



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES July 26, 2010

### PRESENT:

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

### ALSO PRESENT:

Richard Lee, Public Works Director  
Jay Lyon, Fire Chief  
Dave Seastrand, Police Chief  
Norm Bernaiche, Town Assessor  
Peter Stanley, Zoning Administrator  
Sandra Licks, Library Director  
Carol Fraley, Finance Officer  
Patrick O'Grady, Non-Resident Taxpayer  
Tory Lambert, Non-Resident Taxpayer  
Myron Simon, Non-Resident Taxpayer  
Phyllis Brigham, Non-Resident Taxpayer  
Peter Gunn, Non-Resident Taxpayer

Carroll Muccia, Non-Resident Taxpayer  
Bruce Bateman, Non-Resident Taxpayer  
John Manaras, Non-Resident Taxpayer  
John and Rosa Vernalia, New London Residents  
Deb Hoover, New London Resident  
Jim Wheeler, New London Resident  
Pat Sheehan, New London Resident  
Bob Lavoie, New London Resident  
Dave Kidder, State Representative  
Gina Gioldassis, Reporter, *Intertown Record*  
Debbie Cross, Reporter, *the Villager*  
Leigh Bosse, Owner, *the Messenger*

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

Annual Non-Resident Taxpayers' Meeting: Chair Helm opened the annual non-resident taxpayer meeting and said that this special segment of the meeting was a wonderful opportunity to share what had been going on in the Town during the last year. She introduced the members of the Board of Selectmen, the Town Administrator, and the Recording Secretary to those in attendance. She thanked the Department Heads for attending and asked them to introduce themselves, which they did.

She highlighted some projects and events that have been going on in the Town, recently:

- Voters at the March Town Meeting approved a Town Budget that was projected to have a tax rate increase of 2.2%, even though the operating budget actually had a decrease of 0.3%, following a 5% decrease the year before. The tax rate increase is primarily the result of declining revenues from the State of NH, which has struggled to balance its own budget and has cut the share of revenues to municipalities. The tax rate will not be established until the fall, at which time we will know the actual impact of reduced state revenues.
- Part of the tax bill equation is the value of the homes in Town, and that is also in a state of flux at the moment. The Town has also been required to perform a town-wide update of values this year, as they have to certify to the state every five years that assessments are fair and equitable and reflective of current market values. This subject usually dominates the non-resident taxpayer meetings, and Norm Bernaiche is available to answer questions this morning or by appointment.

- The Town started the year working hard on a project to upgrade the Wastewater Treatment Plant in Sunapee. Town Meeting approved this project by an overwhelming majority of 336 in favor and only 6 opposed. They had hoped to receive a federal grant that would pay for up to 45% of the costs, but found that New London does not qualify for the grant, as the median household income is too high. They are continuing to look for ways to fund this project so that not all of it will fall on the sewer users and taxpayers in New London.
- Town Meeting also approved measures to negotiate with a cell tower company to build a cell tower at the Transfer Station, and to negotiate with a company that would take single stream recycling (that is, all recycled materials could be comingled). Both of these projects are not final yet but are part of ongoing work.
- New London received an almost \$800,000 grant to make sidewalk and safety improvements in Elkins Village. The town will be responsible for 20% of this grant, which is one part of a multi-step plan to improve Elkins. Another part of the project is to take steps towards taking ownership of the dam behind the former Mesa building, which has been torn down this summer. If the Town takes ownership of the dam, it hopes to restore it so that the Mill Pond will once again be filled with water.
- The Town of New London applied for and received three grants from the Energy Efficiency Community Block Grant (EECBG) program. The largest grant of \$335,000 is going towards a school district project to upgrade lighting and make other energy-saving improvements to a number of school buildings in the district.
- New London's Recreation Director is working on a project in conjunction with a citizen's committee to build a skate park on School District property at the elementary school. This project will be privately funded but managed by the Town.
- The library has had an "uplift" that was due to a generous bequest from Margaret Ensor. Library Director Sandra Licks said that the inside renovation was from a bequest, but the outside facelift was from their capital improvement plan.

Chair Helm added that she is constantly touched and appreciative of all the services they have available in New London. She referenced two recent fires that occurred this summer that were so well attended to by the Police Department and Fire Department. She assured them that their tax dollars were being extremely well-used, and opened the floor for questions.

Carroll Muccia asked for more information about the assessment updates. Chair Helm asked Assessor Norm Bernaiche to respond. Mr. Bernaiche said that towns are required by the Constitution to revalue property every five years to make sure things are fair and equitable. They are in the final stretch of doing that for New London for this year. Mr. Bernaiche said that they have only about 50 sales to deal with compared to the past when there were 80-90 sales. He said that their goal is to be within 95-96% ratio of assessed value to market value. They try to analyze what the buyers and sellers are doing in the market. They don't set the rates -- the market does. There have been some declines in the market recently but he has heard good news lately that there seem to be more buyers in the market and people are putting their properties back on the market who had taken them off. Mr. Bernaiche added that they also look at what properties are listed in the market.

Mr. Bernaiche said that they will notify every property owner when the new values are determined. He referenced the assessing information available on the town's website as being a good place to look and compare assessed values in town. He explained that this information helps to create transparency in the process. He said the assessors are willing to talk to people about their assessments or to visit people's

property to discuss matters. People are urged to contact him, Kris McAllister (Assessor) or Amy Rankins (Land Use Coordinator) with questions. Their goal is to make things fair and accurate.

Ms. Levine reminded them that since the statewide education tax was put in place in the 90's, they have had to value anew property every five years and certify to the State that they are following current assessment practices. Mr. Bernaiche is also doing an update in Sunapee this year and will do Newbury next year. Ms. Levine said that there is consistency in this process and analysis with the previous assessment in 2005, as Mr. Bernaiche was also the assessor for the Town at that time.

