



TOWN OF NEW LONDON, NEW HAMPSHIRE

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BOARD OF SELECTMEN MEETING MINUTES

May 1, 2024

Kearsarge Professional Development Center
5:30 PM

PRESENT:

Bill Helm, Chairman
Bebe Hammond Casey, Selectman
Janet Kidder, Selectman
Kim Hallquist, Town Administrator
Lynn Lewis, Finance Officer

ALSO PRESENT:

Robert Harrington, Public Works Director
Sam Clarke, Wastewater Supervisor
Adam Ricker, Planning and Zoning Administrator
Will Kidder, Town Clerk/Tax Collector
Laura Abrahamsen, Tracy Library Interim Director
David Keith, New London resident
Phil Sherman, Police Facilities Advisory Committee member
John Ellis, Waste Reduction Committee member
Karen Epstein, Budget Committee member
Rich Epstein, New London resident
Nancy Marashio, New London resident
Joe Cardillo, New London resident
Howard Hoke, King Solomon's Lodge
Benjamin Barton, King Solomon's Lodge
Dryden Ellison, Environmental Studies student at Colby-Sawyer College

Chair Bill Helm called the meeting to order at 5:30 PM

INTRODUCTION OF FUTURE PUBLIC WORKS DIRECTOR

Chair Helm announced that with the upcoming retirement of Public Works Director Bob Harrington in July, the Board of Selectmen have appointed Sam Clarke to be the next Public Works Director. Chair Helm welcomed Mr. Clarke aboard and asked him to introduce himself. Mr. Clarke explained that he has worked for the Town of New London for nine years and is currently the Wastewater Supervisor. He is working on ensuring a smooth transition at the Wastewater Department and learning what he can from Director Harrington in his remaining months. Mr. Clarke introduced his wife, Kelsie, who was in the audience to support him and shared that he is looking forward to serving the community and working with the Selectmen to better the Town of New London.

UPDATE ON ZONING ENFORCEMENT

Chair Helm referred to Article 29 from the Zoning Ordinance, which covers enforcement. He explained that it calls for the Board of Selectmen to enforce the provisions of the Zoning Ordinance, or delegate

that authority to someone else. Chair Helm introduced Adam Ricker, Zoning Administrator, and asked him to provide an overview of his job and how he handles enforcement.

Mr. Ricker provided three examples of how zoning violations come to the attention of the town:

1. The Zoning Department may notice the violation,
2. Another department, such as the Assessors, may notice the violation, or
3. A community member or abutter provides feedback about a perceived issue

After the initial discovery, there are several directions a review might go. Particularly with commercial properties, Mr. Ricker finds it helpful to have good relationships with the property owners and property managers so that it is easier to reach out via the phone or an email, instead of starting with a certified letter. Mr. Ricker explained that if the town does not have personal contact information, the only option is to send a letter in the mail to the address listed on the property tax card.

If a decision is made that a property or business owner does not agree with, they have an opportunity to file an Appeal of Administrative Decision with the Zoning Board of Adjustment (ZBA). This has happened in the last year with a signage issue. The ZBA hears the appeal, reviews the Zoning Ordinance, and decides whether to uphold the decision of the Zoning Administrator or side with the applicant.

Compliance through education is a more common route and typically involves working with the applicant to get them through whatever approvals might be required to get them into compliance. This may involve an application to the ZBA for a special exception, or a variance, or an application to the Planning Board for a site plan review. There have been at least four Planning Board cases in the last year that were the result of enforcement. This can be a long process, especially if it involves the hiring of a special consultant. If the business or property owner is making reasonable progress and showing good faith that they are working towards a solution, the Town does not typically take the issue to court.

Fines can be levied for non-compliance, and they start at \$100 for an “after the fact” permit. The law does allow for higher fines but at a certain threshold those fines must be determined by a court, so the hope is that the issue is resolved before it gets to that point.

