



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN APPROVED MEETING MINUTES May 11, 2015

### **PRESENT:**

Janet Kidder, Chairman  
Nancy Rollins, Selectman  
Peter Bianchi, Selectman  
Kimberly Hallquist, Town Administrator  
Wendy Johnson, Finance Officer

### **ALSO PRESENT:**

Phyllis Piotrow, Budget Committee Member  
Bruce Hudson, Budget Committee Member  
Ed Andersen, Police Chief  
Daniel Schimberg, New London property owner

Chair Kidder called the meeting to order at 6:00pm.

### Daniel Schimberg – Zoning Violation, Tree Cutting at 196 Pike Brook Road

Mr. Schimberg noted that he forwarded information relevant to the discussion prior to the meeting. He summarized the material submitted by noting that he has been coming to New London his whole life, and owns two properties on the lake. He recently bought a house on Pike Brook Road and likes the heavily wooded and secluded feel of the waterfront property. Through a process of trying to figure out the systems of the home, which were left in poor condition, he has discovered that the permitting is confusing. He explained that he requested, and was granted, permission to cut one tree within the 50' waterfront buffer. However, two trees were cut. He admitted that this was an error and it should not have been cut. He pointed out that as it turned out, the tree was located in a sector that has an excess of 50 points (the minimum allowed). Mr. Schimberg stressed that he has done everything to protect the shoreline and he cares deeply about the lake and preservation of the waterfront.

Chair Kidder said even though there may have been more than 50 points in that one grid, the tree was cut without permission. The Planning Board recommended planting another tree in that area to help remedy the situation. She asked if this sounds like an appropriate proposal. Mr. Schimberg said if he is going to plant a tree, he prefers to do it in a zone that has fewer than 50 points. They have a plan to landscape at some point and will be planting native trees in the area. They plan to bring some rhododendrons from an area further back on the property into the zone as well. He is happy to replant as the Selectmen direct. Chair Kidder agreed it would be fine to plant in grids that currently have less than 50 points, and suggested that two 5" diameter trees be planted to address the one tree that was cut without a permit. Mr. Schimberg said he prefers to plant the trees in grid four because it is near the historic cabin, which is at the water's edge built in 1890. It was the first fish hatchery in the State of New Hampshire. They have applied for permits to lift the house up and stabilize it. Once the restoration is complete, he is happy to replant the trees in that zone.

Selectman Bianchi said when the application to cut one tree was made to the Planning Board, there were just 50 points in grid two. For some reason unknown to him, Mr. Schimberg was nevertheless given permission to cut a tree and allow a segment to get below 50 points. Ultimately, two trees came down in grid two, leaving that grid well below 50 points, according to the point plan submitted at that time. Mr. Schimberg agreed, but pointed out that he had the grids recounted, and the grid where the two trees were cut, has more than 50 points today. Mr. Schimberg said the original plan submitted to the Planning Board was incorrect, and there were actually more points in grid two than what was presented. Selectman Bianchi said Mr. Schimberg was not present at the meeting when he was given permission to cut a tree within grid two. He feels that two trees should be replanted in grid two and suggests they be at least 10 points in size.

Selectman Bianchi feels proper remediation is to replant in grid two. He doesn't think the Planning Board is concerned about the other grids. Ms. Hallquist noted that Mr. Schimberg is there before the Selectmen because the Planning Board does not enforce the Zoning Ordinance; the Select Board does. She noted that while the Planning Board may recommend a settlement of this case, it is the Selectmen that must decide whether to take the property owner to court, fine him, or come up with some agreement to resolve the case. Mr. Schimberg said he would plant wherever the Selectmen wanted but said having the most points possible per grid would be the smartest ecological thing to do. There are grids that are substandard right now and the grid the tree was cut from is not substandard.

Selectman Rollins agreed that grids three and four had very few points and would be the best place to plant the new trees. Chair Kidder agreed. Mr. Schimberg said he would plant the two trees in those areas. He said they may transplant trees from another place on the property if they could. If they wished for the trees to be planted in grid four, it could be done after the cabin restoration and when the trees are dormant in the fall. However, if they want him to plant the trees in grid two, he could do so right away.

Chair Kidder said she is interested in what is reasonable and what is best for the health of the lake. If trees can be planted in grids three or four and if Mr. Schimberg is willing to do this, she would prefer it.

**IT WAS MOVED (Nancy Rollins) AND SECONDED (Janet Kidder) to ask Mr. Schimberg to plant two trees, at least 5" in diameter, in quadrant four and have them be planted no later than year end of 2015. THE MOTION PASSED. Bianchi voted no.**

Request for Acceptance of a Gift for the Police Department – Ed Andersen, Police Chief

Chief Andersen said he would like permission to accept 14 free firearms from Sturm, Ruger & Co. The firearms are model LC9's and will be intended for off-duty officers to carry, and could serve as back-up firearms as needed. He said that officers can carry back-up firearms and he would like them to have the same model and caliber backup weapon so everything is equal during firearm calibration, etc. These firearms are also smaller and easier to conceal than larger models.

