



TOWN OF NEW LONDON, NEW HAMPSHIRE

375 MAIN STREET • NEW LONDON, NH 03257 • WWW.NL-NH.COM

BOARD OF SELECTMEN MEETING MINUTES December 13, 2010

PRESENT:

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

ALSO PRESENT:

Aarne Vesilind, Bandstand Committee
Rob Bryant, Chamber of Commerce
Richard Lee, Public Works Director
Bob Brown, Conservation Commission
Bob Lavoie, New London resident
Pat Trader, *Intertown Record*

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

Bandstand Committee: Chair Helm welcomed Aarne Vesilind, Music Director and Chair of the Bandstand Committee. Mr. Vesilind said that his purpose in coming today is to update the Selectmen on the Bandstand Committee, which brings live music to the Common every summer.

Mr. Vesilind explained that the Bandstand Committee was created several years ago as a 501(c)(3) organization that accepted donations and organized the program every year. Last year, the entire committee resigned, and before they did so they invited the members of the Kearsarge Community Band to populate the Bandstand Committee, which jumped at the opportunity.

Mr. Vesilind said that the Bandstand Committee, which is part of the band, is structured to be a committee within the Kearsarge Community Band, so the Kearsarge Community Band is the umbrella. One advantage is that the Kearsarge Community Band is an ongoing organization with a lot of interest from the local community, so there will always be people interested in participating in the bandstand program. It is also good to have musicians on the Bandstand Committee because of connections to local musicians. He said the summer bandstand concerts went well, with good crowds and no rainouts, and they are now convinced that this is a good way to do this and they look forward to next year.

The reason he is bringing this to the Board of Selectmen is that one of the main participants in the original Bandstand Committee was Steve Mendelson, who left a substantial amount of money in trust to be used for performance of band music in New London. The money is in trust with the Town Trustees of the Trust Funds, who watch over it. When the Bandstand Committee needs funds to pay for the bands and other performances, they go to the trustees for the money. Last year they did not need anything, as there was money in the Bandstand checking account. Because the money is with the Town trustees, Mr. Vesilind felt it important that he let the Selectmen know what the organization is and how it has been working, and most importantly that the Bandstand Committee is now within the Kearsarge Community Band. He said their job is to do two things: 1) put on the Friday evening programs; and 2) physically take care of the bandstand (painting, fixing up, sound system, etc.). Also, at least once a year, he would like to report to the Town trustees on what has been done and how money has been spent.

Mr. Vesilind said that he's not asking the Board of Selectmen for anything but letting them know how the new organization is working and giving the Selectmen an opportunity to ask questions about how it works.

Mr. Kaplan asked if there is a separate fund that they work out of, and Mr. Vesilind replied in the affirmative. Mr. Vesilind explained there are three funds: 1) funds held by the trustees; 2) a bank account held by the Bandstand Committee where money from the trustees has gone into an expendable bank account; and 3) Kearsarge Community Band itself has a bank account that has funds received when it plays for a concert. The Kearsarge Community Band funds are entirely separate from the Mendelson funds.

Chair Helm referred to the Bandstand Committee's organizational chart and asked about the Library Committee, which Mr. Vesilind said takes care of the Kearsarge Community Band's library of music. The Performance Committee manages the concerts themselves, such as making sure there is adequate seating.

Chair Helm asked if there is a representative from the Garden Club on the Maintenance Committee because the Garden Club maintains the planters on the Bandstand. Mr. Vesilind said the Kearsarge Community Band will be playing at the Antiques Show next year and thought that was a good idea.

Mr. Bianchi referred to the funds in the Trustees of the Trust Funds, and asked what the procedure is if funds are needed. Mr. Vesilind said that the Bandstand Committee would ask the trustees for funds, which would go into the Bandstand Committee's checking account. Mr. Vesilind said that is what happened last year when the Bandstand was repaired and painted, and the Bandstand Committee went to the trustees for the funds. Mr. Bianchi asked if there were expenses related to the concerts where the funds come out of, and the answer is that it came out of the Bandstand Committee funds. Mr. Bianchi asked how much is available, and Ms. Levine said one fund has about \$400,000 and only principal can be touched, and the other is about \$100,000.

