, and this is another example of RD leading someone down a path and then not following through. Conway has been approved. Mr. Rushbrook agreed that they need to use political pressure and suggested looking into what's called a "census designated place," which looks at the census data of sewer users instead of the entire town. He said that the RD or the State DES should have something in place to help them figure out the census block. He suggested they don't go down easy and to stay in their face. Mr. Rushbrook noted that the RD can deny and accept people at will and added that they are a frustrating department to deal with. He suggested that Ms. Levine call Rhonda Shiplee in Vermont to see if it would be useful to meet, and also suggested that she talk to the Berlin City Manger.

Ms. Levine said that this conversation made her feel even better about the quality of their application. She explained that Mr. Rushbrook thought that RD committed more money than they actually had available and are having to pull back from supporting many projects. Ms. Levine said she also spoke with Shelley Hadfield, administrator of the EECBG grant, about RD because her c.v. noted some successful grant applications. Ms. Hadfield said that she does a lot of work for the City of Lebanon and doesn't apply for RD grants because Lebanon's median income is too high.

Mr. Kaplan said that RD and USDA are using the Town's median income based on the 2000 census, which did not include Colby-Sawyer students. Ms. Levine corrected Mr. Kaplan and said that about 600 students were included. She said she knew this because she had saved an email from the College's late Institutional Researcher, Judy Condict, about how the students were counted in the census. Mr. Kaplan opined that 600 students with minimal income should have brought the Town's median income down. He thought that perhaps when the new census comes out in 2010, their averages will be better.

Chair Helm thanked Ms. Levine and Ms. Nashawaty for all the work they've done to pursue this.

Wage Study: Ms. Levine provided a list of the various towns they used to compare wages in the 2006 wage study. Towns were chosen by Department Heads and by the Personnel Subcommittee of the Budget Committee. Two towns they include in every study are Newbury and Sunapee, as they are similar to New London and draw from the same pool of employees. Ms. Levine said that not a lot of towns have the same configuration, with a college, hospital, commercial district, and seasonal residents. In the past she has looked for towns with similar usage and expectations of services. Fire Departments were difficult to compare as there are not many nearby towns that have a full-time Fire Department, and there are also not many smaller communities with a dispatch center.

Ms. Levine said that she wanted to bring the list to the Board of Selectmen to make sure they were comfortable with it. She noted that this was from the 2006 wage study and explained that for each department, salaries are listed for the towns, and an average is figured. That average is then compared with New London's wages. Chair Helm asked if she would have this data available on August 9 for the budget discussion. Ms. Levine said they would have some of the information but it depended on when she receives the wage information from the Local Government Center. Ms. Levine reiterated that the selected towns are the ones that the Department Heads see as being the most similar to New London for various reasons.

Mr. Bianchi said that he would like to look at the list further before giving any feedback. He said that it looked to him like a list of donor towns. Ms. Levine said that they do appear this way because some are waterfront towns with seasonal communities, just like New London. Mr. Bianchi said he has a problem comparing New London to Hanover all the time. Ms. Levine said that they don't compare them all the time, but they are one of the towns used to compare Fire, Police, and the Library. She said that all the towns get averaged in so if Hanover is in there, it is averaged in with other towns like Henniker, Newbury and Sunapee.

The Board of Selectmen agreed that they would give their input about the list at the July 26<sup>th</sup> meeting.

Mr. Lavoie said that he did his own wage study a couple years ago. He chose towns with similar population and similar valuation for the Town. He figured that a certain amount of income equates to a similar make up of the Town. He said they have to be careful because if they pick relatively wealthy towns, they will get higher numbers. Ms. Levine said she understood and said by the same token, if they pick poorer towns they will have lower numbers, but those towns may not accurately represent New London. She said that they have included towns like Henniker and Plymouth, as they are similar to New London in that they host colleges. Mr. Lavoie said he didn't pick poor towns, but similar valuations and populations. Ms. Levine said she would be curious to see his study. He agreed to get a copy of it to her. Mr. Lavoie agreed with Ms. Levine's earlier statement that Fire Departments were very hard to compare because they were all very different in makeup.