Chair Kidder asked why the firearms were being offered to the Town for free. Chief Andersen said that the Ruger gun company is generous and also donated firearms to Sunapee and Goshen. In the past, they provided a free rifle with a silencer on it to New London which they use to dispatch animals late at night. Chief Andersen noted that ammunition for these new firearms is much cheaper than other models and said the Police Benevolent Association would provide the ammo.

Selectman Bianchi asked for confirmation on the number of firearms owned by the Town. Chief Andersen said there are 16 firearms owned by the Town, and if these free firearms are accepted, there will also be 14 firearms for part-time and full-time officers to use as a back-up.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Nancy Rollins) to approve request for receipt of 14 firearms from Ruger.**

Selectman Bianchi asked if this would be the last of the firearm needs for this year. Chief Andersen said he didn't see the Town purchasing any more firearms for the next five years.

**THE MOTION WAS APPROVED UNANIMOUSLY.**

Ms. Hallquist noted that acceptance of the gift of firearms must be placed on the agenda of a regular Selectmen's meeting before acceptance. She instructed Chief Andersen not to accept them until that is done, after the May 26<sup>th</sup> meeting.

Staffing Needs at the New London Police Department – Ed Andersen, Police Chief

Chief Andersen said that Officer Rick Kelly, who has filled many shifts for the department in the past, has resigned. Additionally, Officer Matt McClay, who works less often, will be resigning as well due to his business and his work with the Fire Department. Due to these new vacancies in part-time help, Chief Andersen would like to fill both positions. He has one candidate he would like to hire and send to the part-time academy in June. That would put them to six part-time officers. He noted that another part-time officer, Russ Lamson, works when needed, but to do so he must take a pay cut from the other town he works in. Chief Andersen noted that he would like to keep Officer Lamson in the rotation because of his extensive experience. Currently Rick Mastin, is their primary go-to part-time officer at this time.

Selectman Bianchi asked if they were at a full compliment at 8 full-time officers. Chief Andersen said they are, but that one officer is at the academy until August. In the past they were not at a full compliment. He said he can call former full-time officer Chris Currier to take care of computer crimes, and Mike Wilson can cover some day shifts. All part-time officers have to work Hospital Days. The budget will be tight but it will cover the training needs for two new employees. He wasn't sure if the second officer would need to go to the academy and is hoping to find someone recently hired, to come on board.

**IT WAS MOVED (Nancy Rollins) AND SECONDED (Peter Bianchi) to approve Chief Andersen's request to hire two part-time officers. THE MOTION WAS APPROVED UNANIMOUSLY.**

Town Administrator's Report – Kim Hallquist, Town Administrator

Ms. Hallquist noted that her review of the proof of the Town Report did not catch that a page of the budget was missing; replacement pages have been printed and will be made available. Ms. Hallquist noted that the Selectmen have been invited to retirement party for Jerry Frew at the New London Inn on June 16<sup>th</sup>. Ms. Hallquist said that due to cell phone use law changes going into effect in New Hampshire as of July 1, 2015, she is working to amend the personnel policy to include the restrictions.

Ms. Hallquist noted that Joan Lamson has requested to be recognized at Town Meeting. Ms. Hallquist forwarded this request to Moderator Michael Todd to recognize her. Selectman Bianchi didn't think one could be recognized to discuss something that wasn't on the warrant. Ms. Hallquist said at the end of the meeting anyone can speak about anything if recognized by the Moderator. She also pointed out that the issue of single stream recycling will come up at the end of the meeting under "hearing committee reports" as the warrant article establishing the single stream recycling committee required that a report be made at the 2015 Town Meeting.

Ms. Hallquist said she spoke with Nobis Engineering about the sewer lagoons. By the week of May 25<sup>th</sup> they should be done with their fieldwork. A wetlands scientist is coming in as well as a survey crew (to delineate the wetlands). Nobis Engineering will make contact with DES this week to get the details of what they will need to provide for information. Ms. Hallquist estimated the report would be to the Town within a month of getting the survey completed.

Proclamation Honoring Jessie Levine

The Board reviewed the proclamation honoring former Town Administrator Jessie Levine by naming the round-about in her honor.

**IT WAS MOVED (Nancy Rollins) AND SECONDED (Peter Bianchi) to issue the proclamation honoring Jessie Levine and naming the roundabout after her. THE MOTION WAS APPROVED UNANIMOUSLY.**

Town Meeting Questions

Ms. Hallquist said that the Selectmen, as a board, has not taken a position on moving Town Meeting back to March (warrant article #19). Selectman Bianchi said if they put a warrant article on the warrant, it should be assumed that they would be in favor of it. Ms. Hallquist noted that the selectman may include an article on the warrant without being in favor or opposed; they may put it on so the voters could decide. Chair Kidder said they should let the voters decide; it is their decision.