Driveway permit compliance typically accounts for the largest amount of enforcement work in each year. All driveway work, including resurfacing, requires a driveway permit. Some other common challenging situations include dealing with sign ordinance compliance, abandoned vehicles, and anonymous complaints. When there is no contact information provided with a complaint, there is no way to follow up or gather more information when the issue is not clearly explained. Mr. Ricker gave the recent example of an anonymous letter about commercial lighting which, after a review, turned out to be compliant. He had no way of letting the letter writer know that he had investigated the situation or thank them for their input.

There is also a human component to the enforcement work that the Town is involved in. Sometimes individuals are dealing with other personal issues, or they already have a general distrust of the government, so ensuring the safety of the staff may involve having two people go on a site visit. These types of cases involve a delicate balance of working towards compliance while avoiding incitement.

Chair Helm thanked Mr. Ricker for the work he does enforcing the Zoning Ordinance, on behalf of the Board.

PUBLIC COMMENTS

John Ellis shared that fifth-grade students from New London Elementary had recently taken a field trip to the Transfer Station and worked with Kenny Waldo, Transfer Station Supervisor, to learn about plastics. Members of the Waste Reduction Committee also visited the Elementary School and presented a program to sixty of the fifth-grade students, which they have been invited to share with other grades as well.

Dryden Ellison, Colby-Sawyer Environmental Studies student, provided an update of the Pleasant Lake Community Based Research Project, which he is participating in with ten of his peers from the Colby-Sawyer College Environmental Studies and Science programs. Led by Dr. Nick Baer, they worked over the course of a year to sample water from Pleasant Lake and its tributaries on base flow days as well as on storm event days. The goal was to determine where the nutrients causing the recent cyanobacteria blooms might be coming from. The class has explored several possible explanations including erosion caused by storm events, salt and sand road applications on town and state roads during the winter, and septic system maintenance.

Chair Helm thanked Mr. Ellison for his update, noting that he has heard of his work through attendance at the Waste Reduction Committee meetings, and he thanked Mr. Ellis for his outreach to the Elementary School students.

UPDATE ON POLICE FACILITIES PROJECT

The Committee will meet for the first time on Friday, May 3rd at 10:00am. Town Administrator Kim Hallquist said she will have more to report after that meeting. Chair Helm said this will be an ongoing topic for Board of Selectmen meetings.

ABATEMENT RECOMMENDATIONS

Chair Helm asked if there were any questions from the Board regarding the recommendations of the Assessors for the six following abatement applications:

- Recommended to be Granted:
 1. Pratt, 22 Hilltop Place, Parcel 059-016-0-01K-022
 2. Hill, 229 Lamson Lane, Parcel 062-003-0-0-0

- Recommended to be Denied:
 1. Hayes, 56 Wallula Road, Parcel 033-025-0-0-0
 2. Widmer, 482 Lakeshore Drive, Parcel 037-010-0-0-0
 3. Westwind Trust, 596 Lakeshore Drive, Parcel 050-007-0-0-0
 4. Fougere, 1837 Little Sunapee Road, Parcel 043-020-0-0-0

IT WAS MOVED (Bebe Casey) AND SECONDED (Janet Kidder) to accept the recommendations of the Assessors for the six listed abatement requests. THE MOTION WAS APPROVED UNANIMOUSLY.

The Masonic Association of Kings Solomon asked for an abatement on parcels 077-021-0-0-0 & 077-022-0-0-0, located at 453 Elkins Road, based on hardship and inability to pay, rather than on the merits of the assessed value. The Assessing office provided a memo with an overview of the request but deferred to the Board of Selectmen in determining a recommendation because the abatement application did not dispute the assessment value.

The Masonic Association of Kings Solomon had previously been receiving a Charitable Exemption, under RSA 72:23, V, however they were denied that exemption for tax year 2022. They did not appeal the denial of the exemption. They filed for an abatement of taxes, under RSA 76:16, for 2022 however it was not filed timely, so that request was denied. They are now filing for an abatement of taxes for the year 2023 and that application was received by the deadline. They do not disagree with the assessed value or the taxable status under 72:23.

Howard Hoke, a member of the group, explained that they do have two funds, but those funds are specifically designated for other costs and cannot be spent on property taxes.