Mr. Bianchi noticed that Newbury was the only other town included that was within the school district. Ms. Levine said that she didn't think New London was similar to other towns in the district. Warner recently added the position of Town Administrator, and until then Newbury is the only other town with the Town Administrator position similar to hers. This, in itself, shows that their operating structures are different from New London. Mr. Kaplan said they have to compare themselves with towns like Hanover because if they lose people from their departments, it is usually where they go. He wasn't saying they have to copy Hanover, but they have to be aware of what is out there.

Mr. Bianchi opined that there were pitfalls when doing something like this. He said a bias is present as soon as the towns are chosen. Ms. Levine said the bias can go in any direction. Mr. Bianchi said it is a difference in what New London residents expect and what surrounding towns expect. He said that the outcome of the study can be determined from square one if the incorrect towns are picked. Ms. Levine agreed, but said that if they used the seven towns in the School District it would be an inappropriate bias. New London does not compare to all of those towns.

Mr. Bianchi said that this study is for wages and that they are only comparing towns and not industries. All they have to do is step outside of the parameter of the town and they can see what is going on with places like the hospital. They shouldn't exclude the employers in New London, for example, or the electric company in Hillsboro. Ms. Levine said that the hospital and an electric company are not comparable. She would have difficulty lining up the full-time positions at the Hospital with the full-time

positions in the Town. She added that the recent headlines indicating that higher level staff at the Hospital have taken a pay cut may appear to be compelling, but the Town did not follow the Hospital's lead when the Hospital granted 3% pay raises and the Town did not.

Mr. Bianchi said the people paying for this are not town employees; they are the townspeople. They could say that it was wonderful that one employee from the Police Department makes a certain amount of money, but the average workers are now seeing a decrease in pay. He opined that their financial situation was getting worse and he thinks they will have a harder time convincing the taxpayers. He said he was not going to help them pick towns that simply trend towards wealthier towns. He felt there needed to be a difference of approach.

Mr. Kaplan said that if Mr. Bianchi is right, the towns they pick will reflect his sentiments. The numbers will reflect what he is saying. If the numbers say that the average is going down, the entire averages will go down. The Police Department will be compared to every other Police Department. He has no problem with looking at all the data. Ms. Levine added that at this point all they are doing is putting together the data to see how New London compares. The Board of Selectmen ultimately decides what they do with the data and whether any adjustments should be made. She said that this effort is just so they can have some information that support the conversation of what is going on with wages so that decisions can be made based on facts not emotion or opinion.

Ms. Levine said that she is not comfortable saying that the economy is getting worse without data to support that. Mr. Bianchi said they'll get into the discussion in a lot more detail and that more differences of opinion will come out. Chair Helm said that they need to remember that this is just one piece of data. They need to think long and hard about what goes into this community, where they think they could do with less, and what is absolutely important to the quality of life for this community.

Mr. Lavoie suggested there may be specific job descriptions, such as public works and administrative positions, that are comparable in government and civilian jobs. Ms. Levine said for public works, they know what the federal Davis Bacon (prevailing wage) rates are and that there were places to compare that kind of information. Mr. Lavoie added that benefits can be compared in this way as well. He noted that government benefits are usually better than private benefits.

Chair Helm said that as a member of the Board of Selectmen, she has no problem with Mr. Bianchi giving suggestions regarding the list to Ms. Levine before the meeting on July 26. Mr. Kaplan agreed that this was okay with him. Chair Helm cautioned Mr. Bianchi not to email his suggestions to the rest of the board, as that would constitute as a meeting.

Elkins -- Mill Pond Dam: Ms. Levine gave some historical information on the dam and the agreement between Ken Miller, Ralph Lapham and the Town regarding the Town's eventual undertaking of the dam when it became accessible and was within the Town's ability to make proper upgrades to bring it to current standards. Now that the Mesa building is gone, the owners are wondering when the Town will take over the dam. She said that there is an agreement on the books saying that would happen, as well as a Town Meeting vote authorizing the receipt of the gift. Ms. Levine told Mr. Miller that said she would bring the issue back to the Board of Selectmen to discuss the options. She said that Mr. Miller wants to hear that it is still the Town's intention to take over the dam and bring it back to Town Meeting for the repairs.

