



TOWN OF NEW LONDON, NEW HAMPSHIRE

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

BOARD OF SELECTMEN MEETING MINUTES July 9, 2012

PRESENT:

Peter Bianchi, Chair
Tina Helm, Selectman
Janet Kidder, Selectman
Kimberly Hallquist, Town Administrator

ALSO PRESENT:

Leigh Bosse, Owner *The Messenger*
Merry Armentrout, Reporter for the *Intertown Record*
Maureen Prohl, New London Resident
Richard Lee, Public Works Director
Rod Finley, Pathways Engineering

Chair Bianchi called the meeting to order at 8am and introduced Rod Finley from Pathways Engineering. The purpose of the discussion with Mr. Finley is to begin the process of negotiating with his firm to do the Elkins project.

Elkins Project Engineering Proposal – Pathways Engineering

Mr. Finley began by explaining that he called Bob Hudson at the State DOT (William Rose was unavailable) and was advised that he has to come up with a full scope for the project, including any easements that may be needed. He was told it was common practice to scope the engineering study first, which is what he had brought to the meeting that morning. After this scope of the engineering was complete, they would get into the actual design and construction documents. He had put together an estimate for this first phase and passed it out to the Board of Selectmen for review.

Chair Bianchi said that before the discussion went further he wanted to explain that the Board of Selectmen understood that they'd be provided with a complete proposal for all three phases that day. Mr. Finley said that section 15 of the manual provided by NHDOT is entitled "The Design Process" which is broken down into several phases. The first part of the project was what he came prepared with. Chair Bianchi said he was looking for a proposal for the entire project. It looked like they wanted to do some preliminary engineering and then come back with alternative designs. If the engineering study done by Pathways Engineering wasn't something that the Board was comfortable with, he wondered how they would proceed. He was not comfortable with approving one phase at a time and taking alternatives into consideration later on.

Mr. Finley said that he could create a full scope, but that the DOT had required this part to be done first. Ms. Hallquist said that in the RFQ they laid out the work in three phases. She explained that when they were preparing the RFQ, Mr. Rose stressed that the Town had to make sure it was clear that there were three phases of the work that would need to be done by the same firm. If they feel that the tasks defined by the firm are the same as what the Town wants, the Town would be willing to go with them for the entirety of the project up to the actual construction. She questioned if the Board agrees to allow the work to be done in phases as Mr. Finley is suggesting, and the Town doesn't like what the firm comes up with

after the study, where would the Town go at that point? Would they go to another engineering firm? Mr. Finley noted that he was not sure. Ms. Hallquist reminded everyone that, by NHDOT specifications, they are not allowed to go back to a firm once they have decided not to go with them. Chair Bianchi said they want to know what the scope of the entire project would be in order to make their decision. Ms. Helm agreed with Chair Bianchi and said that the new manual that has come out to handle this grant funding has made things difficult.

Mr. Finley said that the first phase is to look at some concepts to identify exactly what is going to be designed. It will show a design plan, which must be approved by the DOT and the Town, and then they would go forward with the design. Ms. Hallquist wondered, at this point in time, how they were to evaluate whether or not Pathways is the firm that can do this work when they have only seen 1/3 of their scope. She said that this was the negotiation phase. Mr. Finley said he would have to make some assumptions on some things in order to provide a full scope and cost. Ms. Hallquist felt this would be true of any engineering firm that would need to provide a full scope before doing any engineering. Mr. Finley said he was concerned that his estimate may come out too high for the town if he had to make too many assumptions. Ms. Hallquist reiterated her concern that if Pathways conducted the first phase and the Town didn't feel that they were the right firm for them, what would happen? Mr. Finley said that he would need to talk to William Rose about this scenario. He said he could put a hard number to the project and then work within that number. Chair Bianchi said it sounded like they wanted an open-ended contract which wasn't something the Town wanted. He understood that the State has made this portion of the project difficult because of all the restrictions and regulations. Mr. Finley said it was surprising to him how much the State had to say about the alternatives, based on environmental concerns.

Ms. Prohl said that she was sure Mr. Finley knew the parameters of the grant and that the Town has to pay 20% of the project. She was also sure that he knew what had been approved to spend at Town Meeting. They have certain expectations of what they'd like it to be like in Elkins and expressed that it can't cost any more than a certain amount.

