



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN APPROVED MEETING MINUTES April 11, 2011

PRESENT:

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

NOT PRESENT:

Tina Helm, Selectmen

ALSO PRESENT:

Linda Hardy, Town Clerk/Tax Collector
Jack Harrod, Resident of New London & Chair of the Energy Committee
Jim Wheeler, New London Resident and Chair of Budget Committee
Pat Trader, Reporter for the Intertown Record
Bob & DJ Lavoie, New London Resident
Bill Green, New London Resident
Rich Anderson, New London Resident
Renata Kanlyn, New London Resident
Bruce Hudson, New London Resident

Chair Kaplan called the meeting to order at 6pm.

Ms. Levine indicated that Mr. Aney, the first item on the agenda, would not be attending, due to the fact that the audit report he was to present had not been finished. They would postpone this agenda item for two weeks.

Minutes of March 28, 2011

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to approve the minutes of March 28, 2011, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Minutes of April 2, 2011 – CAC Meeting

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to approve the minutes of April 2, 2011, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Minutes of April 4, 2011

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to approve the minutes of April 4, 2011, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

Beach and Parking Ordinance

Ms. Levine said that she, Linda Hardy, and Chad Denning met, following the last meeting regarding this issue. She had sent them a memo about questions that arose and where they were currently.

Ms. Levine said that they talked about how to treat owners of vacant land in New London. The current ordinance doesn't address that very clearly. Should they be given the passes and hang tags? She suggested perhaps giving owners that have property value equivalent to a residency a pass. There was one person who came to mind who has back land in New London but whose house is in another town. Should that person get a pass? The other question that was raised is whether business residents should get a hang tag. There was also the issue of how to handle guest passes for the hotels and day guests. Ms. Levine said that Sandy, who manages the Inn, said that they get three or four paper passes and laminate them. They allow their guests to use these and have them returned when they are done with them. Sandy indicated that they would like to have more than three or four passes on hand.

Mr. Bianchi asked if the hang tags could be used for both the beach and the transfer station. Ms. Levine said they were only for the beach. Mr. Bianchi said that he was not in favor of figuring out how much people's property was worth and didn't think it was that big a problem with regards to people having land in New London and other towns. Ms. Levine said that currently, when someone comes in to ask for a tag, the town clerk looks them up in the computer so they would have access to the property value rather quickly. There was no extra step involved. The house that pays the least amount of taxes was the figure she used for the value of land needed to be given a pass. Mr. Bianchi didn't feel comfortable saying that someone who didn't have much land wouldn't get a pass when someone who had more land would.

Mr. Kaplan asked how many people who owned only land were asking for passes. Ms. Hardy said that it was quite a few. She said that most people come asking for transfer station passes because it is more convenient to bring trash to New London than their own respective transfer stations. Ms. Levine said that people who have land only, pay the current use discount and they are paying only the minimal tax burden. They should not get the benefits of someone paying full tax. She indicated that the other thing was that if people have a residence in one town and their back land is in New London, they should not get a transfer sticker because their trash is not generated in that back land, but in the other town.

Ms. Hardy said that they have allowed the wording of "property owners" to have stickers, which is interpreted as if there is house on the land they are entitled to a sticker. Mr. Bianchi said that some potential abuse would be at the transfer station but not at the beach. Ms. Levine agreed. Mr. Bianchi wondered how many times this has been brought up by taxpayers. Ms. Hardy said it was between five and ten different people who may come in to request the stickers.

Chair Kaplan said if the land has no building to it, they should not be entitled to a sticker. If their house is in another town, they are living in another town. Mr. Bianchi thought land-owners and taxpayers in New London should be able to use the beach, but not the transfer station.

Mr. Wheeler said if someone owned land in New London, they should be able to have use of the stump dump. Ms. Hardy said that they give out temporary stickers to the stump dump. These people could get a temporary pass to the stump dump and also a hang tag, but would still be denied access to the transfer station.

Ms. Levine said that they are raising this issue as a level of concern and thought it should be addressed. They, as staff, are trying to say it is a concern and that it could come up again later on. If they are going to worry about someone from out of town using the transfer station, this is the time to address it. Mr. Bianchi said that it could happen that a business owner who has a sticker for the transfer station may bring a bag of their own trash to New London transfer station. Ms. Levine said that this is true, but that these business residents actually pay more in taxes and it didn't seem to be a big problem.