Ms. Levine said that she has obtained a proposal from Clough Harbor & Associates for a thorough inspection of the dam and an estimate for repairs, but the proposal was too high, in her opinion. Since she

would have to find the money in this year's budget to do it, she has asked CHA to review the scope of work.

Mr. Bianchi said that this was brought up last year during the budget process. He referenced the letter to Ken Miller dated February 5, 2008, in which Ms. Levine quoted the warrant article regarding the dam from the 2006 Town Meeting. He said that that article seemed to be the only thing on record that the Town has decided regarding the dam. He explained that the article gave the Board of Selectmen the authority to negotiate and accept the gift of the property for the purpose of conservation, fire protection and other public benefits. Mr. Bianchi felt this authority gave the Board of Selectmen the *right* to negotiate. Ms. Levine agreed and said that the negotiation included asking the owners to remove the building from the dam, so she felt the owners had done their part to continue the negotiations.

Mr. Bianchi said that after reading the letters and what the State has asked Mr. Miller to do, he didn't feel they had any information now to go any further. He asked if the engineering study and legal fees had been authorized, how much money they have to spend and where it would come from. He wondered what the ultimate result of spending the money would be. Ms. Levine said that the ultimate goal is to make the dam compliant and return the Mill Pond to Elkins. She said that is why she wants the engineers to do a more thorough inspection to give an estimate for the cost. Ms. Levine added that most of the conversation took place with previous Boards of Selectmen who had promised to help with the dam if the building were addressed. She understood that the Selectmen want to know the full story on the liability, but Mr. Miller wants some comfort to make sure the Town is going to follow through. Mr. Bianchi said that his decision will depend on the cost estimate – repairs for \$300,000 will look different to him than repairs costing \$85,000.

Chair Helm asked if they had any money appropriated for this engineering work. Ms. Levine said that they did not but she would try to find the funds within the existing budget. Mr. Kaplan said it would be logical to have professionals look at the dam, but he understands that Mr. Miller wants some words of comfort from the Town. He said that until someone goes through this whole thing and knows exactly what they are talking about, he doesn't feel comfortable taking it over at this point and can't give any words of comfort. Ms. Levine said that when the Selectmen brought the request to Town Meeting in 2006, they knew that there were problems with the dam.

Chair Helm agreed with Mr. Kaplan and Ms. Levine. She referenced the NHDES letter to the dam owners on February 24, 2010, which states that there could be a fine of \$2,000 per violation, per day, until the problems with the dam are fixed. She wanted to know if this was why Mr. Miller was pursuing this takeover at this time. Ms. Levine said that Mr. Miller had not been here this winter to receive the letter of deficiency. She added that the State knows that they are talking about the Town taking over the dam, and she thinks that the State would not pursue fining the owners until the outcome of the negotiations was known. She was confident that the Town would not be fined. Ms. Levine said that the State has the ability to waive the fine if they think something is happening to improve the dam.

Chair Helm asked what would happen if they get the engineering data back and decide that the dam is more than they want to take over. Ms. Levine said that the expectation of Elkins residents is that this project will move forward, and she thinks there would be pushback from Elkins if it did not. They want the Town to deal with the dam and there is a lot of support for doing whatever it takes to restore the pond.

Mr. Kaplan agreed and said that this was why it was voted in favor in 2006 but no one at that time had any idea of what it would cost. Mr. Kaplan said they need to get an engineer's cost estimate, and after the costing has been done, he still wants them to go back to the DES for assurance that if they do the work, they will get a clean bill of health. Ms. Levine said that was the process. DES has issued a letter of

deficiency for the Pleasant Lake Dam as well. They give detailed orders of what needs to be done, and when the work is done, they are cleared and receive approval.