Mr. Bernaiche said there are nuances to some properties, especially lakeside, where a home may be on the opposite side of the road as the lake. They fine-tune their adjustments over time and become more familiar with the circumstances of each unique sort of property.

Chair Helm explained that the Town shares the services of Mr. Bernaiche and Ms. McAllister with the towns of Sunapee and Newbury. She thought it was wonderful to see the collaboration between towns and the sharing of such capable resources. She opined that it was working extremely well.

Myron (Mike) Simon asked about waterfront property. He wondered how it is figured out in comparison to land away from the water. Mr. Bernaiche said that they use previous water sales to compare waterfront property values. Mr. Simon asked if property on a large lake and property on a small pond are valued the same. Mr. Bernaiche said that they were not. He said there are 13 other lakes and ponds in the three towns that all have different features to them. The larger lakes have larger values, usually, except for some properties on the smaller bodies of water that are large and/or upscale. Mr. Bernaiche referenced the new shoreline protection act, which may limit development because of the size of the lot with regards to the wetlands of the property.

Chair Helm said that every employee in the town is willing to be contacted about issues in the town that pertain to them. She felt it better to have someone call to get the right information, rather than to make assumptions.

John Manaras asked if there were any liability issues or problems with the old dump off Shaker Street. He said there was some question about having to dig it up and fill it in. Ms. Levine said there isn't impending liability but they are required to monitor the closed landfill on an annual basis. They spend \$18,000/year to test and report to the State twice a year. There have been test wells dug, and the Public Works Department is responsible to maintain the landfill cover. They had to pass a bond to repair the cover when it slid off in 2005 or 2006, but there was no other damage. There have been no negative tests that would suggest any pollution from the dump. The Selectmen just approved a revised easement over property in Wilmot, as the property owner wanted to be able to use some of that land. Mr. Manaras asked if there was any liability for the old dump on Dump Road. Ms. Levine said they were sent a letter a few years ago from the State, as that dump was never formally closed. They have drilled some test wells in that area to monitor the water. The State sheds are also located in that area, which may contribute to some saline deposits in that area.

Chair Helm asked Chief Dave Seastrand to comment on the work that had been done at Crockett's Corner. She said that the state, with rehabilitation money dedicated to Route 11, has re-done the intersection, has done some planting, and added curbs. It was done with the intent of safety and beautification and should serve as a much prettier entrance to that part of town. There are turning lanes now that were not there before. Mr. Bianchi added that the town didn't have to spend any money on this and so they were fortunate to get that beautification and safety upgrade. He added that it has been an issue getting the state to come back and take care of the weeds around the 150 lilac bushes they planted.

Chair Helm said this whole upgrade was precipitated by safety concerns, as there had been three fatalities at that intersection in two years. Ms. Levine sent a letter to the representatives and said that it was their road and they need to take care of the safety issues. Mr. Kaplan noted that Main Street has been repaved. This was a struggle as the state told them they had been taken off the 10-year list for repairing the road. The Board of Selectmen went to many meetings and convinced the state to get the work done. Ms. Levine clarified that the 10-year plan was what the Board of Selectmen lobbied for, while the paving schedule was already set with the state's maintenance department, which may have made the road seem better, but does not correct the underlying problems with the road that are sure to become apparent after a few freeze/thaw cycles.

Mr. Bianchi said that as the road gets better, people tend to go faster, which is a topic on the agenda for later on in the meeting.

John Vernalia said that he lives off of Newport Road, which is a 50 mph zone. In the past when he has to slow down to turn, he has been passed by cars and especially pick-up trucks. He felt that keeping the double lines all the way down to Checkerberry Lane was important for safety, and that putting the shoulders back would help with the turning onto these side roads. He said that he knows there is a procedure and schedule for doing this sort of work, but felt that if the shoulders were maintained a bit every year, it would help those turning off of Newport Road to keep from bottoming out and having to come to a standstill to be able to turn.

Mr. Bianchi said that the shoulder work is supposed to be done by the end of August. Once that gets done it will help with the problem Mr. Vernalia was expressing regarding the trouble turning off of Newport Road. Mr. Vernalia said that at Murray Pond Road there is a hole to the side of the road which has not been maintained by the Town. If filled in regularly it would help with cars pulling off to the side of the road. Ms. Levine said that Murray Pond Road is the intersection of a State road and a private road, and the Town does not maintain either. She would suggest the State look at the hole as it is their jurisdiction.

Deb Hoover, neighbor of the Vernalias, said that she came to talk about the speed on Newport Road as well. She said that cars tend to speed up behind her and it is tricky when driving off the pavement onto the dirt road. She added that while it is a highway, the area surrounding Newport Road is more of a neighborhood now. More people are walking, biking and hiking. Cars speeding along there makes for a dangerous situation. Ms. Hoover said that going on South Cove Road to use the beach on Little Lake Sunapee is difficult with the 50 mph speed limit in that area. Mr. Bianchi said the town's electronic sign has been used in that area in the past which has helped to lower people's speed.

Ms. Levine said that at 9:15 AM the Selectmen's agenda would specifically focus on the Newport Road speed limit.

Mr. Manaras asked for information on the lake access situation at the end of Soo Nipi Road. Ms. Levine said that the Town owns a right of way over the beach to the water. She said that the historical purpose for that right of way was to get ice in the winter. They don't own the right to use the beach. People can pass over the beach but cannot stay. Some people have thought since the Town owns the right of way, they can sit there, but have been asked to leave by the owners of the property. Mr. Stanley noted that over the years there have been some homemade signs put up there to prevent people from staying there. Ms. Levine said that it is a right of way, but not a right to stay.

