



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## BOARD OF SELECTMEN MEETING MINUTES May 7, 2012

### **PRESENT:**

Mark Kaplan, Chair, Board of Selectmen  
Tina Helm, Selectman  
Peter Bianchi, Selectman  
Kimberly Hallquist, Town Administrator

### **ALSO PRESENT:**

Wendy Johnson, Finance Officer  
Jim Wheeler, Budget Committee Chair  
Kathy Bianchi, Budget Committee  
Joe Cardillo, Budget Committee  
Linda Hardy, Town Clerk/Tax Collector  
Linda Jackman, Administrator's Assistant  
Doug MacMichael, New London Resident  
Bill Green, Budget Committee  
Janet Kidder, New London Resident  
John Wilson, Budget Committee  
Dave Seastrand, Police Chief  
Doug Homan, Budget Committee  
Gayle Hedrington, Reporter for the *Intertown Record*  
Jason Lyon, Fire Chief  
W. Michael Todd, Town Moderator  
Bruce Hudson, New London Resident

Chair Kaplan called the meeting to order at 6pm.

### Approval of Minutes

IT WAS MOVED (Peter Bianchi) AND SECONDED (Tina Helm) to approve the April 30, 2012, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

There was a misspelling of Mr. Canane on pages 3 and 5.

### Letter of Resignation from Peter Stanley

Chair Kaplan said that it was with a heavy heart that they would accept Mr. Stanley's letter of resignation as Planning & Zoning Administrator and asked Mr. Stanley if he cared to address the Board on this issue. Mr. Stanley urged the Board to fill the position as he felt that having zoning in this day of age without some reasonable and consistent, non-political enforcement of it, would be a mistake. The job is two-fold and is about half building related and half planning related. The budget is about \$85,000 and brings in about \$32,000 of revenue. He guessed that this would be closer to \$40,000 by the end of the year. If someone were to suggest not filling the position, all of what he does would fall on the Town Administrator's shoulders which would take away from the tasks she is doing now. Without someone on the planning side, they will have to rely on hiring someone from the (Upper Valley Lake Sunapee

Regional Planning Commission (UVLSRPC) to do things, as needed. Currently, the town gets these services for about \$38/hour, with benefits all included. Hiring someone from the UVLSRPC will cost about \$48/hour, will most likely take them longer to do the work than someone in-house, and it will end up costing the town more money. Having someone in this position will require that they are able to deal with legal issues. The advantages of filling the position far outweigh the disadvantages.

Mr. Stanley said that prior to his taking over the position, many errors were made, including a property owner building a garage on his neighbor's property in error. He stressed that consistency is key. They have had only two cases that have involved the start of injunctive relief and both have settled in compliance. A fine has never been paid by anyone in the 11 years he has been there, instead issues have been settled by the property owner coming into compliance.

Mr. Stanley said that the town has come a long way and it would be a shame to take several steps back by not filling the position.

Chair Kaplan said that the Town owes him a great deal of thanks for keeping them on the straight and narrow. Ms. Helm said she has seen him work far beyond the hours he is paid for and it will be hard to fill the position with someone of the same caliber as he has shown. Unless someone gives her a different point of view, she doesn't see them not filling the position as there is too much that needs to be done.

Mr. Stanley said that regulations are becoming more and more complicated, and noted the shoreland protection act, which is confusing to the ordinary property owner. He thought they should find someone who was well versed in these kinds of things.

The Board of Selectmen wished Mr. Stanley the best in his new endeavors.

#### W. Michael Todd – Town Moderator – Town Meeting Details

Mr. Todd said that he looks at the whole procedure involved with Town Meeting as being a method whereby people can give their approval/disapproval for each article in succession. From the time they open the meeting, the warrant belongs to the people, who decide what they want to do. They have to keep in mind the "home alone" rule; they can't vote on anything that is not on the warrant that people have not seen. His rule requires that any substantial amendments be requested in writing.

Mr. Todd said that a paper ballot can be asked for any time prior to a voice vote. It must be done in writing and be signed by five registered voters. He is allowed to call for a paper ballot at any time, should he choose. He also noted that the whole idea of moving the meeting to May was to encourage more attendees. Attendees are made up of registered voters, and perhaps some non-voting residents. Non-registered attendees must be segregated during the voice votes. His solution was that everyone who signs in as a registered voter will receive a voter card, which will be their ticket to speak and/or vote (by raising the card in the air). Those without cards cannot vote or speak. Mr. Todd said that non-residents and non-resident taxpayers can be acknowledged for the purposes of offering information or facts, but opinions and general comments cannot be accepted.