Ms. Levine summarized what it sounded that the consensus was among the board: One temporary tag per property owner, and one temporary stump dump sticker. She wondered if businesses would get a sticker for just the owner of the business, as well as a hang tag for their guests, or if they would get just a sticker. Mr. Bianchi didn't think it was a big deal.

Chair Kaplan preferred that business not receive a hang tag for guests. Also, no transfer stickers should be given for those who own land only in New London, but they would qualify for a hang tag and a temporary stump dump pass.

Mr. Lavoie said that the simpler solution would be to have the same ordinance for dump sticker and beach use. Ms. Levine agreed that this was a good theory, but it costs much less for people to use the beach than it does to use the transfer station. After some discussion, it was decided that hotels and inns in New London would receive one temporary beach pass per two rooms. The passes would have a different color each year so that expired tags would be easily noted.

Ms. Levine said that the beach ordinance would go to public hearing on May 2nd along with the parking ordinance. She noted that the old ordinance that was approved on 1/1/2000 referred to the bylaws of the public beaches, which doesn't even exist. This would be changed in this new ordinance.

Lamson Lane Grant

Ms. Levine said that the State Office of Emergency Management and Homeland Security had sent them a document that needed to be signed to accept the grant for work to be done on Lamson Lane. They would get 75% of the funding and the town would need to match with 25%. She indicated that the first part would be to go and do the design and construction, and then they would need to go to Town Meeting to get approval for further funding, unless enough had already been appropriated. The application had to be signed in order to accept the funds from FEMA. The project is currently estimated at \$348,000 and Ms. Levine said that this number hadn't changed since Town Meeting.

Mr. Bianchi said as long as they get the engineering done they'd have to go back to the Town for further funding, as the project had to be completed by 12/31/12. Ms. Levine said that quarterly reports would need to be filed out and then a closeout of the project would need to be done. Mr. Bianchi asked if either party could void the project within 30 days of signing. Ms. Levine answered in the affirmative, and also confirmed that the Davis Bacon act wasn't in the agreement. The Elkins Municipal Agreement includes the US codes, civil rights act, etc. but doesn't come out and say they have to abide by the Davis Bacon act.

Elkins Hydro Contract

Ms. Levine noted that she had the contract from Jay Bowari in hand and that they would sign it that night.

Municipal Agreement from DOT – Elkins Grant

Ms. Levine said that this agreement had come in so she could now re-assure Mr. Bianchi that they are not locked into anything. Page 5 gave this information and the stipulations for completing the project and keeping the grant. Mr. Bianchi was concerned that at Town Meeting there were questions brought up about the project and he thought they should meet with the Elkins townspeople. Ms. Levine said that they can't do any engineering without getting the Notice to Proceed. She also didn't think they shouldn't talk to the people of Elkins without an engineer present to answer questions. She thought it was important to have whoever is working for them be able to address the issues that may come up from the people. Mr. Bianchi asked if there was a strong feeling not to go forward with the project, could they stop. Ms. Levine said that Town Meeting overwhelmingly approved this project.

Ms. Levine said the town's match was coming from the intersection and sidewalk fund, but not all of it was there yet. She added that the road in that area would need to be paved and so Mr. Lee would coincide this with the Elkins project.

Mr. Lavoie asked how they could resolve any negative opinions from the Elkins people. He thought there were people who were against the whole thing, but some were interested in some of the project that concerned safety. Ms. Levine said that it is generally what has to be done when working on any project. They have to negotiate and figure out how to please as many people as possible. Some people may not get what they want. This happened with the round-about. Ms. Levine reminded them that Town Meeting overwhelmingly approved this project; to an extent greater than the cell tower approval and some of the budget items that passed. She thought the people of Elkins should be listened to.