Chair Helm said she is skeptical of committing to something that is out of their range of expenditures. Ms. Levine again cautioned that if the Board of Selectmen changes their decision to fix the dam, they could hear a lot of negative feedback. Chair Helm asked if, when the building was planned to be demolished, was there discussion of the dam being taken over by the Town. Ms. Levine said that the Town's position has been that when the building was off the dam, they would move forward. Chair Helm said she felt like they were being pushed into a corner, and she did not like the fact that she did not know that the building was coming down until after it had been removed. She said that there is no question that they have to get more data on the required work. Ms. Levine said Mr. Miller had researched removing only a portion of the building, but ultimately felt that demolishing the building was his only option for selling the property. He worked with Peter Stanley on the requirements and went to the ZBA for a variance to the streams buffer for a future building.

Chair Helm asked Mr. Bianchi if he knew about the demolition of the building. Mr. Bianchi said he did and explained that they had a better chance of selling the land without the building on it. The ability for someone to be able to put a building on the site, within the setbacks of the old building, made sense to him. Mr. Bianchi said that he did not feel like they were being pushed against the wall. Ms. Levine said that it has all been part of the discussion for as long as Chair Helm has been on the board. She said that they've been talking with Mr. Miller about this since 2005 and this surprise was most likely a function of the board changing. Chair Helm felt that the Selectmen should have been notified that it was being demolished.

Mr. Kaplan said he did not feel pushed either. He knew the piece of the property was a millstone around Mr. Miller's neck as long as the building and the dam were connected. No one could move forward as it was, and Mr. Miller finally recognized that the right thing to do was to take the building down. They still need to go through the other steps (engineering, conformance with the State, cost estimates) and once the data comes in, they have to go to Town Meeting to vote on it.

Mr. Bosse said he had been involved with similar negotiations in the past with a dam that needed upgrades. He opined that if the Town accepted the gift of the dam, they were taking a big responsibility from Mr. Miller. Ms. Levine said that the Town knew this from the get-go and the reason the Town got involved was that the Town had the wherewithal to make the repairs, and the owners did not. Chair Helm said that she understood this, but felt the timing was off. She wanted to know that the building was going to be coming down and was surprised when she heard that the building had been demolished. She would have liked to have known it was going to be done. Ms. Levine apologized for not letting her know.

Mr. Lavoie offered that negotiation is continuing in so far that they are hiring someone to estimate the repairs. This doesn't mean negotiations end with a "yes" - it could be a "no." He added that there were different degrees of scope of the project. They could have the minimum or some fancy repairs. Ms. Levine said they want to bring the dam into compliance, and also know the cost of breaching the dam. Ms. Levine said that Steve Jesseman had previously indicated that breaching could cost more than bringing the dam into compliance, and she wants more information to support that suggestion.

Ms. Levine said that she would like to have the authority to negotiate the engineering inspection and move forward with it. Mr. Bianchi said that he wants to know where the money for the engineering would come from and what it was that she envisioned as the scope of services. He did not feel comfortable with Ms. Levine going forward with this part of the process without being aware of what was going to be

covered in the inspection and where the money for the inspection was coming from. Mr. Kaplan said he was fine with Ms. Levine taking this next step herself.

IT WAS MOVED (Mark Kaplan) to authorize Jessie Levine to get in touch with engineers to inspect the dam and come up with a proposal of how they would fix the dam, and for Ms. Levine to find the money in the budget to pay for these services. THE MOTION WAS NOT SECONDED.

Chair Helm said that she agreed with Mr. Bianchi on his sentiment of wanting to have more information before moving forward. She said that although it slows the process, she felt it would only be fair to the voters to be more transparent. Ms. Levine said she would be back at the next meeting with the information they requested. Chair Helm said she had no question that when she comes back to them, she will be totally approving, but thought that this intermediate step was appropriate at this time.

Sumner Woodward Easement: Ms. Levine said that Mr. Woodward came to her office with a signed easement that was unchanged from their meeting on May 17, 2010. Mr. Bianchi recalled that at that meeting, they had all agreed to sign the easement when Mr. Woodward came back with it after having his lawyer review it one last time. The three Selectmen were in agreement and they signed the easement.