Rosa Vernalia wondered about the cell phone tower and if it was in negotiation. Ms. Levine said that she has the latest version of the lease to review and send back. The first phase of the lease is that cell tower company would have the option of over 18 months to study the property fully to find out where they would put the tower, and go through testing and permitting. If successful, after the 18 month period the

lease would begin for the construction. The Planning Board process would include public input on the location of the tower at the public transfer station. They would most likely be asked to do a balloon test to check the visibility of the tower. Ms. Vernalia said they would appreciate the new tower and services there to help with their cell phone and internet access. Mr. Bianchi said that one concern he had was that they lease that property to a cell tower company and then the company then leases space on the tower to companies that may not actually end up benefiting the town. As part of the lease, there has been discussion of who would be included in the tower usage. There was also concern that the tower would be ugly. They will get revenue from having the tower, but there was still a question as to whether or not it would actually help the town. Ms. Levine said that there would be public hearings regarding this and that they would need permission at Town Meeting to negotiate further with the cell phone tower company.

Chair Helm said she would encourage anyone with opinions about this service to contact Ms. Levine as it is still in the negotiation stage. Ms. Levine said the results at Town Meeting were uncomfortably close with regards to having the cell phone tower at the Transfer Station.

Chair Helm reminded those at the meeting that the town's website was very informative and was updated on a regular basis.

Mr. Manaras thanked Ms. Levine for her periodic emails as they are informative and very helpful. Ms. Levine said that she welcomes suggestions for topics in future emails and articles in the Intertown Record. Chair Helm said that they are always at the other end of the email or the phone and doesn't mind being contacted with questions or concerns.

Mr. Bianchi noted the CodeRED system and asked Ms. Levine to explain it to those at the meeting. Ms. Levine said that CodeRED is a Reverse Emergency Notification System. They have, with five other towns, purchased the service that allows homeowners to enter their phone numbers into a database online. The Town then has the ability to call out to the entire area or sections of towns to notify residents of an emergency. It could be for evacuation instructions or warning messages. The system has been used already for a warning call of a propane at The Seasons, and from the Town of Newbury when smoke was coming in from forest fires in Canada. She said they will only use this service when absolutely necessary. Ms. Levine urged them to sign up for the service online and contact Linda Jackman (Administrative Assistant) if they need help getting on the list. The other towns included in this service are Springfield, Sutton, Wilmot, Sunapee, and Newbury.

With no other non-resident taxpayer questions or comments, anyone wishing to depart the meeting was asked to do so at this time.

**Minutes of July 12, 2010:** IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to accept the minutes of July 12, 2010, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

**Minutes of July 17, 2010:** IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to accept the minutes of July 17, 2010, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

**Beach Use/Access Bathroom Hours:** Ms. Levine said that the after-hour bathroom usage had come up at the last Citizen's Advisory Committee meeting, and the Selectmen had asked to put the topic on the agenda. It comes down to the hours of the bathrooms at the beaches being locked. The lifeguards started to lock them up at 5:00 PM when they leave due to after-hours vandalism. The proposal from the CAC meeting is to have the police lock the bathrooms a bit later in the evening, but it was noted that due to other calls they are tending to, the police may not be able to close them at an exact time. Ms. Levine said that vandalism can and still does occur even when the doors are locked. Recently, one of the bathroom doors was kicked in at Bucklin Beach, after hours.

Recreation Director Chad Denning said that when he started in his position four years ago, the Police Department shut down the bathrooms around 9 PM, which ended up often being between 9 or 10 PM depending on their availability. During this time, there was quite a bit of vandalism. Fixtures and door frames had to be replaced. Due to this problem, they decided to lock the doors at 5 PM when the beach staff left. The bathrooms have stayed in great shape and haven't had much vandalism since doing this. However, lots of people still at the beach would like to use the facilities. Ms. Levine asked if it made sense to have the guards stay longer. Mr. Denning said that it is just not in their budget to do that this year. Ms. Levine said that maybe they could have a skeleton crew at the beach between 5-8 PM. Mr. Denning said they should not use a skeleton crew; if they staff it, they should staff it fully. Mr. Kaplan said he was concerned with the fact that the bathrooms were being vandalized whether they were locked or not. Mr. Denning said they've found glass bottles and things in the bathrooms that show people are using them as a place to hide.

Chief Seastrand said that an alternative to locking the doors would be to increase their patrol in that area. They may not be able to make it there by 8 PM, but they would be sure to lock them each night. He also said that they have a surveillance camera that they could position outside the bathroom doors, although they may not be able to determine things like who was responsible for the damage that was done to the door. It is currently placed somewhere else in the town. They have used it at Elkins Beach to monitor the vandalism, and nothing happened. Once they moved it, the vandalism started up again. They plan to put it back at some point. They have one camera that can go inside and out and small enough to not be detected. If they set it to capture motion, they can get three to four days worth of activity at once. Other cameras they have are bulky and big and would be suitable for interior use only. They would not be putting any cameras into the bathrooms. Other options that have been discussed are door locks that were timed that were automatically locked. He didn't think that this would change the amount of damage to the property that was happening.

Chair Helm asked how much it would cost to have the increased lifeguard duty, as Ms. Levine suggested. Ms. Levine figured it to be about \$500/week, or \$5,000 for the summer. She suggested that be considered for next year, especially if we have a hot summer like we had this year.

Pat Sheehan asked if they had the possibility of using volunteers at the beach for the purpose of monitoring the area for vandalism. She shared that they have had success in getting volunteer lake hosts through the Little Sunapee Protective Association. If they let the residents know that there was a need for help, they just may get some volunteers to sit at the beach for a couple of hours at night, and be able to monitor activity. They could be armed with a cell phone to contact the police, should there be any questionable behavior. She wasn't sure how the Police Department would feel about this idea. She said that the volunteers wouldn't have to apprehend anyone, but just to contact the police.