Mr. Finley said that there is a right-of-way piece that will be a factor in the cost, noting that he isn't sure if there will be any easements required or if they can stay within the right-of-way. Mr. Lee said that he is under the assumption that they can stay within the right-of-way but they may need slope easements. He didn't envision taking any land in the Elkins area. Until it is surveyed and laid out, they are assuming there won't be a problem. He understood the three-step process but he expected them to negotiate the cost estimate on the entire project and not just the first phase. Mr. Lee said he understood that there were a lot of variables in the project but that was true with any project. If they award the contract based on the first section, they are actually awarding the contract for the whole project; from the preliminary engineering to the final design. Construction can be overseen by another firm if the Town so desires. The State expects the town to look at the sections in total and not one at a time.

Mr. Finley said he would be happy to put a rough estimate together for the whole project. Chair Bianchi said he wanted everyone on the same page so everyone knew what everyone could expect. They couldn't work with an open-ended contract. Mr. Finley said he understood this. Chair Bianchi said that their intent isn't to beat anyone down, but they have to stay within their budgetary requirements.

Ms. Hallquist said she would call Mr. Rose and find out what other towns are doing. She noted that approving the project by phases was not something they were told about when she and Mr. Lee met with Mr. Rose to go over the procedures for this part of the project. Mr. Finley said he was fine to go back and create a full scope.

Mr. Finley said he wouldn't propose doing a traffic study. Ms. Prohl suggested that it wasn't needed as they did one a couple years ago. Mr. Finley said he would put a scope together with tasks and include his assumptions for cost and things that were or were not needed. Mr. Finley said that he would ask William Rose if they would be able to renegotiate underneath the original contract if his assumptions cause the total to come in higher than the actual cost. He said he could get this done and to the Town in a week or so. The next meeting is scheduled for July 23rd at 6:00pm and they would tentatively schedule Mr. Finley to come back to present his scope at that time.

Mr. Finley said that the State has to do an audit of his company to find out if their overhead rates are appropriate and they will only allow for a 10% profit to be made. They are still being audited to figure out the rate but it should be completed within the next couple of weeks.

Mr. Finley said he would come with a full scope of the project, including all three phases: engineering study, preliminary design and final engineering.

Sewer Abatement at a Hilltop Residence

Mr. Lee said he received a request from a residence at Hilltop where two people resided. They were billed for 38,000 gallons of water and it was found that the unit had a leak under the floor. They never heard water running until February or March at which time they tore up their slab and found an extensive leak. Mr. Lee provided some water usage history for this unit. In 2011 they used 18,000 gallons for the first bill and 21,000 for the second. In prior years they had used between 12,000 and 14,000 gallons. The owner has asked for abatement. Mr. Lee's recommendation was to grant the abatement for the amount over their normal usage and to drop the previous year's usage down to 15,000 gallons as well. He explained that in this case, the owner had a leak, but the water did not go into the wastewater system so the Town was not billed for the treatment of the water at the sewer plant. The water precinct doesn't offer any abatement for this kind of thing because the water has left their system. For the abatement the owner requested, the total would be \$299. If they also take into consideration the overage beyond 15,000 gallons from the prior year also, it would be an abatement of \$377.

Chair Bianchi wondered if this action would open the door to others who wanted to go back in their bills to get abatements. Mr. Lee said he wouldn't go back more than two billing periods. This woman saw a difference in her bill because it doubled or even tripled. The leak was small and got progressively worse.

Ms. Kidder asked if they track spikes in usage like this. Mr. Lee said that sometimes they do, but they don't have an average due to people's personal usage habits. They look at each instance individually. Ms. Helm agreed that they can look at each case if brought before them and felt that Mr. Lee's rationale made sense. Chair Bianchi said that he was in favor of approving the abatement for the latest bill, but didn't know about going back and back in the billings. If someone had a leaky toilet for a few years, how far would they go back in the bills? Mr. Lee said that a leaky toilet causes them to have to treat the water so no abatement would be allowed, but if they had an outdoor faucet blew out (or have a leak that went unnoticed) and the water didn't have to be treated, it was something that was easier and more understandable to forgive.

