



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES May 14, 2012

PRESENT:

Peter Bianchi, Chairman
Tina Helm, Selectman
Janet Kidder, Selectman
Kimberly Hallquist, Town Administrator
Wendy Johnson, Finance Officer

ALSO PRESENT:

Chris McAllister, Assistant Tri-Town Assessor
Peter Stanley, Planning & Zoning Administrator
Jim Wheeler, Budget Committee Chair
Bill Green, Budget Committee
Mike Gelcius, Elkins Fish & Game Club President
Anita Gelcius
Dave & Carla Marshall
Tom Murray, TDS Representative
Tom Cottrill, Planning Board Chair
Merry Armentrout, Reporter for *The Intertown Record*

Mr. Bianchi called the meeting to order at 6:00pm

IT WAS MOVED (Tina Helm) AND SECONDED (Janet Kidder) to appoint Peter Bianchi as Chairman of the Board of Selectmen.

THE MOTION WAS APPROVED UNANIMOUSLY.

Mr. Tom Murray, a representative from TDS, met with the Board to discuss his company's desire to enter into a cable franchise agreement with the Town. He explained that TDS is in the process of deploying IP-TV, which looks and feels like a cable TV product, and they would like to deploy it later on this year. He said that he has given Ms. Hallquist a draft of the franchise agreement to review and that he was there to make the Town aware that they'd like to begin the process of securing an agreement with the Town. They will be working from a draft prepared by TDS which is nearly identical to the agreement approved by the Town for Comcast in 2009.

Mr. Murray said they have fiber and copper facilities in town already. Telephone and data services are both franchised in part at the state and federal level, but TV is still in the hands of the towns. Currently, TDS partners with Dish Network TV but they would like to do more with their broadband capabilities. Mr. Murray noted that TDS is present in 30 other states and also owns US Cellular.

Ms. Hallquist asked if the Board of Selectmen wanted to have another Cable Franchise Committee, as it utilized in the past for the Comcast agreements, or if they would like her to send the contract to Bart Mayer (Town Counsel) to review. Chair Bianchi said he would rely heavily on Ms. Hallquist's expertise

on this issue. He thought they could re-energize the Cable Franchise Committee as well as run the contract by Town Counsel. Mr. Murray explained that the proposed agreement is essentially the same as the current Comcast agreement, and the Town is required to keep all agreements the same, as the companies must be treated equally. Mr. Murray and Ms. Hallquist will meet to discuss the proposed agreement and Ms. Hallquist will report back to the Board.

Ms. Helm asked what the advantage was of having another franchisee in town. Mr. Murray said that it creates competition and offers different choices to the people in town. He explained that they would be using the power of the internet to deliver TV content. From a user perspective it will look and feel like traditional cable. TDS recognizes that to be sustainable, they need to add TV to their voice and data capabilities.

Elkins Fish & Game Club

Chair Bianchi said the Town of New London is trying to be a good neighbor to the Town of Wilmot and not to take sides in the issue at hand. He summarized that Wilmot didn't seem to have an issue with parking being allowed on New London land for use at events being held in Wilmot at the shooting range. Ms. Helm said it seemed like the Wilmot Board of Selectmen wanted to have more conversations take place between the neighborhood and the Club, as it appeared that there were still some issues that needed to be addressed.

Mr. Gelcius, President of the Elkins Fish & Game Club, said he went to a Selectmen's meeting in Wilmot and the neighbors had an opportunity to speak. The issues they bring up are based on noise but have nothing to do with parking. The Wilmot Selectmen said that a dialogue should be opened between the Club and the residents. Mr. Gelcius said that per this request, he sent a letter to the editor at the *Intertown Record* and offered that people could contact the Club with questions. Their contact information could be found on the club's website.

Mr. Gelcius added that they [the Club] have used the parcel in question for event parking for several years, after getting permission from the Town of New London. They have three events already scheduled for this year at the Club and would like to be able to use the land for parking. Mr. Gelcius said they would be happy to cut the grass and maintain the parcel, and they would sign a waiver with New London regarding liability. He noted that the Club is totally covered from an insurance standpoint, should anything happen on this piece of land.