Chair Kaplan agreed that there were certainly a half-dozen people who didn't want the work done in Elkins. Ms. Levine said that those people probably think the project is different than it really is. At this point it is a safety project for pedestrians and vehicles. They have the opportunity to improve the sidewalks in Elkins for 20 cents on the dollar. Mr. Lavoie thought that the thrust of the project should be that it is a safety issue. Chair Kaplan said that this was brought up by several people at Town Meeting and they explained the issue. He added that everyone he has spoken to in Elkins wants the cars to slow down.

Mr. Wheeler said that there were equal numbers of people who didn't think that safety was an issue; no one has been hit by a car or had died there. He thought the Board of Selectmen agreed that there was enough discourse and they perhaps needed more meetings to see what was really needed. Chair Kaplan and Mr. Bianchi were in favor of having another meeting with the Elkins townspeople about the project. Mr. Bianchi wondered if they should sign the agreement before or after a meeting. Ms. Levine said that they should get the process going; if they wait to have a meeting it takes time to get the Notice to Precede. She agreed that there needed to be a series of meetings and suggested getting the subcommittee back together again. The purpose of the municipal agreement was to agree that as a town, they would manage the project. Signing the agreement just starts the project going.

Mr. Bianchi was afraid of the perception that if they signed the agreement, the meetings with the Elkins people would only be a formality. Ms. Levine said that the Board of Selectmen would be controlling the dialogue at these meetings and it would be wise to not make people think the project was happening anyway. She assured them that they could withdraw the project at any point.

Mr. Harrod said that if they would have a further meeting with the Elkins people, it would make sense to have an engineer or consultant there to be able to go into further detail if the need arose. Chair Kaplan said that some people are upset and don't want to have the project rammed down their throats. He wanted to find out if the Elkins people really wanted to go forward. These meetings would give them a chance to say yes or no. If there are many strong objections, the Board of Selectmen will make a decision based upon that.

Mr. Bianchi asked if they could modify the project to make smaller. Ms. Levine said they can modify the project, but can't modify it to the extent that it would be outside the scope of the project. DES has to approve the plans before any work is done. The Board of Selectmen agreed to sign the agreement and go forward with having a meeting with the people of Elkins. They decided to wait until Ms. Helm was back to schedule the meeting.

Mr. Anderson felt it was a terrific opportunity to get this work done. He opined that it was remarkable that there was so much debate with going forth with a project where someone would be paying 80% of it. If it was 21% worthwhile, it was a good deal. People are arguing to accept 80% of a project to make

Elkins safer and more attractive than it is now. Mr. Bianchi said that if they don't really need the work done, they could be spending money just because they got a good deal or a good government grant. Chair Kaplan agreed with Mr. Anderson.

Mr. Green asked if this was the best place to spend money to improve safety. Ms. Levine said that it was not. The intersection at Pleasant Street and Main Street was more important, but there was not a grant for that location. In 2005 and 2008 they worked with a subcommittee because people wanted this work at Elkins done and felt it was a priority. Town Meeting approved it. She understood there were concerns and felt they should address them and still move forward with the project.

Mr. Bianchi felt that as long as they could tailor the project to fit what the people of Elkins wanted, he would be willing to go forward with it.

Van- Gifted from Woodcrest

Ms. Levine said that the Recreation Department rented the van over the last summer and winter, and Woodcrest was willing to title it over to the Recreation Department. They would have to go to a public hearing to accept this gift. Ms. Levine said that the fees for the rental, the gas and the maintenance were spent out of the revolving fund. That was the plan to continue. Mr. Bianchi was concerned that if the Recreation Department became to depend on the vehicle and it had to be replaced, the Town would have to ask for a replacement. Ms. Levine said that Mr. Denning would not anticipate doing this; it was so hard to just get funding for boats passed, he wouldn't be coming before them to ask for a van. They would hold the hearing for this on April 25th.

Quarterly Billing Clarifying Memo

Ms. Levine said that she composed a memo to clarify the quarterly billing, as it had been brought up that the 2011 property values should be what appeared on the quarterly statement. The town's interpretation was that the 2010 value should be used and because there may be more pushback from one resident in particular, she and Norm Bernaiche (Assessor) had a conference call with Bart Mayor (Town Counsel). The memo reiterates the intention of the law that they bill for ¼ of the previous year's levy, which is the previous year's tax bill, not the assessment as of the current year.