Jim Wheeler said he had a thought: if they did ask the Police Department to set up the camera that would justify putting up signs that said the area was under surveillance. Ms. Levine said that they have talked about just that. She said that another thought that she and Chad Denning had discussed was that with the design of a potential new building, they could look at moving the doors to the front of the building so they are not hidden in the back. The doors need to be more visible to the police driving by. Mr. Lavoie asked if the lifeguard's schedules could be more flexible where they can go home if raining and stay late if it is nice and people are using the beach. Ms. Levine said that this is how it works, except that the lifeguards do not stay late.

Mr. Denning said a lot of beaches that are building new bathrooms add a single stall outside that is like a concrete bunker with a stainless steel commode. This would be accessible 24/7 and could also serve as the

handicapped bathroom at the beach. This sort of bathroom they would not have worry about being destroyed.

Mr. Kaplan asked Mr. Denning and Chief Seastrand how they would respond to the idea of volunteerism. Chief Seastrand said that he thought it was a good idea. Mr. Denning said it is easier said than done. If he had some assistance getting volunteers he would be very much in favor of the idea. Ms. Sheehan asked if it would be okay if she brought up the idea at their next lake association meeting to see if anyone wanted to help. It was noted that these ideas would be best put in motion for the following summer, as this summer is almost over. The Board of Selectmen was in agreement that this would be a good idea, and gave her permission to run it past her board. Ms. Sheehan offered that they may even send out a request for help with the letter that goes out to the members in the fall. Chair Helm said that even if they don't initiate a volunteer core for this job, it will let residents know that if they see something happening they can contact the police.

Mr. Bianchi asked what happens to the bathrooms when the lifeguards are done for the season. Mr. Denning said that once they leave, the bathrooms are closed. He said that they open them again up on Labor Day weekend even though there is no staff because it is usually a busy time.

Mr. Bianchi said he would like to see the bathrooms open another two hours (until 7 PM) and closed by the police, along with the surveillance signs posted. Ms. Levine asked for a consensus from the board. Chair Helm said she was in favor of it and opined that it was the least expensive way to help deter vandalism. She said that they should do this as an experiment for the next four to five weeks. Mr. Kaplan agreed.

Chief Seastrand said that a lot of the beach attendees are not from New London and may not have the same respect for the town property that the town residents have. He would like some guidance on how to regulate the situation. Right now, he said that he can only enforce it with the permit-only parking, but he said that he often hears from residents asking why non-residents are allowed to use the beach. Ms. Levine said that this is a discussion they have to have at some point but that it opens a whole other level of conversation. Chair Helm said that they should have such a discussion at a public forum. She added that they can't do anything about it for this season, but perhaps they could for next season. She thanked Chief Seastrand for bringing the issue up.

Mr. Denning said that he would direct his beach staff to not lock bathrooms when they leave, and would ask that the police department lock them up at 7 PM.

**Speed Limit on Newport Road:** Pat Sheehan, who lives on Checkerberry Lane, was at the meeting representing a number of residents who live on Newport Road, High Pine Road, and Murray Pond Road. She read aloud an email that informed the Board of Selectmen the difficulties they are having being able to pull onto their respective roads from Newport Road. The email pled that the Board of Selectmen petition the State of New Hampshire to reduce the speed limit from 50 mph to 40 mph. She submitted the email with signatures to the Board of Selectmen for the record.

Ms. Sheehan went on to explain that since the paving has been done, and the speed limit is currently 50 mph, people are going 60 mph. This makes it almost impossible to pull out and get up to 50 mph once entering Newport Road. Coming back onto their road, they have to come to a stop where they bottom out due to the shoulders not being fixed. Ms. Sheehan said she would be happy for it to be 30-35 mph the whole stretch, but she talked to Chief Seastrand about it and he didn't think that having it reduced for the whole stretch would be a possibility. She suggested that perhaps signage could be added for those who enter town by the Transfer Station to warn drivers that the speed limit is strictly enforced.

Chair Helm asked if 40 mph was enforceable in that area. Chief Seastrand said that 50 mph was enforceable, but people go 60 mph. He said that people get it in their mind that there isn't a lot of danger and they feel that their accelerated speeds are justified. He believes that they need to aggressively go after the speeders and write more tickets. Signage is beneficial and helpful in the short term, but after a while people forget what the signs say. He said that it makes it hard with no shoulders to get out and turn around to patrol. If they agree that the speed limit is to go to 40 mph it falls back on them to enforce it and educate the public. He agreed that 50 mph is too fast for the area when people are pulling out of their roads onto the road. Chair Helm said she agrees that the cars are going faster than they should even where she lives on Main Street.

Chief Seastrand said that they haven't put the electronic sign board out recently (it is currently being used in Elkins) and will do more directed patrols until the speeds are adhered to. He said it is pervasive; people are speeding everywhere. He has seen it everywhere throughout the state.

Chair Helm wondered how much another sign board would cost. Chief Seastrand said that Richard Lee wrote a grant for the one that they have and that is how they got it. Mr. Lee said that it would be about \$17,500 for a new sign similar to what they currently have, which includes radar. Some that just read the speed are \$8,000-\$9,000. Chair Helm said that they were in agreement that it was an issue. Mr. Kaplan said he was with the Chief as he felt that they have signs and everyone is going over the speed limit, and they will still speed. If they start stopping people, it will cause others to go slower. Mr. Bianchi concurred with Mr. Kaplan and supported Chief Seastrand's sentiments. Mr. Bianchi said it took the state over four months to change a speed limit from 50 to 30 the last time the Board of Selectmen made that request.