Chair Bianchi said he had no problem allowing event parking on this parcel with some conditions: the Club would need to provide the Board of Selectmen with the number of events they would hold during the year, the dimensions of the parcel they would like to use, a hold-harmless agreement releasing the town from any liability, and their agreement that this was being done as a one-year, renewable contract. Should something happen or change in a year they can renegotiate if needed.

Ms. Kidder and Ms. Helm agreed that this was a parking issue and thought Chair Bianchi's conditions were appropriate. Chair Bianchi wondered when they would like to begin the year-long agreement. Mr. Gelcius said that June 1 – June 1 would be great. He asked what would happen if they wanted to add an event during the year. Chair Bianchi said that the Select Board would appreciate it if Mr. Gelcius came back to them to amend the agreement. Mr. Gelcius asked if they could set the agreement at four events. The Board agreed. The Club will have to come back before the Board if they want to use the area for more than four events.

Ms. Helm noted that the Board received a letter from John & Nancy Schlosser of Wilmot. The Schlosser's wanted to make the Board aware that issues related to the Club are not shared with the "West

Wilmot Neighbors Group” by either Wilmot or New London and that members of this group (the properties surrounding the Club) are concerned with keeping the noise levels from the Club to modest levels.

Planning Board – Staffing Issues

Planning Board Chair, Tom Cottrill, said that since Peter Stanley (Planning and Zoning Administrator) was leaving, the Planning Board is wondering what they should do about replacing the position. Chair Bianchi said the Board of Selectmen is going to have to decide what should be done. He thought the skill-set of what the Planning Board needed may be different than what the Zoning Administrator position required. He remarked that the Town has been fortunate to have had Mr. Stanley for 11 years, who is well-versed in both planning and zoning. For 25 years prior to Mr. Stanley’s taking over the planner position, the Town had a planner. He wasn’t sure that they’d be able to find someone who could fill both parts of the position, as Mr. Stanley did.

Mr. Cottrill said that originally Ken McWilliams worked for the Regional Planning Commission (RPC) and was assigned by the RPC to work with New London. He would come to the office once per week to meet with Department Heads and citizens. He then went off on his own and was employed directly by the Town. At this point in time, Mr. Stanley picked up some of the planning portion of the job to cut costs and keep more of the work in-house. Mr. Cottrill explained that some applicants would call Mr. McWilliams directly, incurring expense on the Town for his services. They stopped this by having Mr. Stanley speak to the applicants first to see if he could answer their questions, and then Mr. Stanley would refer questions to Mr. McWilliams on an as-needed basis. Mr. McWilliams is no longer with the Planning Board – he is a planner in another New Hampshire town. Currently Mr. Stanley has taken over all of the duties in support of the Planning Board including assisting citizens and applicants and preparing for the Planning Board meetings. Whether it is a planner or a planner/zoning administrator, Mr. Cottrill felt that they need to get someone on board quickly and get them up to speed.

Ms. Helm thought this discussion should be done at a publicized, specially-advertised meeting and not held with just the Board of Selectmen that night. They have tried to define the two roles that Mr. Stanley has been performing and she would like to get this data in writing to be able to move forward in a more educated manner. Ms. Helm didn’t want to have an extended discussion on the subject that evening but she thought more input was needed from the town and its people. Mr. Cottrill thought they would have someone from the RPC help the Planning Board in the interim while they search for a permanent replacement.

Mr. Green asked if there was a job description. Mr. Stanley said that there is a description for the Zoning Administrator position, but they are still working on putting together a combined description for the Planning and Zoning Administrator position.