Chair Kaplan wondered what happened to a person whose assessment went down in 2011. Ms. Levine said that if they applied for abatement and the assessment went down, the 2010 levy would have gone down too. The complaint is coming from a person with four properties who had merged them over the course of the year in 2010. The merge becomes effective April 1, 2011 and his taxes went down. He wanted to pay taxes on the 2011 value, but the law says it is based on the 2010 levy. This is the only place where the issue was taken.

Management Discussion and Analysis

Ms. Levine said that the 2010 year-end audit would be expected in the next few weeks as it should be completed. The Town Administrator and Board of Selectmen's write-up had been completed, so she gave the Board of Selectmen a copy of it.

Pleasant Lake Dam RFP

Ms. Levine said that they received seven responses to the RFP. Ms. Hardy sent a copy of all of the applications to the DES Dam Engineer on Friday to review them to make sure they met the scope of the project and did not go overboard. They will not rank or provide an opinion. The work would include updating the Emergency Action Plan and doing a flow analysis, but hopefully there would be no new construction. They will work with Mr. Lee but she was not expecting it would be quick. They will have to go through a selection process.

Joint Sewer Meeting with Sunapee, March 31st

Ms. Levine said that a conversation about a subcommittee for the design phase was discussed at the last meeting. Dave Bailey couldn't remember exactly what had been determined regarding the formation of a subcommittee either, and the minutes were not all that clear. Most remember a subcommittee was recommended for the design portion.

Ms. Levine explained that Dave Bailey had a meeting with Wright Pierce, and a copy of a letter from Wright Pierce was sent to New London, from Sunapee. Mr. Cheseldine did not forward a copy to New London. Chair Kaplan thought they should find out who Mr. Cheseldine reported to to make them aware of this problem with communication.

Joint Assessing Board

Chair Kaplan spoke to their former representative, Dick Pearson who said he would be willing to be the representative again. Ms. Levine said that Donna Nashawatti will continue as Chair, and Denis ___ would serve as Clerk. Ms. Nashawatti was nominated to negotiate Mr. Bernaiche's contract and they did a performance review of Chris McAllister.

Planning Board – Master Plan Meeting

Mr. Bianchi would attend in place of Ms. Helm, who was away.

Regional Board of Selectmen Meeting

Ms. Levine reminded Chair Kaplan that they would need to come up with an agenda for this meeting, which would be held on May 5th at 6pm at Whipple Hall.

Other

Mr. Bianchi said that this, being Ms. Levine's last meeting, he wanted to give her something to remind her of her time at the Town Office. He gave her a framed photograph of the Town Office.

Application for Building Permit:

- William & Marta Clough, 145 Barrett Road (Map & Lot 084-049-000) demolish and remove house and garage – Permit #11-017 – Approved.
- Judith & Cameron Revocable Trust, 47 Moyhas Lane (Map & Lot 103-012-000) replace foundation – Permit #11-016 – Approved.

Application for use of Whipple Memorial Town Hall:

- Tracy Memorial Library – Wednesday 7/27 5:00 PM – 8:00 PM – Family night with magician – Approved.
- First Baptist Church – (Trees for Life Musical/Play) Sunday May 15, 2011 – 2:00 PM – 5:00 PM (only to be used if it rains) – Approved.

Application for use of Town Commons:

- First Baptist Church – (Trees for Life Musical/Play) Friday May 13th 5:00 -6:00 PM rehearsal – Sunday May 15th 2:00 – 6:00 PM performance – Approved.

Application for Current Use:

- Michael Hansen, 1252 County Road (Map & Lot 117-005-000) 52.36 acres – approved.

Other items to be signed:

- Disbursement voucher for April 11, 2011
- Grant Agreement for Lamson Lane project – Approved.
- Appointment card for W. Michael Todd – ZBA – Approved.
- Municipal agreement between NH DOT & New London for Elkins Road/Wilmot Center Road – Pedestrian Bicycle Improvements Transportation Enhancement Program – Approved.
- Professional Services Agreement Elkins Hydro Feasibility Study – (2 copies)

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to adjourn the meeting.
THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 7:20pm.

Respectfully Submitted,

Kristy Heath, Recording Secretary
Town of New London