There was some discussion about the taxable status of the property in prior years. Chair Helm read a portion of RSA 76:16 provides that an abatement may be granted for good cause shown. Good cause generally means either establishing an assessment is disproportionate to market value and the municipalities level of assessment or establishing poverty or inability to pay the tax. The burden of proof is with the applicant. Chair Helm clarified that the group is applying based on their inability to cover the current tax payments. Mr. Hoke explained they may be able to make some payments, however then they will have no operating funds left and they will not be able to make any future payments.

Ms. Hallquist explained that the abatement application, which the Masonic Association did submit, is the correct process for any kind of tax relief from the Board of Selectmen. The Board needs to decide if the inability to pay rises to the level that they should abate the bill, particularly if they do have funds available for the current bills. If the abatement is granted, if another taxpayer in the town feels aggrieved by the decision, they can appeal it to the Board of Tax and Land Appeals (BTLA). She provided examples from case law, including *Ansara v. Nashua*, which provides that a taxpayer must take all steps including exploring other relief and options, prior to asking for an abatement due to inability to pay.

The group has not charged any money for boat trailer parking and Chair Helm would like to consider an agreement that would formalize public access to the parking lot, for the purposes of accessing the boat ramp. Chair Helm asked if the group could focus now on making their current property tax obligations and come back to the Board with a proposal regarding a parking agreement. He does not feel that the Board can decide on abatement for financial reasons alone. Selectman Casey expressed her sympathy that the Masonic Association is having to deal with this challenge however she agrees with Chair Helm and would like to see some data on how much the parking lot is being used by boaters. Selectman Kidder would be curious to see not only how many people are using the lot, but where they are coming from. There was a conversation about the obligation to provide parking for public access. Mr. Hoke explained that it was not feasible for members of the Lodge to monitor the parking lot regularly and asked if there could be assistance figuring out how to compile those numbers. The Selectmen will explore ways to gather the information needed.

Ben Barton asked about the timing to approach the Board of Selectmen with a proposal. Chair Helm explained that anything brought to them would likely need to go to the next Town Meeting, because of the financial impact, but stressed that the group should begin conversations with the Board immediately.

Town Clerk and Tax Collector, Will Kidder, clarified that the 2023 property tax bill has been paid in full for the Masonic Association and the next bill coming out will be at the end of May: the first bill for the 2024 tax year. He would like anyone with questions about how tax years and billing work to reach out to him directly at the Town Offices.

There was no motion made regarding the 2023 abatement application by the Masonic Association of Kings Solomon. The Town has until July 1st to respond to the application.

CAPITAL RESERVE REQUESTS

Lynn Lewis, Finance Officer, provided details from a memo she provided to the Board of Selectmen regarding approval of three Capital Reserve Fund Expenditures:

1. \$21,609.70 from the Communications Equipment Capital Reserve Fund for Beltronics. This is an upgrade to the dispatch equipment that was no longer being supported by the manufacturer. After this expenditure, there will be \$230,135 remaining in the account.
2. \$4,395.00 from the Computer Maintenance & Replacement Capital Reserve Fund for VC3. This is for the new sonic firewall and wireless access points at the Academy Building. This is some of the work that Mike Williams earmarked to come from this Capital Reserve. After this expenditure, there will be \$74,163 remaining in the account.
3. \$13,915.00 from the Town Building Maintenance & Repairs Capital Reserve Fund for Walco Mechanical. This is for mini split AC system at the Firehouse. It was discussed during budget prep for FY2024 but was not put into the operating budget. It was determined that it should come from Capital Reserves. After this expenditure, there will be \$86,918 remaining in the account.

Selectman Casey asked for clarification on the Beltronics expenditure. Lynn Lewis explained it related to the recent changes in dispatch and the support Beltronics provided during that transition.

IT WAS MOVED (Bebe Casey) AND SECONDED (Janet Kidder) to authorize the three expenditures, as listed. THE MOTION WAS APPROVED UNANIMOUSLY.