**IT WAS MOVED (Tina Helm) AND SECONDED (Janet Kidder) to grant an abatement for two years, totaling \$377, for the Hilltop property in question due to a leaking water pipe.
THE MOTION WAS APPROVED 2:1 Tina Helm: Yes, Janet Kidder: Yes, Peter Bianchi: No**

Pleasant Street Sidewalk Update

Mr. Lee said that the Pleasant Street Sidewalk project is underway and would be done before school started. It was agreed that there was a lot of red tape and regulations the Town had to follow to be able to

proceed with the project. Mr. Lee said it took a long time to get things set up, but felt that once they got started it should go pretty quickly. The curbing company is lined up and will come after receiving a couple weeks notice.

Gary Budd – Building Permit

Chair Bianchi said he had looked at Mr. Budd's building permit with Ms. Jackman and it was discovered that the front lot setback on Old Main Street is 25'. Nothing can be built within this setback without going through the ZBA to receive a variance. They looked at the tax maps and although the concept and design are both fine, they couldn't approve the permit. Mr. Budd said his main reason for coming to the meeting was to see if the Board of Selectmen could identify any other problems with the design or concept that he should prepare for when he goes before the ZBA. He indicated that the whole front of the house is within the 25' setback and so was already non-conforming. Chair Bianchi said the ZBA will ask the applicant if what they want to do is in keeping with the neighborhood. He opined that it was, as some abutters had done the same kind of addition (front porch). Chair Bianchi said he didn't see any issues other than the setback. They encouraged Mr. Budd to meet with Ms. Rankins for an application to request a variance from the ZBA.

Minutes Review

IT WAS MOVED (Tina Helm) AND SECONDED (Janet Kidder) to approve the minutes of June 25th, 2012, as amended. THE MOTION WAS APPROVED UNANIMOUSLY.

On page 4, the word "conservation" should be "conversation."

IT WAS MOVED (Tina Helm) AND SECONDED (Peter Bianchi) to approve the minutes of July 3rd, 2012, as circulated. THE MOTION WAS APPROVED. Janet Kidder did not vote as she was not present at the meeting.

IT WAS MOVED (Tina Helm) AND SECONDED (Janet Kidder) to approve the minutes of July 5th, 2012, as circulated. THE MOTION WAS APPROVED UNANIMOUSLY.

Discretionary Preservation Easement Request

Ms. Hallquist reminded the Board that this easement request is for the Bonins barn. Kris McAllister, Assessor, is recommending assessing the barn at 25% which is the maximum allowed.

IT WAS MOVED (Tina Helm) AND SECONDED (Janet Kidder) to accept Kris McAllister's recommendation on the barn owned by the Bonins, accepting a Discretionary Preservation Easement pursuant to RSA 79-D, assessing the barn at 25% of its full value assessment, for a period of 10 years. THE MOTION WAS APPROVED UNANIMOUSLY.

Town Office Building's Furnace

Chair Bianchi indicated that there were seven companies that sent in proposals for the replacement of the boiler in the Town Office building. He asked Linda Jackman to double-check the size of boilers that were referenced in the proposals to be sure it was a fair comparison. The highest proposal came in at \$26,000 and was sent in by ARC. Their boiler was twice as big as the other bids. The lowest proposal was from "First Choice" who does installations for several gas companies. This company presented two bids; one for two boilers and one for just one. One boiler was \$11,890 and two were \$18,800. Huckleberry came in at \$13,000 and another two proposals came in at \$15,000. All the BTUs were comparable and he looked up the specifics and brand names. Each would put out between 100 and 250 BTUs.

Chair Bianchi said that the folder of information would be available with Linda Jackman at the front desk for review. He noted that the option of two boilers would require twice the maintenance but that if one were to breakdown, they would still have another one available, perhaps making it worth the cost. The companies all include maintenance and warranties in the proposals. They also include the removal of the old boiler and connection of the new boiler to the existing plumbing. All estimated it taking about one day of work to make this exchange and installation.

Chair Bianchi said that the funds for this work would be taken from the Capital Reserve Fund for Building Maintenance, of which the Selectmen are appointed agents to expend. He noted that the old boiler is at least 25 years old, and was an oil boiler which was converted to gas. It was also much larger than what is actually needed for the building.

Ms. Kidder asked if she could take the information home to have her husband review the proposals as he has some experience in this area, noting that they have had to replace boilers a number of times in buildings they own and have some experience with this sort of thing. It was agreed by everyone that it would be fine for Mr. Kidder to review the materials should he agree to do so.

Receipt of Volunteer Interest Forms

Leigh Bears is interested in joining the Energy Committee

Marie Rossachacj is interested in joining the Community Advisory Committee (CAC)

Ms. Helm said she was glad to hear that Ms. Bears was asking to participate as she was from the younger generation and was interested in the environment and in getting involved in the town.