Ms. Kidder asked if they really need someone full-time based on the stagnant housing industry and the fact that Mr. Stanley seems to have the process streamlined. Mr. Stanley said he went from 20 hours per week to 25 hours per week as the Zoning Administrator when he began fielding many of the questions from people that Ken McWilliams was not answering because he was either not available or it was too costly to have the calls forwarded to him. When Mr. McWilliams got close to leaving, Mr. Stanley was taking over all of the planning duties. He was handling mergers and lot line adjustments, etc. It was a logical step to take over the remaining duties. He noted that there is no room for politics in the position and it is just following the rules that are set out by the town. Many things were not done properly before he took over the planning duties. There was no filing being done and it is horribly behind. He has been able to keep up at this point but even with the sporadic help of the Recording Secretary, Kristy Heath, they still have boxes of files that are stacked and need to be filed away.

Mr. Stanley said that there are several aspects of the zoning position he doesn't have time to do since taking over the planning portion. Following up on building permits was one thing he hasn't been able to do. He felt the Zoning Administrator position could be a full-time position and noted that it is busier during some times of the year than others. During the summer he has no time to pursue zoning violations. Mid-winter he is involved with zoning changes with the Planning Board. They are on target to have about the same number of building permits this year as they did in 2006 before the building slow-down. He anticipates 150 permits by the end of the year.

Mr. Stanley explained that people appreciate having someone available to answer their zoning questions. The whole system has become extremely complicated and he felt that someone needs to be hired to continue this service. The whole framework has been set up so that they can provide a service in a thoughtful and consistent way.

Chair Bianchi agreed with Mr. Stanley and thought perhaps they have made a mistake by creating such a streamlined system whereby people can get what they want quickly by having him sign off on building permits. Mr. Stanley said that he is not allowed to sign off on building permits and that the Board of Selectmen wanted to maintain that power. Chair Bianchi said he recalled that a year and a half ago the Board of Selectmen, much to his opposition, had given permission for Mr. Stanley and the prior Town Administrator, Jessie Levine, to sign off on simple permits that were not complicated. Mr. Stanley said that this was not so. He felt that it would make sense for him to have had the ability to sign off and not make people wait to build but that he was never told that he had permission to sign off on building permits. Chair Bianchi said he would need to review prior minutes to see what had actually transpired.

Chair Bianchi asked Mr. Stanley if he thought there were people out there who were able to do both parts of his position, who were well-versed in both New London's Zoning Ordinance, State laws, etc. Mr. Stanley said that it was entirely possible. A person would have to be knowledgeable in both of these things because both parts of the job are connected. He suggested they find a young planner and bring the person on board inexpensively, and train them to become familiar with the regulatory scheme. The person hired would just need to follow the zoning ordinance. Whoever does planning must know the zoning ordinance. Learning to find bounds, how to outline them, make accurate measurements, etc. is where they will need to get experience.

Ms. Marshall asked how Mr. Stanley's position came to be full-time. Chair Bianchi said that the question was put to voters at a Town Meeting. He said that he had made a motion (as a taxpayer) to not increase the position to full-time. It was a tie vote, which the moderator broke and his motion did not pass. Mr. Cottrill said that additionally, there was a strong push to get the planning and zoning to be done by one person while still being fair to Mr. McWilliams, who had served the Town for so long.

Mr. Wheeler asked Mr. Stanley about site plan review and how much more skill set someone needed in comparison with someone reviewing a building permit. Mr. Stanley said that it is much the same – reading and applying the rules as set out by the town. Site plans require additional input from Department Heads who need to be made aware and the regulations need to be reviewed and made sure that they are met. It is all dealing with the basic zoning scheme regardless of site plan review, building permits, etc. It has nothing to do with complicated building codes, it is zoning scheme enforcement.