Mr. Bianchi said that it is interesting that the Bandstand is owned by the town and on town insurance, but maintained by an outside group. Chair Helm said the maintenance on the Bandstand was wonderful and it looks great. Her second thought was that this is a perfect partnership with the Kearsarge Community Band and she applauded Mr. Vesilind for working on that.

Mr. Bianchi asked if the Kearsarge Community Band is happy with this arrangement, and Mr. Vesilind said that they are "tickled" to be part of the Friday evening concerts.

Chair Helm asked about the make-up of the Bandstand Committee, which Mr. Vesilind said is all musicians connected to the Kearsarge Community Band. Chair Helm asked if the Kearsarge Community Band receives donations, and Mr. Vesilind said that donations to the Kearsarge Community Band would go to the band itself, such as to be used to buy music, etc. They are a 501(c)(3) organization, which is the umbrella to cover the bandstand also. Chair Helm said that it would be nice if people made donations.

Bob Lavoie asked if the Town had any responsibility for the maintenance or repair of the Bandstand. Mr. Kaplan said that if the Bandstand Committee were to go defunct and if the money ran out, then the Town would because it owns the land and the Bandstand.

Then Selectmen thanked Mr. Vesilind and he departed at 8:20 AM.

Chamber of Commerce: Chair Helm welcomed Rob Bryant on behalf of the Chamber of Commerce. She noted that the nutcrackers looked great and that the yellow shopping cards have been wonderful. Mr. Bryant credited Allison Vernon with the idea behind the wooden soldiers, and Destination New London for carrying it out. He said the group thought 40 would be a good number of nutcrackers in town, and

there are now 147 around town. He hopes they come back every year. The Chamber lighted the Town tree on Saturday and has a few other events coming up.

Mr. Bryant said that he is not here to ask for anything but is here to appreciate the work of Richard Lee and the Department of Public Works because they do a lot for the Town and the Chamber Booth. When they had their celebration of occupancy earlier this year, the DPW cleaned up the yard around the booth before the event. He presented Richard Lee with a modest token of appreciation for all they have done: laying the walk, tearing down the old building, and maintaining the town. He is proud of how it works and he expressed the Chamber's appreciation.

Chair Helm added a post-script: she just read the Conservation Commission's note about the seedlings that were planted for a Town nursery and how instrumental the DPW was in helping with that.

Mr. Bryant said the most consistent comment he hears is how good this town looks, how things are cleaned up, plowed, etc. He gets no complaints about the town and what the DPW does.

Chair Helm thanked Mr. Bryant for all he does as well.

Meeting Minutes: CAC minutes of November 13, 2010. Mr. Kaplan moved to approve, seconded by Mr. Bianchi. Chair Helm corrected one name and otherwise had no changes. Minutes passed 3-0.

Minutes of November 29, 2010 -- Mr. Bianchi moved to approve, seconded by Mr. Kaplan. Minor editorial corrections. Motion passed 3-0.

Lamson Lane:

Ms. Levine said that she wanted to review the options to fund the Town's match for the Lamson Lane project. She said there are a few options to choose from:

- 1) Use funds that are in the existing gravel roads improvement fund;
- 2) Establish a new capital reserve fund;
- 3) Use excess funds that will be available as a result of the fiscal year transition;
- 4) Use the Town's municipal and regional transportation improvement fund (from the \$5 motor vehicle registration fees); and
- 5) In conjunction with the above, get a better handle on the Town's soft match.

Ms. Levine said that the highway and transportation improvement fund has about \$36,000, of which \$9000 is budgeted to be used in 2011 to repair the Main Street sidewalk.

Mr. Kaplan asked about the regulations surrounding the regional & local highway improvement fund. Ms. Levine read aloud the warrant article from 2009 Town Meeting: "To see if the Town will vote to adopt the provisions of RSA 261:153, VI to authorize the Town Clerk to collect an additional fee of \$5.00 per motor vehicle registration for the purpose of creating a Municipal and Regional Transportation Improvement Fund which shall be a capital reserve fund established for this purpose and governed by the provisions of RSA 35. Said fee to become effective April 1, 2009. The fund shall be used to fund improvements in the local and regional transportation system, including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities and public transportation. No funds shall be expended without further vote and appropriation by the town."