Mr. Wilson thought that a non-resident, non-employee had no right to speak at Town Meeting at all. He noted that it is his understanding that an employee who is a non-resident, can be asked for information as an expert witness but otherwise should not be speaking. Ms. Helm agreed with Mr. Wilson's recollection. Chair Kaplan said that they will be under the guise and guidance of their moderator, who will follow the rules. Mr. Stanley said that in the past, if there is any question about a non-resident speaking, a majority vote is taken of the legislative body to decide if the person will be allowed to speak or not.

### Police Department Update

Chair Kaplan noted that the Town had experienced an emergency over the weekend and asked Chief Seastrand to explain what happened.

Chief Seastrand said that early Friday morning a mother in town called and said that her daughter was not in her room and she considered her missing. The officer came in and found evidence that there had been a pact between the girl and another juvenile who lived in Wilmot. The writings they found led officials to believe that the teens needed to be found as soon as possible. They started with a missing person investigation and elicited help from every organization they could, including the FBI, The National Center for Missing and Exploited Children, New Hampshire Fish and Game, helicopters from State Police, along with agencies of the surrounding communities. They continued following up on leads throughout the day and into Saturday and put information out into the media and through Code RED.

Chief Seastrand said that the New London Fire Department and New Hampshire Fish and Game conducted a line search from the last known location of the two, and branched out a mile in circumference. At 10:30am on Saturday morning, a search & rescue person found the two teens on a trail off of Lake Shore Road in New London. They had built a lean-to and other than being cold and eaten by bugs, were fine. The two were brought to the hospital to be evaluated and then were returned to their parents. They will now need to go through the standard follow-through and counseling. Chair Kaplan thanked Chief Seastrand for doing all that he did and helping to make this event turn out on a positive note.

### Town Report Dedication

The Board noted receipt of a letter from Mrs. Ohler, the wife of the late Dr. Ohler, thanking them for dedicating the Town Report to her husband. She noted that dedicating the report to her husband meant a lot to her and her family.

### Proposed Amendment to Article 14

The Board noted receipt of follow-up information from Mr. Armentrout regarding his position on the planned amendment to Article 4 (Public Safety) that will be offered at Town Meeting on Wednesday evening.

### Bandstand Fund Meeting

It was noted that Mr. Bianchi and Ms. Hallquist went to Concord that week to discuss the Bandstand fund and how it is to be operated in the future. Also present at the meeting was Terry Knowles, Assistant Director of Charitable Trusts, Anthony Blenkinsop, Director, Charitable Trust Unit, and Aarne Vesilind, New London Bandstand Committee (Committee). Ms. Hallquist summarized the meeting by noting that it is the position of the Charitable Trust Division that the Committee, as a non-profit 501(c)(3), is independent of the Board of Selectmen. The Committee became a 501(c)(3) in order to receive insurance funds as the beneficiary of a policy held by Mr. Mendelson. There is still some uncertainty of who oversees a portion of the funds left by Mr. Mendelson, namely the unrestricted funds. Ms. Knowles suggested that one way to clear up this uncertainty is to petition the probate court to confirm who is in charge of how the money is to be spent. This suggestion should be discussed with town counsel. It was noted that Aarne Vesilland has supplied his summary of the meeting as well. The town's attorney has not yet been updated on the meeting to offer his comments and advice.

During the meeting the State made it clear that the Committee should only be hiring bands and is totally separate from the Kearsarge Community Band. Any expenses related to the Kearsarge Community Band (KCB) would not be appropriate expenses for the Committee to pay. In the past the KCB operated as the

umbrella organization for the Bandstand Committee, which can no longer be the case as they are entirely separate entities. They suggested organizing different boards with different people to keep the two organizations separate. Mr. Bianchi said it was a good meeting and he learned a lot. The money is invested by the Trustees of the Trust Funds and that is appropriate. The people from the State were quick to point out that those who knew Mr. Mendelson may have known what he had wanted but unless it is in writing, it doesn't amount to much. He felt the Kearsarge Community Band was happy with the outcome. They will get a summary of the meeting from the State for future reference, should it be needed.

#### Upcoming Meetings

Voting would be held on May 8<sup>th</sup>.

Town Meeting is scheduled for May 9<sup>th</sup>.