Mr. Wheeler asked Mr. Cottrill if the Planning Board relies on Mr. Stanley as the expert witness and then they dig into the issue as a board. Mr. Cottrill said that Mr. Stanley sets the whole thing up, makes sure that all the groundwork is done prior to the meeting and then the Planning Board makes a decision on whether or not it should be approved. Mr. Stanley said that he does all the groundwork for mergers, lot

line adjustments, and minor subdivisions. These don't involve as much time as major subdivisions or major site plan reviews. In the case of major projects, an applicant is required to provide an escrow fund to enable the RPC to have work done on their behalf. With a Zoning and Planning Administrator in place, this is all done for under \$85,000/year and the Planning Board brings in over \$43,000 each year. He felt it was a really efficient and good service. If they go to a part-time administrator and use the RPC like they did before, they will end up paying more and it won't be as efficient a system.

Ms. Helm wondered if Mr. Stanley could get the information regarding his job description ready by the next meeting, which would be held Monday, May 21st. Mr. Stanley that right now he is putting together a cheat-sheet to help whoever will be helping in his absence to get through the building permit process. If he can get it done, he will, but can't do it if it is busy in the office as it was that day. The Board of Selectmen agreed that this was a priority and that he should ask people to come back later as he is busy compiling this information. Ms. Kidder suggested that Ms. Jackman should notify people at the front desk that Mr. Stanley is leaving at the end of the month and is working on getting information together for after he leaves.

Chris McAllister – Barn Preservation Easement

Ms. McAllister met with the Board to discuss Discretionary Preservation Easements, RSA 79-D. The Town has received an application from Jeremy and Kimberly Bonin that must be acted upon in the coming weeks. Ms. McAllister explained that there is a lot of media attention regarding adopting and granting preservation easements on historical agricultural structures, such as barns. If granted, the easement is a 10-year period where a tax break is given. This tax savings serves as an incentive to maintain the structure to retain its structural and historical integrity. Ms. McAllister said that the tax savings to the taxpayer isn't great, given that the assessed value of the structures usually isn't too high, but over 10 years it could add up.

Jim Perkins, Archivist on the New London Archive Committee, is working with Ms. McAllister to determine how many potential structures there are in town that may qualify. She noted that the Board will eventually determine whether the barn in question (Bonin property) meets the criteria set before them for it to be considered for a preservation easement.

Ms. McAllister explained that if this barn was to qualify for an easement and within a year's time they make it into a beautiful, nearly new structure, the value of it would be \$91,000. It is an accessory building and isn't anything they could move into. If the Selectmen determine that the structure qualifies for the easement, it will then decide the assessment range – from 75% of the full value assessment to 25% of the full value assessment.

Mr. Wheeler asked if the property owner put a home office in the barn, would this be allowed under the easement. Ms. McAllister said that this was something the Board of Selectmen need to consider as far as appropriate criteria. She said that the application is quite extensive. The barn in question was built in 1780 +/- . Mr. Green said that roughly they will have to spend \$150,000 on the barn for it to be assessed at \$91,000 and the easement will save about \$8,000 in taxes over 10 years. Ms. McAllister agreed with his estimate.

Ms. McAllister said that the Town needs to set up criteria for all applicants to use in the future. Chair Bianchi supposed that they could make it almost impossible to have this granted if they wanted to. Ms. Hallquist cautioned that unreasonable criteria set up by the Board of Selectmen could be overturned by the Board of Tax and Land Appeals, where applicants may appeal if denied.

Ms. McAllister said that a grading scale would come to the Board of Selectmen with the application, which would be set up by the assessors. The city of Concord came up with the scale as they have been through this process many times before.

Ms. Kidder asked how the owners found out about this easement opportunity. Ms. McAllister said they read an article about it in the *Union Leader*. There was also an expo on barn preservations in the area. She opined that this easement opportunity was not an attractive tax incentive.

Ms. McAllister said that the next step will be that the Board of Selectmen will receive the application and they will have to have a public hearing on it. They will be supplied with a recommendation by the assessors, along with the application. The Board set their June 4th meeting as the date of the public hearing.

Ms. Kidder wondered how the Budget Committee felt about this easement and the possible loss of income to the town. Mr. Green said that due to the small amount being lost and the large amount of money they will have to spend to improve their structure, it wouldn't impact the town to a great extent. Mr. Wheeler said he was all for the easement as long as the barn is very visual from a public road. This kind of thing is a big plus to the Town of New London. Even if they chose to put a home office into the building, he would be in favor of it as it was maintaining the integrity of a historic structure.