Tory Lambert, President of the Murray Pond Association, said they have endorsed a proposal for a reduced speed limit. Some of the reasons he gave included: the whole stretch of Newport Road has become more and more neighborhood-like; there are more full-time residents and it is beginning to feel like it is all one neighborhood and that this is justification for supporting a lower speed limit. Mr. Lambert said that they notice a lot of speeding problems from I-89 heading towards Hannaford. He added that if the speed limit was 40 mph and not 50 mph and drivers were going 5-10 more miles over, it would be a more gradual slow-down for them. Mr. Lambert explained that it is such a short segment of road (at a mile or so), that it is a tiny change to travel times. Lastly, as residents at that end of the town, they think of that road as a gateway to New London. It is very attractive and the speed limit at the other end of Main Street is 40 mph.

Deb Hoover on South Cove Road is also a member of the Murray Pond Association. She thanked the Police Department for what they are doing in the town to try to cut down on speeders. She said that she can hear when they stop people and thanked them for their efforts.

Fire Chief Jay Lyon said that they need to get some street signage in that area. There are multiple roads that don't have properly marked streets. If there are more chances for emergency services to be called on, it is important for them to safely and timely locate street addresses. Ms. Levine said that she intended to add that subject to a future Selectmen's meeting agenda.

Ms. Levine said that the process for doing this speed reduction request is outlined in RSA 265:62. The last time the Town made a request to the State, the State performed a speed study before changing the speed, which is partly why it took four months to take effect. She recommended that the Selectmen hold a public hearing before agreeing on the petition, as it would be educational and they may end up hearing from people who don't think the speed limit should be changed. After this hearing, they can make an educated decision. Chair Helm agreed, and suggested in the meantime that the Police Department increase coverage in that area and use the electronic speed sign to see if it would make a difference.

Chief Seastrand said that he and Ms. Levine have been talking about how they can reallocate their staff to monitor this speeding issue. Chair Helm said that they should pursue the public hearing, but in the interim, the Police Department can do more aggressive watching of the speed limits.

Ms. Hoover asked if there was a way to alert merchants and their suppliers to slow down. Ms. Levine said that if they know who they are, they can be informed. Mr. Kaplan said that if the truck drivers get stopped, they won't speed again because it has to do with their livelihood and that it goes on their record. Chief Seastrand said that they are limited as to where they can pull trucks over on Newport Road, and would work with State police truck enforcement.

Ms. Levine said that the September 7 meeting would be a good date for the public hearing.

Mr. Lavoie asked when the shoulders would be repaired. Chair Helm said they have been in touch with the state and that it would be sometime at the end of August.

**Paving Bids/Utility Chapter of the Master Plan:** Public Works Director Richard Lee said that they have not gone out for bid for a while. Anytime they have checked on prices for asphalt, the vendor they have been using (Continental) has been consistently lower, between \$2 and \$10 per ton. The company has kept the same cost per gallon for calcium chloride for the past five to six years. Mr. Lee said that he is the President of the New Hampshire Road Agents Association, and when he has compared prices other towns are getting for hot top, they are close. He added that they have a very good rapport with this contractor. They get the work done well and quickly. Mr. Lee felt that they were paying a fair and reasonable price but said that he will go out for bid if the Board of Selectmen wants him to.

Mr. Lee gave an example of the relationship the town has with Continental: The Quail Run project needed 1,000 tons of hot top. Continental suggested that if they waited until the following year to do the project, as they would save money. They listened to the contractor and because of this, the town was able to save \$30,000. He didn't believe other contractors would be so up-front and honest; he felt most other companies would just do the work to get it done with and move on. Mr. Lee said that he checks around for other prices but would be willing to send jobs out to bid if that is what was asked of him. He added that the grinder that is used by Continental is larger than other companies so it does a better job.

Mr. Bianchi asked when the last time they went out for bid was. Mr. Lee said that it was six years ago. Mr. Bianchi asked how much they spend on grinding and paving. Mr. Lee said it was about \$235,000 for everything they do. He said that Continental does all the work themselves and so he doesn't have to deal with different subcontractors coming in to do different parts of the work. Mr. Kaplan asked if dealing with one company helps them get a smoother flow of performance. Mr. Lee answered in the affirmative. He said that they've dealt with Whitcomb and Pike in the past and they didn't get the continuity that Continental has provided. Mr. Kaplan said he doesn't mind paying a dollar or two more if he is getting better service.

Mr. Lee said that in the past they have also come into problems with quantity issues. There have also been problems when one contractor gave an estimate that was \$25,000 less than what the project actually cost. He relies on the contractor to give an accurate quote for a job. Mr. Lee said that he hasn't ever had this problem with the Continental.

Mr. Bianchi said he was the one who brought this issue up. His feeling is that due to the economic climate during the last 6-7 years, perhaps they could get a more competitive bid from someone else. He said that as a stewards of the finances of the town, it is not responsible to not put such a large expenditure out to bid. If Continental is the best, it will be shown that way in the bid. If they have a good rapport with the town, it will work. He felt it was important that for this amount of money they have an open bid process.

Ms. Levine agreed that they are a steward of public money. In her opinion, however, they can be a steward without going out to bid. She said that she and Richard Lee check annually to see what other towns are paying for similar work, and they are receiving competitive pricing. She thinks they are being excellent stewards of the public's money. They can check on other prices again as they enter the paving season, as she was sure that Mr. Lee already had a price from Continental. She said that there were other ways to show that the money is being appropriately spent. Mr. Bianchi said that he didn't feel personally that this was the way to do it. He felt strongly that with this kind of money they should, maybe not every year, put this work out for bid to reinforce the good deal they are getting.