Ms. Helm said they should ask Gary Markoff if he wants to remain as a member of the CAC as she had heard he did not wish to. He has missed many meetings. She added that Kim Giles, School Board Representative from New London, had approached her and wondered if she could come to the meetings instead of Mr. Markoff, as a representative from the school board. Ms. Helm explained that Mr. Markoff was not on the CAC as a representative, but as just an interested member of the community. She suggested to Ms. Giles that she come in and fill out a volunteer form for possible nomination to the CAC. It was noted that the CAC was not a committee that was mandated by any state RSA, and so the Board of Selectmen could add as many members as they wished.

Committee Meetings & Reports

Planning Board Meeting - June 26, 2012

Ms. Helm said they reviewed the new executive summary of the Master Plan, which had been created by the Regional Planning Commission. Additionally, there was a final annexation of a property on Forest Acres Road, a waiver was approved for COA for the installation of a temporary storage trailer, Dr. Baker (orthodontist) asked for a waiver of a site plan review after changing the layout of his office slightly, and the Flying Goose asked for a waiver of a site plan review to add a wood pellet silo to the outside of the restaurant. There was also one tree-cutting request.

Ms. Helm indicated that Mr. Stanley's presence was missed and could have been used on a number of issues. It would have been nice to have him there to help with the translation of the RSAs. She felt it unfortunate that they couldn't find a way for him to be there to help out, such as by serving as an alternate. Ms. Kidder thought that Tom Cottrill should invite Mr. Stanley to attend the meetings to offer his advice as a citizen.

CAC Meeting – July 7, 2012

Chair Bianchi said that the CAC met the previous Saturday morning and they reviewed the Master Plan Executive Summary of which he was not impressed. Ms. Helm agreed with this sentiment. Chair Bianchi said he didn't feel the people at the meeting were impressed with it either. He felt it could have been 30 pages long and include some recommendations and goals. He didn't think it was a helpful summary. Something the meeting attendees didn't understand was why the Water Precinct and the school were separate entities and are not part of the town's Master Plan. Chair Bianchi indicated to the meeting attendees that both of these entities have their own master plans.

Ms. Helm said she was not in favor of putting any more money into the current Master Plan or Executive Summary. This notion was shared by her colleagues.

Sunapee Wastewater Meeting

Chair Bianchi said that it was clear to them that the Town of Sunapee wants to spend every bit of money that has been appropriated even though the bids came in lower than they had anticipated. Mr. Kaplan appeared at the meeting to discuss this issue as he felt strongly that it was a time to save money but the Sewer Commissioners felt otherwise. Ms. Helm said that they can't blame Sunapee with the way the funding was working out. Chair Bianchi deduced that the decisions fell with Sunapee and New London was just a participant. He wasn't sure if Mr. Lee would be going to the construction meetings or if they would be hiring an engineer to help advise the Board.

Ms. Kidder said it felt obvious to her that New London doesn't have a say in what is going on with the new facility although the Town will pay 65% of it.

Ms. Helm said that for the sake of being good stewards of New London's money, they have to speak up at the meetings. That is what they did and she was happy that Mr. Kaplan stood up and said what he did about saving money. It was agreed that if the tables were turned, New London would make the same decision that Sunapee has made.

Upcoming Meetings

July 13th – Interviews for Zoning Administrator Position with Board of Selectmen

July 16th – ZBA Meeting – This public hearing is in regards to Harry Snow's buildings on Cottage Lane which are intended for Colby-Sawyer College student occupancy. It will be an Appeal of an Administrative Decision. The zoning ordinance provision at issue is Article III Section 49, which limits occupancy to five unrelated people, plus any number of "domestic servants".

July 23rd at 6:00pm – Next regular Board of Selectmen's meeting

There was some discussion about whether or not the portions of the meetings where the engineering firms' details are expressed should be in public or non-public session. Ms. Hallquist suggested that some towns delegate this sort of interviewing/choosing to the road agent and town staff, and then their recommendations are brought to the Board for a final decision. This was the procedure used for the selection of the Pleasant Lake Dam study and the Elkins Hydro Study.

August 6 - Non-Resident Taxpayer Meeting. A notice of this would be put in the Kearsarge Shopper.

Other Business

Building Permits

Chair Bianchi felt the building permit process was going well with the people in the office handling them.