Approval of Minutes

IT WAS MOVED (Tina Helm) AND SECONDED (Peter Bianchi) to approve the public and non-public minutes of May 7, 2012, and the non-public minutes of April 30th, 2012, as circulated.

THE MOTION WAS APPROVED. *Janet Kidder abstained as she was not a member of the Board of Selectmen on April 30th or May 7th.*

Schedule for Upcoming Board of Selectmen's Meetings

The following meetings were scheduled:

Monday, May 21st at 6pm
Tuesday, May 29th at 6pm
Monday, June 4th at 6pm – Public Hearing
Tuesday, June 12th at 6pm
Monday, June 25th at 6pm
Monday, July 9th at 8am
Monday, July 23rd at 6pm
Monday, August 6th at 6pm – Non-resident taxpayer meeting
Monday, August 20th at 6pm

Appointments to Various Boards and Committees

Ms. Helm said she would like to remain on the Planning Board as the representative from the Board of Selectmen.

Chair Bianchi agreed to be the Board's representative on the Budget Committee.

Ms. Hallquist informed the Board that former Selectman Mark Kaplan has volunteered to remain involved with the Coalition, dealing with the school funding issue, on behalf of the Town of New London. The Board noted that they were happy to accept this offer of help from Mr. Kaplan. Ms. Kidder said she would be happy to work with Mr. Kaplan on this issue as well, and attend some meetings in Concord.

Chair Bianchi suggested that Ms. Kidder sit in on the Economic Development Committee. He noted that it hasn't been very active recently but that it would be good to have representation from the Town. Ms. Kidder agreed.

Other Committee Appointments

Chair Bianchi thought they should contact the chairmen of the various town boards and committees to get their recommendations on filling expiring terms. Ms. Helm said the seats consist of staggered 3-year terms. The Board of Selectmen, as the appointing authority, approves re-appointing members of appointing new members to the seats.

Chair Bianchi thought it would be helpful to put something out to the townspeople to let them know that the boards would be replenishing themselves and that interested parties should come in and apply. Ms. Hallquist suggested an ad in the *Intertown Record* and post it on the town's website.

Ms. Helm noted that Sue Clough had expressed interest in joining the CAC. Ms. Kidder suggested that Doug MacMichael might like to be asked. Both of these individuals would be asked if they wished to be appointed to the CAC. At the next CAC meeting, on June 2nd, Chair Bianchi said he would ask those who were there if they wanted to continue or leave the CAC. Rich Anderson and Hardy Hasenfuss' terms are up but they may be reappointed. Chair Bianchi explained that this board was not mandated to have a certain number of members, so they could add or take away as many people as needed.

It was noted that should the designated Select Board member not be able to attend their meeting (Planning Board, Budget Committee or Economic Development Committee), one of the other two selectmen will fill in.

Extension of Use of Whipple Hall by the Northeast Shakespeare Ensemble

The Board considered a request of the Northeast Shakespeare Ensemble to extend their use of the offices at Whipple Hall by three weeks, until June 10th. Chair Bianchi said that it seemed there would be some overlap between the Barn Playhouse and this group. It was noted that the Northeast Shakespeare Ensemble is asking only to use the back office portion and not the Hall. Chair Bianchi didn't think it was a good idea to have both groups in there at once. Ms. Helm didn't see it as a conflict but thought they should make sure that one of the two organizations is responsible for locking up at the end of the day. Ms. Hallquist said that the group are already paying \$300 for the use of the offices and are not being charged for the Hall as they signed up in December, before the new rental agreement was put into place.

IT WAS MOVED (Janet Kidder) AND SECONDED (Tina Helm) to charge the Northeast Shakespeare Ensemble a prorated amount for three additional weeks of the use of the back offices at Whipple Hall. THE MOTION WAS APPROVED UNANIMOUSLY.