The next Board of Selectmen's meeting will be on May 14<sup>th</sup> at 6:00pm.

Ms. Helm thought they should take the opportunity to thank Chair Kaplan, on behalf of the Town, for his service since this was his last Board of Selectmen's meeting. Mr. Bianchi agreed.

#### Signatures:

##### Application for Building Permits:

- Stanley & Pamela Bright Farmhouse Trust, 470 Burpee Hill Road (Map & Lot 070-020-000) install 14x26 shed – Permit #12-035 – Approved.
- Steven Buller & Anne Walsh, 242 Poor Road (Map & Lot 090-002-000) demolish old house and build new 4 bedroom house – Permit #12-036 – Approved.
- John & Carol Filbin, 144 Everett Park (Map & Lot 073-012-000) interior & exterior renovations – Permit #12-037 – Approved.
- Colby Sawyer College, 541 Main Street (Map & Lot 085-033-000) concrete slab for AC unit – Permit #12-038 – Approved.
- Extension - John & Christa Hill, 183 Little Sunapee Road (Map & Lot 059-039-000) more time needed - Permit #08-093 – Approved.

##### Application for Sign Permits:

- COA Chapin Senior Center, 37 Pleasant St. (Map & Lot 084-075-000) sign at information booth – Approved.
- Wilnot Learning Place, sign at information booth – Approved.

##### Application for use of Sydney Crook Conference Room:

##### Other Items to be signed:

- Disbursement voucher
- Application for Elderly Exemption
- Sewer Betterment, Edmunds Road, Property Tax First Levy – Approved.

##### Pump Station Malfunction in Georges Mills

Richard Lee (Public Works Director) was not yet present at the meeting to explain what had happened over the weekend at the pump station in Georges Mills, but Ms. Hallquist wanted to provide some details.

Ms. Hallquist explained that on Saturday evening there was a malfunction at the Georges Mills Pump Station and there was a small (it is currently thought to be) release of wastewater onto the ground. Donna

Nashawaty, Sunapee's Town Manager, sent out a Code RED message alerting people in the surrounding area to this fact. Ms. Hallquist explained that the two alarms failed to alert wastewater personnel or Mr. Lee, instead, the release was noticed by someone walking in the area. This person called dispatch to report his findings. Mr. Lee was then notified and he called additional personnel immediately. Mr. Lee arrived at the pump station to find three feet of sewage in the basement of the pump station as well as in the valve pit. Pumping trucks were called and the wastewater was pumped out and taken to the Sunapee treatment facility. Mr. Lee and his staff worked until after midnight to clean it up, and were back cleaning again on Sunday.

Mr. Bianchi said that last time this happened New London had to pay a fine of \$200,000.00 to the State of New Hampshire Department of Environmental Services (DES). He noted that he has been told that the taxpayers never paid the fines charged by DES. They used some money that was left over in a fund holding Federal money that was intended to build the pump station. This money was supposed to go back to the Federal Government but was kept with the condition it be used to upgrade the sewer system.

Mr. Bianchi said that the situation is now in the hands of DES. He didn't think that they were in a good position at the moment. No one knows how much pollution went into the lake. He is interested in what kind of alarm system they have, who put it in, and if it is tested regularly. None of their employees are qualified to put in those kinds of systems as they are specific and complicated. He thought they needed to be very proactive to do something to prevent this from happening again as it had already happened once before.

Ms. Hallquist said that she had asked Mr. Lee to look at what he has available in this year's budget or if the Board of Selectmen should stand at Town Meeting and suggest an increase in the budget for FY13. It was noted that Mr. Todd had indicated that they can't bring up any issue not already on the warrant, so requesting use of capital reserve funds will not be an option. However, the Board could ask that the sewer budget be increased, should that become necessary. It was thought that perhaps Mr. Lee could talk to an engineer from Underwood to see if they could estimate what they might have to pay to redesign the station. She noted that Mr. Lee has indicated that Capital Alarm Systems was the outfit who put the alarm in.

Ms. Helm was concerned with going to Town Meeting and asking for more money but not having the background or information to explain the costs involved in what needed to be done. Chair Kaplan suggested that the last item on Article 5, (Sewerage Collection and Disposal) FY2013 could be increased to \$613,000 to help cover these unknown expenses. Ms. Hallquist said that they would have a better educated guess by Town Meeting, if it becomes necessary. She noted that Mr. Lee thought he would have the money available in his budget already. If necessary, it might be possible to call a Special Town Meeting, if the situation is beyond what is anticipated at this point. Ms. Hallquist said that Mr. Lee didn't feel this spill was as extensive as the last one, that occurred several years ago.