Garden Club – Mowing of Crockett’s Corner

Ms. Helm said she understood the Garden Club was taking over the cutting of Crockett’s Corner. Ms. Hallquist said that Pleasant Acres was hired by them to do the cutting. She noted that the State had suggested potentially making the area an “Adopt a Highway” portion of the road but they apparently decided not to require it. Ms. Helm said if the Garden club runs out of money and can’t pay for this service any longer, it would most likely send a message to the State that the town would still find a way to take care of the area. She also thought a thank-you letter should be sent to the Garden Club for them taking on this civic duty.

Street Lights to be Turned Off

Chair Bianchi said he read an article about shutting some street lights off in New Hampshire towns. Ms. Hallquist said she has received a list of the lights that would be turned off in New London. The Fire and Police Chiefs have seen the list and have no issues from a safety standpoint with the lights that are slated to be shut off. She added that the towns and municipalities could always take over the cost of the lights if they wished. Ms. Kidder said that it all comes down to money and the State has none. They are cutting everywhere they can and are asking the towns and cities to pay more and more.

Employee Committee to Discuss Personnel Policy

Ms. Hallquist said she would like to hold these employee meetings in September as many employees are on vacation during the summer. Some employees have already asked to be on the Committee. Another request to employees will go out soon, so that the Committee can be formed.

Pump Station Update

Chair Bianchi asked Ms. Hallquist if Mr. Lee had been doing daily readings at the pump stations. Ms. Hallquist said she hadn’t asked Mr. Lee recently but assumed he was doing this as it was requested at a prior meeting and he agreed to do so. It also was not known if the additional float was put in at the Georges Mills pump station as a secondary back-up for the alarm.

Bandstand Funding Issue

Ms. Kidder asked if they had heard anything about how the Bandstand funds were to be dispersed. Ms. Hallquist said that Terry Knowles said it would be mid-July before she had an answer for them.

Ms. Helm commended Ms. Hallquist for speaking at the Rotary on Friday morning and felt she did a great job representing the Town.

IT WAS MOVED (Tina Helm) AND SECONDED (Janet Kidder) to move into non-public session pursuant to RSA: 91-A:3, II(b) – the hiring of any person as a public employee. THE MOTION WAS APPROVED UNANIMOUSLY. Peter Bianchi: Yes, Tina Helm: Yes, Janet Kidder: Yes.

The Board re-entered the public session portion of their meeting.

Application for Building Permit:

- Tom Mills/Flying Goose Brew Pub – 40 Andover Road (Map & Lot 122-001-000) install 11 x 11 concrete pad for pellet storage silo – Permit #12-059 – Approved.
- Laura Kiefer – 35 Sparrowhawk Road (Map & Lot 052-019-000) replace 1 car garage with 2 car garage – Permit #12-060 – Approved.
- David & Jennifer Chambers – 42 Hillcrest Drive (Map & Lot 078-026-000) extension of existing woodshed – Permit #12-061 – Approved.
- DENIED UC Residential LLC, 232 Old Main St. (Map & Lot 107-013-000) build 9x5 porch with 4’ over hang – Permit #12-062 – Denied – referred to ZBA

- Kevin & Jessica Hathaway – 929 Main St. (Map & Lot 109-003-000) build porch/patio on back of house – Permit #12-063 – Approved.
- Frank & Michele Occhiuti – 536 Otterville Road (Map & Lot 041-004-000) remove old shed build new – Permit #12-064 – Approved
- Deborah & Craig Langner – 1299 route 103A (Map & Lot 128-007-000) 12 x 20 Reed's Ferry shed – Permit #12-065 – Approved.

Special Building Permit Application:

- Kearsarge Workcamp – letter informing us that they will be doing interior work on five properties in New London – Approved.

Application for Temporary & Permanent Sign Permits:

- Temporary sign: NL Hospital – triathlon route directional & safety signs – approved.

Application for use of the Syd Crook Room:

- Adventures in Learning – Nov. 14th, 9:30 – 12:00 – Approved.

Application for use of New London Town Commons:

- New London Barn Players – Jr. Intern program – 2 performances of 12th Night – 11AM – 2PM – Approved.

Other Items to be signed:

- Disbursement voucher
- Tax abatement recommendations (11 of them)
- Lake Sunapee VNA – raffle -

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

The meeting adjourned at 10:32am.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London