Mr. Kaplan said the worst deals he's ever made have been under contract and the best deals he's made were done on a handshake. If Mr. Lee has a good relationship with this contractor and is paying less than other towns, and Continental does the jobs A-Z, he was fine with them being hired by the town.

Ms. Levine said they have had to take the lowest bids for their sidewalk projects when using federal funds. In 2003 they had to fight the contractor about extra work that was done that they wanted to be paid for that was not in the plan. It is not her nature to argue against having the bid process as she feels it is the best way to go when you don't have a relationship with a vendor and don't have an understanding with the quality of their work, but if you go to the lowest bid, you could get the lowest quality. In this situation, they know the quality and they know the price.

IT WAS MOVED (Peter Bianchi) to put out the paving/grinding work to competitive bids for this year. The motion was not seconded.

Mr. Lee offered to get some more prices to show what other towns are paying. He also said that the asphalt prices are only good for 30 days and will escalate up and down depending on what the oil prices do. Mr. Bianchi said he didn't need to do this now that the Board has just given him carte blanche to go ahead with Continental. Mr. Lee said he just wants to show them what else is out there to assure them that they are getting a good deal.

**Utilities Chapter:** Ms. Levine said that the Planning Board apparently ended up talking about this chapter to some extent at the last meeting, without their input. They are waiting to hear back on the recommendations portion. Ms. Levine read the recommendations out loud. The Planning Board is looking for some indication of the direction the Board of Selectmen wants them to move in.

Mr. Bianchi asked Mr. Lee a few questions about the Utilities Chapter, as he is the Board of Selectmen's representative to the Planning Board. He wondered if the Sunapee treatment plant was tertiary. Mr. Lee said that it was. Mr. Bianchi said that the text only notes secondary and not tertiary. He added that in the text, there seemed to be some mathematical errors with regards to the number of dwelling units. There were also some discrepancies between numbers from the water precinct and the public works department. Ms. Levine said water precinct figures and the public works department figures will never match, as they pay to treat more water than they generate. This is due to inflow and infiltration coming into the system. Ms. Levine said that as for the college, they only bill on the amount of use. They will be using and discharging the same amount of water. They don't bill the college or other businesses for a certain amount of inflow. Mr. Bianchi added that the gallons per day per student matched in two places in the document.

Mr. Kaplan asked if they should go to the Planning Board or to Ken McWilliams if they have questions about the text. Ms. Levine said she would start with Mr. McWilliams.

Chair Helm told Mr. Bianchi that if he finds the Planning Board to be discussing the chapter further without the rest of them being there, she gives him full authority to say that he'd feel more comfortable

with waiting for them to discuss it. Mr. Bianchi said that there were a lot of things that were crossed out and there has been concern about the process taking a long time. Mr. Lee said that getting information from more than four years ago is difficult, as they have just started working with this wastewater issue. He said it is a new process for him.

Ms. Heath, Recording Secretary, noted that the Planning Board had reviewed the Utilities part of the chapter to go over any grammatical errors and to make labeling fixes mostly, and that there were notes in the minutes to reflect that they would be waiting to hear from Mr. Lee before making any further changes in the text.

Ms. Levine said that the Planning Board wants to know what the Board of Selectmen is recommending for wastewater treatment direction. Mr. Bianchi asked if they should try to get more capacity in 2010. Ms. Levine said that expanding and increasing capacity are two different discussions. Do they want to expand the system to use capacity they currently have? Mr. Bianchi said he was concerned with the answer Neil Cheseldine gave with response to capacity. He wasn't comfortable with what percentage of the total plant was being used. Ms. Levine said the existing plant isn't functioning properly. If that was fixed, and the plant was operating efficiently, would they want to expand their reaches in town? There were a lot of other things that may increase the usage of the system but they have to have the capacity to do it.

Chair Helm felt that the conversation wasn't going anywhere at that time. She wondered if they were comfortable putting it on a future agenda so they could devote more time to it. They agreed. Mr. Lavoie said his experience with the Planning Board, the first round with a chapter is all editorial changes that are made. Most of the changes they are talking about at this meeting will be covered the next time they review the chapter.

Mr. Lee said that the plan was to upgrade the plant to treat what it was designed to treat, but not to increase it. Mr. Lavoie said they need to develop master plan details about the future of the existing excess capacity and what it would allow New London to do, and anything beyond that for an increase. Mr. Bianchi said the input would be much better when they were all able to meet to discuss it.

### **New Business**

**Mill Pond Dam**: Ms. Levine had a new contract from Clough Harbor for the Mill Pond Dam. The original proposal for \$6,000 and included structural assessment and testing of the concrete that makes up the dam. If that is testing portion is eliminated, the scope of work would change and they could do it for \$4,000 instead. She felt it was a reasonable quote. The \$4,000 scope of work eliminates the structural review but still takes into consideration the safety part of the study. Chair Helm asked what the downside of not having the structural review was. Ms. Levine said they would need to evaluate the structural analysis later on if they decide to go through with the project, and it would need to be done during the next phase of the work. They think the structure of the dam is adequate. Mr. Lee said that he thinks the dam is sitting on top of ledge and that it is 40 years old and the hole on the bottom hasn't gotten any worse over time. He doesn't think the cement part of the dam has changed but in order for them to put their seal on it, they have to analyze it.

Ms. Levine said that the only difference between the previous and present draft is that the first says that there would be two CHA engineers working on the project. Their scope of work hasn't changed, but the staffing has. Mr. Kaplan said that this is a \$4,000 proposal to give information and the cost to comply with the state's deficiency letter. Ms. Levine said it will give the estimated cost, an inspection report, but not the engineering plans. Mr. Kaplan said that if they are going to spend \$4,000 he would like to be in a position to make the next decision and not be wondering about other details. Ms. Levine said she

understood. Mr. Bianchi asked if they would have to go to Town Meeting with the costs to repair the dam. Ms. Levine answered in the affirmative. She said they would put a contingency in with what they offer at Town Meeting in case it ended up costing more.