Mr. Kaplan said he thinks we should be using those funds for a project like Lamson Lane. Chair Helm asked if we had a ballpark of engineer fees. Mr. Lee estimated at least \$75,000. He said it would not have to be re-surveyed, but it will require watershed surveys for 3-4 culverts that serve perennial streams, and he thinks there would be \$15-20,000 in watershed studies alone, plus designing the new banks.

Bob Lavoie asked if the project will involve retaining walls on the road, and Mr. Lee said there are not currently but that could be part of the design.

Mr. Bianchi said that he is not in favor of using the regional transportation fund because it was for general purposes and not designated to one road, so even though he knows we can, he doesn't think it's wise to allocate all or the majority of that fund for one project. Ms. Levine agreed that the fund was established as a general fund for non-vehicular projects, and she also thinks it should be preserved for other purposes.

Mr. Kaplan said that he got the feeling at Saturday's meeting that people were in favor of it but were asking for ways to raise the money other than the usual ways to raise money (such as increasing taxes). He sees this fund as a new stream of revenue and if people keep registering their vehicles, we will be able to maintain that extra stream of income. He thinks it's a good project and the road should be fixed so that it does not wash out and harm the lake. If the federal government is willing to help us to the tune of three-quarters of the project, and funds are available through this income stream, then he is all for it.

Mr. Bianchi said that if we use 100% of that fund, we'd still have a balance left to fund. He's not against using some of the money, but thinks the warrant article had a broader purpose.

Ms. Levine said that she is concerned about pushing off the bigger expense to 2012 because of the excess available in 2011. She said that if the project is going to be raised by taxes, then it would be best to do it in 2011 when extra funds would be coming in through the quarterly billing transition.

Mr. Bianchi said he thinks there will be enough discussion and concern about how to pay for it that to throw another topic in (quarterly billing) doesn't seem necessary. This particular topic should stand on its own and not be tied into what happens or doesn't happen with the fiscal year change.

Mr. Kaplan said that he does not disagree but is in favor of putting it on the books and saving the money one way or another. His original thought is to start a CIP for Lamson Lane with \$55,000, and during the Citizen's Advisory Committee meeting on Saturday someone suggested that it's a great project and asked if we could find the money some other way. Mr. Kaplan said he thinks we should use the transportation fund for \$25,000 and the remaining \$30,000 from taxes. He doesn't want to leave the \$110,000 until 2012.

Mr. Bianchi said the bottom line is that it's going to be taxpayers' money. He's on record of not being in favor of the project as presented, so he's not going to rehash that, but he thinks the Lamson Lane project should be brought to the Budget Committee and the Town on its own merits.

Ms. Levine said that she is looking for guidance from Board of Selectmen. She agreed that the project should stand on its merits, just as everything else in the budget should, but the reason to associate it with the fiscal year change is that this is when there would be excess funds through the quarterly billing

Mr. Bianchi said this would still have to go before the town. His position is that we should fix Lamson Lane, though should not be chasing after grants to do it. He thinks the Town should establish a capital reserve fund to solve this problem. Mr. Bianchi said that he is not in favor of doing the project now, and is not sure he should have an opinion on how to fund it.

Chair Helm asked if the Board of Selectmen can make a recommendation for just the first year or the whole project. Ms. Levine said she thinks it should be for the whole project.

Chair Helm said that she thinks there is \$25,000 in the regional transportation fund and about \$60,000 in the gravel road fund. Mr. Kaplan said that the Selectmen agreed to set aside the funds to pave gravel roads, and to take that money and use it for another purpose that was not on the original schedule is not being honest. Mr. Bianchi said it would have to be a change of use of that fund and would have to be approved by Town Meeting.

Chair Helm asked for a motion to give the Budget Committee a message as to where the Selectmen are coming from.

Mr. Kaplan moved to take \$25,000 from the Local & Regional Transportation Improvement Fund and set aside \$30,000 from taxes, making a total of \$55,000 for the Lamson Lane project. Mr. Bianchi seconded the motion for discussion.