Mr. Bianchi wondered about the alarms at the other pump stations and whether they were working. He would like someone from the company to come in and explain the testing of the systems to them. Chair Kaplan said that Mr. Lee had been impressed and thankful that Stearns from Enfield came to the scene in just 25 minutes to assist with the clean-up.

#### Town Meeting's Impact on the School Vote

Ms. Hallquist noted that Mr. Markoff (New London's School Board Member) wanted to have copies of information he had compiled made and distributed at Town Meeting regarding the low turn-out at the school vote due to the change in the Town Meeting date. Ms. Helm suggested running 200 copies and asked that Ms. Hallquist let Mr. Markoff know that if he wanted to discuss this issue at Town Meeting, he

would need to wait to be recognized by the moderator. It was noted that the making of the copies would be considered a courtesy extended to Mr. Markoff due to the fact that the materials are being used in his capacity as a local government official.

**IT WAS MOVED (Peter Bianchi) AND SECONDED (Tina Helm) to enter into non-public session, pursuant to RSA 91-A:3, II(a) to discuss a personnel issue.**

**Roll call vote: Kaplan - yes, Helm – yes, Bianchi – yes. THE MOTION WAS APPROVED UNANIMOUSLY.**

Upon returning from non-public session, Mr. Lee had arrived to provide more information about what went on during the weekend at the Georges Mills pump station.

Mr. Lee said they blew a piece of a seal out between where a valve and an elbow come together. Two bolts blew out of the side. They don't know how long the pipe was open and it filled 800-900 gallons in the pit, and some went down over the grass. Sunapee took some samples of the water, which showed contamination. They would do more testing the following day.

Mr. Lee said that about five months ago there was a repair made inside the station. He explained that there are three lines going into each pump. There was a short piece of pipe between two of the lines and there was a small leak in this area. They were told they should have flat-faced flanged fittings to repair it and they had to take the elbow off to do so. The gasket was unknowingly pinched when this was done. United helped George put the elbow back together. Mr. Lee indicated that readings are taken every day from the pump station, and every week they check the facility.

Mr. Bianchi wondered why the alarm didn't go off. Mr. Lee said they still don't know the answer to this question. The electrician who did work for them will be there the following morning. It tripped from valve pit to the main box in the building but didn't make the transition from the main panel box to the dialer. They are not sure if it is a panel box or dialer problem. Capital Alarm did the system for this station only. The others have automatic dialers.

Mr. Bianchi wondered if they could test the alarms. Mr. Lee said that they could. The floats worked but he thought once/month they should be tested. Mr. Bianchi and Chair Kaplan thought they should be tested once/week. Mr. Bianchi said that they have been fined before when something similar happened. He was afraid that the State would come in and pin it on the Town. He thought they should be proactive to find out what happened and make sure it doesn't happen again.

Mr. Bianchi thought the other pump stations the Town owns should be tested as they could be in a lot of trouble if, say, the pump at Frothingham were to fail, it could mean pollution again at Keysar Lake.

Chair Kaplan wondered if the last problem at Georges Mills was also an alarm problem. Mr. Lee said it was not; it was due to a cracked piece of pipe. The alarm did work at that time and was the same alarm system that is there now. Mr. Lee said that they have put new gaskets in and there is no leaking right now. He would like to have an engineer come in and suggest what to do with their valve pit. He doesn't know how much it would be, but has some money in his budget. Mr. Lee thought that ideally, they should be able to isolate one pump and have it shut off without shutting them all down. An engineer would need to design this. Mr. Bianchi said they have contracted with Underwood for \$5,000 for oversight of the wastewater treatment plant. He thought they should work with them to look at it and tell them what he thinks it would cost to make appropriate safety modifications. Mr. Lee agreed. Chair Kaplan said that if DES comes in and asks what they plan to do, they will be ready with some plans to show them they are

being proactive. Mr. Lee said that the other pumps were up to code and designed by engineers and were built as such. He said that the other stations send frequent update codes and just about test themselves.

Chair Kaplan thanked Mr. Lee for doing a good job during this emergency.

With no other business, Chair Kaplan called for a motion to adjourn.

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

The meeting adjourned at 8:10pm.

Respectfully submitted,

Kristy Heath, Recording Secretary  
Town of New London