Chair Helm asked if Mr. Lee and Ms. Levine felt that they would get the information they required from this analysis. Mr. Lee said that they need to find the worst-case scenario. They want facts and not “we think” statements. Mr. Bianchi felt that maybe they should do the entire study for \$6,000 to get the most information possible.

Ms. Levine showed in the budget where they could get the money from for this study. The Waste Disposal, Trash Hauling Fund, the Gasoline and Diesel Fund, and the Legal funds all had resources remaining. Mr. Lee agreed with Ms. Levine’s thinking with regards to the funds that belonged in the Transfer Station budget. Ms. Levine said that collectively, that would give them about \$50,000 from which to draw from. Chair Helm agreed that they should do the \$6,000 study. Mr. Kaplan said that they need as much information as they can get to make this decision that may end up costing the town a considerable amount of money. Mr. Lavoie said they can ask the estimators how soft or hard their estimates are and act accordingly. They can give a range. Chair Helm said when they go to Town Meeting they want as much hard data as possible.

IT WAS MOVED (Mark Kaplan) AND SECONDED (Bianchi) that they accept the bid from CHA for \$6,000 and authorize Ms. Levine to sign the contract for engineering services. THE MOTION WAS APPROVED UNANIMOUSLY.

**Request to Serve Alcohol:** New London Hospital – Ms. Levine said that the Hospital would like to allow the public to bring their own alcohol to the Friday night dance (August 6) under the tent on the Town common. They would honor the town’s alcohol ordinance and have someone on hand to monitor the consumption and to have a designated driver on the premises.

Rotary Club – Ms. Levine said that the Rotary Club annually has a wine tasting on the Town Common. This year it will be on Thursday, September 23. They have to get a liquor license, whose standards are higher than New London’s ordinance. Unlike the Hospital Days tent, this tent has to be enclosed to allow for just one entrance and to have someone monitoring identifications and consumption, and to make sure that no one is driving drunk.

IT WAS MOVED (Peter Bianchi) AND SECONDED (Mark Kaplan) to accept the two alcohol requests presented at the July 26<sup>th</sup> Board of Selectmen’s meeting as long as both organizations honor the Town’s Alcohol Ordinance. THE MOTION WAS APPROVED UNANIMOUSLY.

**Atlantic Energy:** Ms. Levine said that she has a meeting scheduled with Atlantic Energy at 9:00 AM on Tuesday, July 27. They are trying to combine energy usage to get the best rates by getting more towns to work together. The college and school district have already committed to other contracts with other businesses. She was not sure about the hospital yet. Ms. Helm will attend the meeting.

**Wage Study:** Ms. Levine said Peter Bianchi was going to review other towns to use for the wage study other than those used in the past. As an aside, she met with Howard Hoke recently who shared that he determines wages to be fair by averaging all of the printing companies in New Hampshire, and not just ones that are similar to his. Once he gets the average, he looks to see where his wages fall in the spectrum. Ms. Levine thought that it might make sense to study all the towns in 3,000-6,000 population area and find the median. On Friday, LGC emailed a report that has all the towns combined. She said she hasn’t been able to work with the data yet but feels it is worthwhile to do this on both ends of the discussion.

Mr. Bianchi said he spent a lot of time on this study to determine which other towns would be comparable. Ms. Levine said she may use a 3,000-6,000 population study but for certain departments that are not comparable, she could footnote other towns for comparative purposes. Mr. Bianchi said his list probably includes towns within the 3,000-6,000 range. He had excluded Hanover, Bow, Concord, Lebanon, and added Wolfeboro. Ms. Levine said the reason Concord, Lebanon and Hanover were in there was because of their full-time fire and dispatch center. They were only reviewed for those departments. He felt it important that New London is listed as having 4,400 people, which includes the college kids. Ms. Levine said it doesn't include all the college kids. They accounted for about 600 residents in the 2000 census. Mr. Bianchi said that this lowers their population. Ms. Levine said the same would apply to Hanover, Henniker and Plymouth, which were on the list, as those towns have the same pressures as New London, due to being a college town. Mr. Bianchi said that he has no problem doing a 3,000-6,000 population town study.

Ms. Levine said that Sunapee is doing a wage study with a private firm and wondered if New London would like to participate and share the costs. Ms. Levine told them that they did not, as she didn't feel New London and Sunapee were similar enough for it to be a beneficial study for the town.

At this time, the Board of Selectmen went into non-public session.

At 11:15 AM, IT WAS MOVED (Mark Kaplan) AND SECONDED (Peter Bianchi) to enter non-public forum to discuss a personnel matter pursuant to RSA 91-A:3 II (a). THE MOTION WAS APPROVED UNANIMOUSLY (Kaplan – yes; Bianchi – yes; Helm – yes).

Upon returning from non-public session at 11:00 AM, Chair Helm departed the meeting. The other two Selectmen resumed the meeting.