Mr. Bianchi repeated that he is against spending \$25,000 out of that fund as it is for a much broader use, even though he thinks it's legal to do so. He is not against the project but thinks we should be funding it over a longer period of time.

Ms. Levine said that the Town could put away \$20,000 per year for 20 years and maybe have the funding to make improvements at that time, or spend one-quarter of that amount and do it sooner. Ms. Levine suggested using surplus to fund the entire \$55,000.

Mr. Bianchi said that just because Uncle Sam gives us money, he is not a grant chaser. Grants are free money to the municipality and he thinks that's why the federal government is in such a financial mess, so it's a difference in philosophy. The way he looks at these projects, we should be paying our own way. If this is something that we would stand up and scream for all \$450,000 because it's needed regardless of the grant, that's one thing, but we're saying we should do it now because of the grant. The sewer grant, for example, in Sunapee is because we have said that we would do it with or without the grant, so we have made the commitment to fix the project on our own shoulders even if we don't get the grant.

Mr. Kaplan said we need to fix Lamson Lane; we own the road and we need to fix it as the silt goes into the lake and we've got to correct it. He wants to put \$55,000 away and if the timing is correct and we get the money from the federal government, it works to our advantage, and if not we still have \$55,000 put away and we can do that every year until we have \$450,000 to do it. He agrees with Mr. Bianchi except that here we have the opportunity just as we do with the sewer project. He doesn't think he's saying anything different from Mr. Bianchi.

Bob Lavoie said that the whole idea is not gold-plating but this is for emergency, safety, and environmental reasons, which is what FEMA is set up for. It's not a free lunch for us but it's necessary work.

Bob Brown asked about the \$5 registration fund with a balance of about \$25,000. If that were to be used, it would replenish every month as people register their vehicles. Mr. Bianchi said the money would have to be appropriated out of the fund to use it for that particular purpose.

Chair Helm subscribed to Mr. Bianchi's observation that the fund has a broader charge than what we're talking about here, but because it's an ongoing fund, there will be opportunities down the road to use the money that comes in toward some other projects. To play devil's advocate, Mr. Bianchi said that people who want their roads paved could ask why those funds are not being used to pave their roads. Chair Helm agreed with Mr. Lavoie that if the money is there, we might as well put our oar in the water.

Chair Helm called for a vote on the motion, which passed 2-1 (Bianchi opposed). Mr. Bianchi asked for this to be presented to the Budget Committee tonight.

Town Meeting: Ms. Levine said that there was a suggestion at a CAC meeting about starting Town Meeting earlier and she asked if the Selectmen wanted to do that or stick to the original 7:00 PM start. All three Selectmen did not think it made sense to change the start time.

Tabled Agenda Items: Ms. Levine asked the Board of Selectmen to plan a schedule for when they will address some of the tabled items, such as beach use, Newport Road speed limit, use of town commons, and single stream. She said the acceptance of Westside Drive can be postponed to spring.

Chair Helm recommended that for the January 10 meeting, we take on the Newport Road subject and inform residents that it will be on the agenda then.

Chair Helm asked about the fundraising and use of Town Common. Mr. Bianchi said that he had brought that up. It is not his intent to make drastic changes but there are questions as to how much commercial activity is done on the Common under the guise of non-profit fundraising. For example, he referred to the young man from Sunapee who did his senior fundraising project and had cars on the Town Common. The question is whether it's a minor fundraising exercise or a chance for auto dealers to put their cars on a Town Common to solicit business. Mr. Bianchi said that we have the Farmer's Market there that serves a public benefit but is that minor to the fact that people are making money on it. He asked how comprehensive our ordinances are on that subject. Mr. Bianchi said he does not have a cause to fight for but thinks it is worthy of a discussion. Chair Helm suggested taking it up sooner rather than later, and it will also go on the agenda for January 10. Mr. Bianchi asked for copies of the written rules & regulations and Ms. Levine will do research as to what other towns do.

Bob Lavoie asked if the Planning Board had any responsibility on usage of Town Commons. Mr. Bianchi said that there could be some gray area, but it is the purview of the Board of Selectmen, which grants permits to use it.