Selectman Bianchi feels the Board of Selectmen should have a position on the article. Ms. Hallquist said if they are asked, they could each offer their position. Selectman Bianchi feels they should have a united stand. Ms. Hallquist said the Selectmen are required to include a recommendation on some articles, and on others articles they cannot include a notion, however they can speak at Town Meeting in favor or in opposition. It is fine to give their own opinions or indicate that it was put on the warrant upon the suggestion of the Town Clerk/Tax Collector to see how the citizens feel about moving the meeting.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Nancy Rollins) to endorse the article to move the Town Meeting to March. THE MOTION PASSED. Janet Kidder voted no.**

Chair Kidder said she has no opinion on this and feels it is up to the voters to decide.

Mr. Hudson said he feels the school vote has been coupled with the Town meeting in the past and they are saying that voting is low because of the May town meeting. He feels that even more important than voting on March 12<sup>th</sup> for the school, is attending the deliberative session in January. He pointed out that by the time the vote comes in March, it is too late to affect any change.

Ms. Piotrow said she has heard that people are very interested in the ambulance service and feels they should have it very well explained at Town Meeting. People are also wondering why not get a larger loan and take care of both Whipple and the Academy Building issues at the same time.

Ms. Hallquist reported that Bruce King has been contacted about providing someone to be at the meeting to provide information about the increase in funding request for the ambulance service. She is not sure who it will be yet. Selectman Rollins would make the amendment and say that the amendment was supported by the Selectmen only; since the request for funds came after the Budget Committee's last meeting, the Budget Committee will not have an opportunity to discuss it.

Receipt of Amended Proposal by Frank Anzalone for Work on the Academy Building

Ms. Hallquist said that Mr. Anzalone has increased his indemnification to \$1,000,000 and took care of the amendments provided to him at the last meeting. Selectman Bianchi said he wasn't comfortable approving the proposal that night because he didn't have a chance to review it. The Board will review the agreement as amended and take it up at its next meeting.

Receipt of Letter from Steven & Philomena Landrigans, Abutters of Sandra Rowse's Property at 18 Sutton Road

The Board reviewed a letter from Steven & Philomena Landrigan, abutters to Sandra Rowse property. The Landrigans informed the Board that they understand a building permit is being requested for the Rowse property and they are concerned that an expansion of the use of the property will be detrimental to the neighborhood due to increased noise, cars and the number of people living on the property. The Rowse property contains two dwelling units, each of which can have five unrelated people living there. Ms. Rowse is seeking a building permit for improvements to her property at 18 Sutton Road. Ms. Hallquist noted that if the building permit is in order, then the Board should issue the permit. If abutters believe that the permit has been issued in error, they may appeal the decision to the Zoning Board. Selectman Bianchi said he didn't feel it fair to have to make a decision on this after only getting the letter from the Landrigans at the meeting at 6:00pm, so he recommended putting off consideration of the building permit and letter from the abutter, until the next meeting of the Board. The Board agreed.

Upcoming Meetings

Board of Selectmen - May 26, 6:00pm

Planning Board – Tuesday, June 9th – 7:00 PM

**Town Election and Zoning Amendment Voting:** Tuesday, May 12<sup>th</sup> 8:00AM – 7:00PM – Whipple Memorial Town Hall

**Town Meeting:** Wednesday, May 13<sup>th</sup> 7:00PM – Kearsarge Learning Campus Gymnasium – Cougar Court

Committee Reports

Selectman Bianchi said the Planning Board met and went through site plan for the Canary building, across from the Country Press. The building owners are making some exterior and interior changes. The Planning Board granted approval with conditions. Selectman Bianchi continued that the Planning Board heard two conceptual presentations: (1) The Millstone: for outside dining area near the bar and (2) Owl's Nest area and Pike Brook Road to Blodgett's Landing Road, subdivision of a 6+/- acre parcel into 2 lots. The existing road is not wide enough for emergency vehicles and there was discussion of possibly moving the road.

Selectman Bianchi said Sue Andrews attended the meeting to discuss her concerns with the proposed zoning amendments on signs. Bill Helm, Chair, handled her concerns well and admitted that some things had been missed by the Planning Board. It was an attempt to clarify the ordinance and he welcomed all those interested to come to meetings to help plan these kinds of things.

Approval of Minutes

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Nancy Rollins) to approve the minutes of April 27, 2015, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.**

Elkins Project Walk-Through

The next day at 8:00am will be the mandatory pre-bid meeting and tour of the Elkins area.

Application for Building Permit

- Michael & Rebecca Reeve (130-021-000) 84 Todd Farm Road – Renovate and enlarge garage to include living space above and below – APPROVED
- Sandra Rowse (122-002-000) 18 Sutton Road – Add fire safety measures and make interior renovations to create two units. – HELD. Referred to the next meeting.
- Steve Chellis (081-006-000) Columbus Ave – Build New Home - APPROVED

Sign Permit

- Wilmot Learning Place – 5/25-30 at Info Booth

Application to use Whipple Town Hall

- New London Barn Playhouse – May 17, 2015 1-4pm

Other Items to be Signed

- Warrant Yield Tax Levy
- Proclamation Honoring Jessie W. Levine

**IT WAS MOVED (Rollins) AND SECONDED (Bianchi) to adjourn the meeting.  
THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting adjourned at 7:15pm.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London