EECBG Grant Administration RFP: Ms. Levine said that she had applied to the EPA to waive the requirement for requests for proposals (RFP) for the grant administration for the EECBG grants, but due to the delay in approval from the EPA, she decided to go out for proposals anyway. Shelley Hadfield, whom the Selectmen had originally authorized to administer the grants, was the only person who submitted a proposal. Ms. Levine presented her contract to the Selectmen to sign. Ms. Levine noted that her scope of work is even broader than what the RFP envisioned and that her fee comes out of the grant funds. It was shared that her c.v. was very impressive. Ms. Levine asked the Board of Selectmen to approve the execution of the contract from Ms. Hadfield.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to accept the grant administration proposal by Shelley Hadfield for the EECBG grants. THE MOTION WAS APPROVED UNANIMOUSLY.

#### Committee Meetings and Reports

Coalition Communities: Chair Helm said that she and Mr. Kaplan went to the meeting of the Coalition Communities that was held in Concord at LGC. Mr. Kaplan figured that there were between 20 and 25 towns represented. Everyone was in agreement, which Mr. Kaplan said is part of the problem; Senator Odell told him that the donor town communities are all talking to each other and all are in agreement with each other and not making any progress with the rest of the state.

Mr. Kaplan is going to attend a subcommittee meeting the 22<sup>nd</sup> or 23<sup>rd</sup> in Portsmouth. He would like to see them do some regional meetings in an effort to reach out to other cities and towns in New Hampshire to get them on board with the Coalition. This led to a discussion about how much lobbying the Coalition should do, and whether staff in addition to Pat Remick should be hired to educate the Legislature.

Assessing Forum: Chair Helm said that the entire Board of Selectmen was at the assessing forum and that it went well. They were disappointed that there were only about 10 residents in attendance.

#### Upcoming Meetings & Special Events

Non-Residents Taxpayer Meeting: Scheduled for July 26 at 8:00 AM.

Election Training: Ms. Levine referred to the enclosed flyer regarding election training on July 20. The Selectmen will attend the training either in New London on July 20 or in another community at a later date.

#### Other Business

Eagle Scout Event: July 25<sup>th</sup> at 2pm. Ms. Levine said that it would be appropriate if a Selectman could attend the Eagle Scout ceremony to present a certificate to the recipient, Sam Chabot. Mr. Kaplan will attend.

Homan Zoning Violation: Ms. Levine reported that the Homans have not complied with orders and letters regarding properly erecting a fence around their pool. The next step is to petition the court to order them to comply. Ms. Levine expressed disappointment that it had to come to this step, but said that the Town has tried for six years to get them to put up a fence. On the last day of requested compliance in May, they put up a three-rail fence, which the Zoning Board of Adjustment decided did not meet the requirement to keep children out. Ms. Levine said it was avoidable and unfortunate, as it will cost the Homans a lot of money. Mr. Bianchi asked if they could win the court proceeding, and Ms. Levine said that was unlikely, as the courts tend to uphold with zoning decisions as long as the appropriate procedures were followed.

Paving Bids: Mr. Bianchi asked if Richard Lee would be put on a future agenda to discuss paving bids. Ms. Levine said that he would as soon as she knows how his health is improving.

Building Permits: Mr. Bianchi noticed that on some of the permits they were signing, there was a place for the projected cost of the project. One had a box that was checked "required, received" and he wondered what the difference was between those projects with this section and those without it. Ms. Levine said this was something the assessors had asked them to track if possible, but not all property owners are willing to divulge that information. It is also a way of tracking the appropriateness of fees that were charged for permits. Ms. Levine said this was not a requirement of the building permit, but just something the assessors asked them to do to gather more information.