Chair Helm said that the town beach use is a large and important discussion. Mr. Bianchi suggested holding off until after Town Meeting because there will be enough to discuss. Ms. Levine suggested at least starting the discussion sooner (even if no decision reached) because it might come up at Town Meeting as some cost items are discussed. The Board of Selectmen agreed to put this on the agenda for January 24 at 6:00 PM. This meeting will be focused on discussing the issues at hand, what other towns do, etc.

Single Stream will go on the December 27 agenda.

Westside Drive will be held until spring.

New Business:

Building Energy Audits: Ms. Levine raised question about building energy audits, e.g. insulating the attic of the Town Office. She asked if the Selectmen would like to do comprehensive audits for town buildings or make repairs and improvements in a piecemeal fashion. She described a recent meeting with Bruss Construction in which they pointed out the significant energy loss in the attic due to poor insulation. Mr. Bianchi said that he thinks there are benefits to insulating the attic. Mr. Kaplan suggested having the Energy Committee make recommendations. Ms. Levine said Energy Committee engaged an outfit to do an energy audit of the Library for \$600. Mr. Kaplan said that's a small amount of money.

Chair Helm suggested a strategic plan, which she thought we had for all of the Town buildings on energy conservation. Ms. Levine said that does not currently exist. Mr. Bianchi said that he puts a lot of faith in contractors such as Bruss, but thinks some problems could be solved without the expense of the audit. He has a lot of faith in the hands-on people who do this for a living. Ms. Levine will talk to the Energy Committee.

CAC Meeting Schedule: Chair Helm said that Rich Anderson was going to update CAC on Saturday but missed it and would like to have some participation from the citizens on the budget process. Chair Helm said that the deliberative session on the school budget is on January 8, and she thought it might make sense to have Rich Anderson from 7:30-8:30 and encourage the CAC to attend the deliberative session at 9:00 at the high school. Ms. Levine suggested inviting all four elected school officials. Mr. Bianchi said he has no problem but at this point in time, the horse has left the barn.

Mr. Kaplan suggested inviting the elected state reps to talk about bills coming in on the next legislative session, especially those relating to school funding.

The Selectmen set the following CAC meeting dates, all Saturday mornings at 7:30 AM:

January 8
February 5 (Mr. Kaplan won't be here)
March 5 – Ms. Levine to invite legislators (alternate April 2)
April 2
May 14
June 11
August 6
September 10
October 15
November 19

Committee Meetings & Reports

Planning Board: Mr. Bianchi said the Planning Board met December 8 and there were three minor mergers of properties because it is advantageous from a tax standpoint to merge small lots of record: Anthony Cooper, Rogoff, and Lakeside Landing. The Board extended the \$10,000 letter of credit for the topcoat of Westside Drive, which garnered quite a bit of discussion but the Planning Board set a date of August 1 and if it's not paved by that date then the Board would call the letter of credit to get it done. There were a few requests for emergency tree cutting, and Connolly on Pilothouse Road applied for a revision to his stormwater management plan, and that was approved. There was a concept site plan review for a yoga studio at the CB Coburn space, with questions raised about the number of on-site parking spaces. Site plan review was waived until August 1 to see if there is an issue once the business opens. The Planning Board never discussed the Land Use Chapter but did discuss the Scope of Services from UVLSRPC and discussed the zoning amendments that will go to public hearing on January 4. There was a discussion about an amendment regarding site plan review for recurring non-profit fundraisers, and ultimately that amendment was put off until further review, so it will not be brought forward this year.

Municipal Budget Committee: Mr. Bianchi attended the Municipal Budget Committee meeting on December 7 and the school board had come back with another version (version 4) of their budget. The MBC proposal will be about \$310,000 less than the School Board's, so the two articles that will be presented at the deliberative session. There will be another special warrant article for a School Resource Officer.