Letter of Commendation

The Board noted receipt of a letter from Phil O'Brien commending the good work of the transfer station staff: John Early, Robin Lachance and Steve Tighe.

Current Year's Revenues and Expenditures to Date

Ms. Johnson reviewed the revenue report through April 30th. As of April 30th, they are at about 82% of what they have anticipated. The Planning Board revenues are actually higher than anticipated most likely because they had estimated low due to the state of the economy. There was less revenue for Police Outside Services than was budgeted but there was a corresponding lower expense on the expense side of the budget. This category is for when police do construction details and other private details that the town can bill for. \$250 came in to the Police Department Cruiser Capital Reserve Fund, as \$250 more than

what was needed was taken out the prior year. Still to come is the Cable Franchise Fee, and money from the cemetery.

Turning to the expense reports, Ms. Johnson noted that the budgeted amounts are the amounts that were voted on at Town Meeting in March of 2011. They have spent 80% of the budget to date, which is on target. Ms. Johnson noted that the heating fuel used at Whipple Hall is high. Every other building was under budget this winter, except for Whipple. The building went through 7,137 gallons last year. This year they used 7,682 gallons, which includes a recent delivery. This fuel usage includes the police station. Ms. Johnson thought that if the last delivery (May 9th) was not accounted for in the last budget, the consumption was about the same as it was last year.

Ms. Johnson noted that Workman's Compensation was a problem area. Only half the needed amount was budgeted for, due to the 18-month budget. Additionally, the rate went up by 9% which was not accounted for. As long as the bottom line is not over-spent, they are OK.

Ms. Kidder wondered if excess money not used for sand could be used within the highway department for things such as paving roads, as that is something a lot of people are asking for. Ms. Hallquist noted that Mr. Lee has been before the Board requesting permission to do that. She noted it is possible for the Board to allow such a transfer and expenditure within this fiscal year. However, if the money is not spent by June 30th, it could only be encumbered if there is a signed purchase order committing the funds.

Discuss Academy Roof and Furnace Replacement

Ms. Hallquist has received a quote for the roof. Chair Bianchi wondered how much was left of the \$55,000 for building maintenance. Ms. Johnson said there was \$29,000 remaining after the police cell doors were replaced. Ms. Hallquist said that the Board of Selectmen is an agent to expend from this fund. The Board will not know how much is left in the reserve fund until the Town Office roof repair costs are definitely known.

Application for Building Permits:

- Michael & Mary Ellen St. Clair, 210 Sugar House Road (Map & Lot 035-022-000) new garage, renovate old garage, interior renovations & deck – Permit #12-039 – Approved.
- John & Dolores Ryan, 295 Lamson Lane (Map & Lot 062-009-000) replace wall with rock – Permit #12-040 – Approved.
- Brad & Beth Swanson, 5 Aspen Lane (Map & Lot 074-041-000) addition of back of house – Permit #12-041 – Approved.
- Steven & Malaika Sidmore, 312 S. Pleasant St. (Map & Lot 095-048-000) replace deck – Permit #12-042 – Approved.
- Ruth Hollis, 240 Knollwood Road (Map & Lot 035-035-000) replace deck – Permit #12-043 – Approved.

Application for Sign Permits:

- The Fells, A. Seamans, sign at information booth – Annual Plant Sale 6/16 – Approved.
- NL Hospital Days, sign at information booth – Hospital Days – August 4th & 5th – Approved.
- New England Theatre Company – sign at information booth – May 31- June 9 – Approved.
- Tracy Library – sign at information booth – June 24th – Approved
- Elkins Fish & Game – sign at information booth – Fly fishing on common – 5/19 10-2 – Approved.

Application for use of Sydney Crook Conference Room:

Other Items to be signed:

- Disbursement voucher
- Report of timber cut #16524 – Map 114 Lot 0001

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

The meeting adjourned at 9:12pm.

Respectfully submitted,

Kristy Heath, Recording Secretary
Town of New London