Mr. Bianchi said he asked Linda Jackman about the requested permit for the patio, as he did not think there needed to be a permit for something like that. Ms. Levine said that this sort of patio required concrete to be poured, just like a foundation slab. She said that any patios built in the shoreland overlay also needed an erosion control permit. Mr. Bianchi said that if this had been a driveway, it wouldn't need a permit except where the driveway intersected the road. Ms. Levine said that since 2007, driveway permits are needed for the entire construction of the driveway. She said that the Planning Board revised the driveway regulations in 2007 to apply to the whole property, not just the intersection with the road. This is to address issues such as erosion control, steep slopes, runoff, etc.

#### Application for Building Permits:

- Andrew & Carrie Deegan, 21 Gould Road (Map & Lot 084-081-000) amendment for deck – Amended Permit# 10-043 - Approved.
- Gerard & Sheri Weber, Elkins Road (Map & Lot 077-010-000) install stepping stone pathway and plants – Permit #10-063 – Approved.
- Edward & Melody Johnson, 1359 Route 103A (Map & Lot 128-009-000) patio in back of house – Permit #10-064 – Approved.
- John & Dolores Ryan, 295 Lamson Lane (Map & Lot 062-009-000) garden tool shed – Permit #10-065 – DENIED refer to ZBA.

- Sara & Jonathan Scheuch, 192 Andover Road (Map & Lot 110-008-000) replace 2 windows 1 door and vinyl siding – Permit #10-066 – Approved.
- Pamela Young, 734 Lakeshore Drive (Map & Lot 051-012-000) install storage shed – Permit #10-067 – Approved.
- Jon B. Nelson, 112 Parkside Road (Map & Lot 073-009-000) install 26x28 garage – Permit #10-068 – Approved.

Application for use of Town Common:

- Kearsarge Sunapee Republican Party – Strawberry shortcake social – August 14, 2010 12-3:30 – Approved.

Application for use of Clark Lookout:

- Howard family wedding – August 21, 2010 - 2:30-5:00 – Approved.

Application for use of Whipple Hall:

- SKIT, a musical revue - Approved  
Auditions: December 7 & 9, 2011  
Rehearsals: weeknights throughout January & February 2011  
Show: February 4, 5, 11, 12, 13, 2011

Application for use of Sydney Crook Room:

- U. S. Census – training of 18 people – July 15, 2010 8:00AM-4:00PM – Approved.

Application for Temporary Sign Permit:

- New London Garden Club – sign for flower show on 9/18/2010 at information booth – Approved.
- James St. Jean Auctioneers – sign for auction of Peter Christian’s Restaurant to be placed over existing wooden sign – Auction date 7-14-2010 – Approved.
- The Fells, 103A Newbury, signs to be put at information booth for 2 functions – approved.
  1. July 24 & 15 10-4 Artist weekend
  2. August 14 10-3 Hay Day
- Our Lady of Fatima, 724 Main St. – sign in front of church Attic Treasures Sale 9-1 July 21-24, 2010 – Approved.
- LSRVNA – 107 Newport Road – Renaissance Shop Sale 7-24-2010 & 10-2-2010 sign at information booth – Approved.

Application for Raffle Permits:

- Our Lady of Fatima – Holiday Raffle 11/13/2010 – Approved
- New London Garden club – during flower show on 9/18/2010 – Approved.

Tax Abatements:

- Gary & Connie McBride, 96 Northwood Lane (Map & Lot 104-013-000) abatement in the amount of \$3161.69 due to map/lot number error with lot 104-012. Map & lot numbers have been reassigned and supplemental bills have been generated, providing a clear paper trail of the issue. Approved.
- Harry Snow, Northwood Lane (Map & Lot 104-012-000) abatement in the amount of \$556.84 (see explanation above) Approved.
- First Property Tax Billing 2010 Supplemental – in the amount of \$3,718.53 – Approved.
- Camp Wallula Inc. 684 Little Sunapee Road (Map & Lot 033-014-000) abatement in the amount of \$1021.94 – parcel represents common land that should not have been taxed separately – Approved.

Other:

- Disbursement and payroll voucher week of July 12, 2010 - Approved.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to adjourn the Board of Selectmen's meeting of July 12, 2010. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 8:24pm.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London