Regional Meeting of the ambulance, November 29: Mr. Bianchi reported there were 35 or so people there and Ms. Levine did a good job running the meeting and getting input. The group voted to move forward with a regional study for \$20,000, and the Hospital will pay half of it. The amounts that would have to be appropriated = \$2,686 for New London's share. There is some concern that the towns served should have input. Ms. Levine asked towns to confirm if they could find the funds in this year's budget to start the project sooner than later. Mr. Bianchi said he indicated for New London that he hoped we could come up with the money sooner but thought that particular amount was reasonable that we could contribute. The other towns had several Selectmen there and could agree on the spot, and some were \$600-900 and wasn't a big deal. Ms. Levine said there is \$13,000 unspent on the Planner budget and suggested that could be spent on this project.

Mr. Bianchi moved to transfer \$2,686 from the Planner account to be directed to the study of the regional ambulance. Mr. Kaplan seconded.

Ms. Levine said that each of the seven towns – New London, Newbury, Sunapee, Springfield, Sutton, Wilmot, and Grantham – approved going with the project. Assignment was for every town to identify one person to serve on committee to develop scope of the study and to determine if they could find funds in existing budget.

Mr. Bianchi said there was discussion about including Bradford and Newport as part of the study but not as contributors.

Chair Helm called for a vote on the motion, which passed 3-0.

Ms. Levine updated on discussions between New London Hospital and Newport, which has requested that the Town have a rescue squad.

Joint Assessing Board: Chair Helm reported that there was nothing too momentous that occurred at this meeting on November 30. Ms. Levine said there discussed finding money in this year's budget to purchase the tool needed to update on-line assessing data monthly.

There being no further business, the Board of Selectmen signed the following items:

Application for Building Permit:

- Amendment – Chet Reynolds, 153 Seamans Road (Map & Lot 085-024-000) addition of roof mounted solar PV system – Permit #10-121 Approved.
- **Denied** – Theodore Bacon, 552 Lakeshore Road (Map & Lot 050-009-000) article XX, Sec. B,3,B,1 – vol. replacement of non conforming structure with 5' side yard also create new walkway/deck in 50' setback – Permit #10-133 DENIED referred to ZBA
- Paul & Susan Snow, 1331 King Hill Road (Map 129-001-000) construction of a carport – Permit #10-134 – Approved.
- Bradley & Beth Swanson, 9 Aspen Lane (Map & Lot 074-041-000) add deck & roofing to front of house – Permit #10-135 – Approved.
- Ben & Abby Crowell, 369 Burnt Hill Road (Map & Lot 017-001-000) build a chicken coop – Permit #10-136 – Approved.
- David & Jennifer Chambers, 42 Hillcrest Drive (Map & Lot 078-026-000) install outdoor wood boiler and build wood crib – Permit #10-137 – Approved.

Application for use of Syd Crook room:

- Adventures in Learning – instructor meetings – 1/5/11 & 3/23/11 10AM – 12:PM – Approved

Application for Sign Permits:

- First Baptist Church, 461 Main St. sign at information booth – Lessons & Carols concert, Dec. 19, 2010 @ 4:00 PM – Approved.
- New London Historical Society, 179 Little Sunapee Road – sign at information booth – Holiday Open House, Dec. 5th, 2010 11:00 am – 3:00 pm – approved (signed after the fact)

Application for use of Whipple Memorial Town Hall

- Recreation Department of NL – art classes, 1/29 & 2/19-12-4 – 1/11 through 2/8 1-4:30 pm Approved.
- Mt. Royal Academy, Christmas Concert, Cathy Scharp 141 Page Road – December 21, 2010 5:00 – 9:00 – Approved.

Tax Abatements:

- Tax abatement – Dietrich Family Trust – veteran's credit reinstated.
- Wastewater Tax Abatement – Robert & Karen Drent – 130 Hilltop Place (Map & Lot 144-001-130) broken water pipe – see letter – Approved.

Other items to be signed:

- Disbursement voucher and payroll for December 13, 2010.
- Warrant Yield Tax Levy – in the amount of \$830.76
- Molloy sound & video – contract for town meeting
- ASLPT Conservation Easement Deed
- Multi-year Rate Guarantee Program of the LGC Property Liability Trust LLC.
- LGC Schedule of FSA Services & Pricing

Respectfully submitted,

Jessie W. Levine
Town Administrator