Other Business:

Part-Time Police Officer: Mr. Bianchi asked if a part-time police officer had resigned or if the Police Department is hiring an additional part-time police officer position. Ms. Levine said that David White had resigned as a part-time officer and that a conditional offer had been made to a potential employee. She said that no new part-time shifts had been added; the department is simply adding to its roster so that there would be enough officers available to fill existing shifts. Mr. Bianchi noted that there is a cost associated with the additional officer, since we would be paying the candidate to attend part-time officer school and training. Ms. Levine agreed, but said that money would come from the existing part-time officer budget, and that in the long run it would be cheaper to hire an additional part-timer than to pay overtime. Mr. Bianchi inquired about the cost of outfitting the officer and Ms. Levine said that cost would be deducted from the non-lapsing fund created for just this purpose. She said that in the past, the department budgeted \$3000 a year for new officer expense, whether or not a new officer was added to the force. Creating a non-lapsing fund allowed the \$3000 to be deducted from the annual budget; this will be the second time in four years that the fund will be drawn down.

Homan Zoning Violation: Mr. Bianchi referred to the Petition for Declaratory Judgment filed against the Homans for their zoning violation. Mr. Bianchi said that in his opinion, the Board of Selectmen should have voted on whether or not to proceed to court on this zoning violation. Mr. Kaplan disagreed, stating that he does not expect the Police Department to seek the Board of Selectmen's approval before taking their enforcement matters to court. Ms. Levine stated that she had brought this subject to the Board of Selectmen at their last meeting so that they would be aware that the matter was being filed in court, but she did not ask for permission because it was the continuation of an enforcement proceeding. She said

that the Homans had been turned down by the Zoning Board of Adjustment twice and had not appealed either decision, so this was the next step in enforcement proceedings.

Mr. Bianchi stated that he believes that because there are Town funds involved, any litigation should be brought to the Selectmen for approval, and should be discussed in non-public session. Ms. Levine said that she agrees that the Selectmen should approve any new legal action, and she would certainly bring that to them before proceeding, but that in this case this was the continuation of enforcement proceedings. Ms. Levine added that RSA 91-A:3 allows for non-public session for pending litigation against the Town, but not for legal action that the Town is taking.

Mr. Bianchi said that he thinks this subject should be revisited at a future meeting.

Budget Report: Mr. Bianchi asked for a half-year budget report for use during the budget discussion at the Selectmen's meeting on August 9. Ms. Levine said she would provide that report.

Ellie's Deli Zoning Violation: Mr. Bianchi referred to a letter from Zoning Administrator Peter Stanley to Gen Isutzu of Ellie's Café & Deli. He asked if Mr. Stanley was accurate in stating that there were 73 seats instead of the approved 48 seats. Ms. Levine said that he had physically counted the seats. Mr. Bianchi said that businesses in New London are hurting, and the Town should not be making it harder for them. Ms. Levine said that she and Mr. Stanley have no objection to the additional seats, but that the Planning Board had approved only 48 seats based on parking availability, and if Mr. Isutzu wants additional seats, then the requirement is to return to the Planning Board to amend the approval. She does not think that this would be difficult to achieve and she would be supportive of the application because she thinks that there has been adequate parking available most of the time, even with the mixed uses in the building.

The Board of Selectmen signed the following documents:

Application for Building Permits:

- Stephen W. Ensign Trust, 62 Camp Sunapee Road (Map & Lot 033-006-000) remove and replace shed – Permit # 10-069 – Approved.
- Walter G. Ensign, Jr. 68 Camp Sunapee Road (Map & Lot 033-005-000) demolish and remove old garage – Permit # 10-070 – Approved.
- Rabitah Cricenti Trust, 6 Cricenti Lane (Map & Lot 058-003-000) general interior renovations – Permit # 10-071 – Approved.
- Cate Family Trust, 715 Route 103A (Map & Lot 103-002-002) fire pond – Permit # 10-072 – Approved.
- Tomie A. dePaula, 143 County Road (Map & Lot 059-025-000) bathroom renovation – Permit # 10-073 – Approved.
- Michael & Lisa Wood, 34 Northwood Lane (Map & Lot 104-016-000) build shed off garage – Permit # 10-074 – Approved.
- Catherine Robjent, 287 Mountain Road (Map & Lot 112-004-000) build garden shed – Permit # 10-075 – Approved.
- Deborah & Craig Langner, 1299 Route 103A (Map & Lot 128-007-000) add window – Permit # 10-076 – Approved.
- Ledyard National Bank, 178 County Road (Map & Lot 059-017-000) concrete pad for generator installation – Permit # 10-077 – Approved.
- Arthur & Jane McMurrich, 208 Stoney Brook Road (Map & Lot 137-018-000) build bathroom over garage – Permit # 10-087 – Approved.

- The Pierce Trust, 87 Deer Path Road (Map & Lot 035-003-000) garage/master bedroom suite addition and renovation – Permit # 10-079 – Approved.

Application for use of Town Common:

- New London Rotary Club, wine tasting fundraiser, September 22, set up – September 23, event – September 24, take down – Approved
- Event permit for New London Rotary Club fundraiser on September 23, 2010 (usually signed by Town Administrator, but due to the fact that the Town Administrator is the applicant on behalf of the Rotary Club, it needs to be signed by the Board of Selectmen) – Approved.

Application for use of Sydney Crook Room:

- New London Garden Club – board meeting – August 2, 2010 8:30-11:00AM – Approved.

Waste Water Tax Abatements:

- St. Andrews Church, 52 Gould Road (Map & Lot 084-083-000) outside faucet malfunctioned during winter and was not discovered until spring. Amount of recommended abatement: \$2561.00 – Approved.
- Estate of Magaret Ensor, 48 Hilltop Place (Map & Lot 144-001-048) wire for Mrs. Ensor's meter was attached to her neighbors meter providing incorrect reading – amount of recommended abatement: \$235.00 – Approved.

Other:

- Disbursement and payroll voucher weeks of July 26, 2010 - Approved.
- Application for highway safety grant for directed patrols by Police Department– approved.
- Loan Modification Agreement between Town of New London & Lake Sunapee Bank – Approved.

The meeting adjourned at 11:40 AM.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London