TOWN ADMINISTRATOR REPORT

Ms. Hallquist provided an update on Volunteer Interest applications for the various Town boards and committees. The *Intertown Record* ran an article that highlighted the Town's need for more applicants and she is hopeful that more people will apply soon and the Board should be able to make more appointments at their next meeting.

The New London-Springfield Water Precinct hosted a pre-construction meeting for the Main Street Water Main Replacement Project, which she attended. There were participants from many New London departments, including the Police, Fire and Public Works Departments. Traffic will not be diverted from Main Street and instead will go to one lane, with flaggers, when necessary. Ms. Hallquist asked for patience and for people not to speed through the residential neighborhoods abutting Main Street.

Ms. Hallquist noted that Sue Stuebner, President of Colby-Sawyer College, recently announced her plans to leave and assume the presidency of Marietta College in OH. Ms. Hallquist noted that she enjoyed working with Sue and praised her partnership with the town over the last eight years.

COMMITTEE MEETINGS & REPORTS

Selectman Kidder provided an update on the Sewer Commission Meeting. Sunapee is looking for a backup operator, as required by the State of New Hampshire. It can be challenging to fill that role with the licensing requirements needed to get an employee certified. New London's usage has decreased and that will result in cost savings for New London. They approved \$17,150 for a new dumpster and liner, as needed for sludge.

Chair Helm reported that the Waste Reduction Committee's Styrofoam Collection event on April 27th was successful. There were students from Colby-Sawyer College who assisted with the event.

MEETING MINUTES: - Approve Selectmen's Minutes of April 18th

IT WAS MOVED (Bebe Casey) AND SECONDED (Janet Kidder) to accept the minutes of the April 18th meeting. THE MOTION WAS APPROVED UNANIMOUSLY.

OTHER BUSINESS

Chair Helm asked the other Selectmen to provide any ideas for recognizing Bob Harrington's retirement to Ms. Hallquist.

He provided a list of ideas for Community Forum topics to the other Selectmen and asked them to review it before the next meeting. Selectmen Casey agreed that they could discuss more at a future meeting however asked that the topic of septic maintenance be given an appropriate amount of time, given some of the information they heard regarding the Pleasant Lake Water Quality Assessment done by the Colby-Sawyer College students.

The next regular Selectmen's meeting will be Wednesday, May 22nd at 5:30pm, at Whipple Memorial Hall. Meetings will continue to be held on Wednesdays throughout the summer.

The Selectmen have scheduled another Community Forum at Colby-Sawyer College, for the morning of June 27th. More information will be made available at a later date.

Chair Helm requested that the Board enter into a nonpublic session pursuant to RSA 91-A:3, II (e): Consideration or negotiation of pending claims or litigation.

Roll call vote: Kidder: yes ; Casey: yes ; Helm: yes

The Board entered nonpublic session at 6:40 PM.

The Board reentered the public session at 6:44 PM.

IT WAS MOVED (Janet Kidder) AND SECONDED (Bebe Casey) to seal the nonpublic session meeting minutes. THE MOTION WAS APPROVED UNANIMOUSLY.

APPROVAL OF PAY VOUCHERS, PERMITS etc

Items to be signed:

- MS-232
- Payroll Authorization Vouchers
- Solar Energy Systems Property Tax Credit Applications (9)
- Veteran's Property Tax Credit Applications (4)
- Elderly Exemption (1)
- Application to Use Town Property:
 1. New London Barn Playhouse, Town Common and Bandstand (12:00pm-2:00pm June 15th)
 2. New London Bandstand Committee, Town Common and Bandstand & Whipple Memorial Hall, 4:00pm-8:00pm June 28th, July 5th, July 12th, July 19th, July 26th, August 9th and August 16th)

IT WAS MOVED (Bill Helm) AND SECONDED (Janet Kidder) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.

The meeting adjourned at 6:51 PM.

Respectfully submitted,

Cara Leone
Recording Secretary
Town of New London

Note: RSA 91-A:2, II provides that “*Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions.*” A video of the entire meeting may be available for viewing on the town website, NewLondon.NH.gov, if more than the brief description contained in these meeting minutes is desired.