

Selectmen's Meeting Minutes

Tuesday, January 9, 2007

Present: Selectman Bowles, Maxfield, and Ives.

Also present: Police Chief, Code Enforcement/Compliance Officer Bob Fiske, Fire Chief Jeff Burr, ZBA Chairman David Powelson, Planning Board Chairman Tom Dow, and Planning Board member Bob Ordway.

Chairman Bowles opened the meeting at 6:30 PM.

- I. Selectman Ives moved to approve the Selectmen's Meeting Minutes of Tuesday, January 2, 2007. Seconded by Selectman Maxfield. All in favor. Motion carried.

- II. Chairman Bowles opened the Board of Permit.
 - a. Mr. Fiske discussed a request to hold a three day "Music Festival Earth Day Event" at Rocky Road Campground. Discussion ensued regarding Planning Board and Zoning Board approvals for this property as well as the maximum limit of 200 people or no more than 5 people to a campsite. It was stated that one condition of Mr. Bagone's approval was a 10:00 PM curfew. Mr. Fiske asked if a band was going to be at the event and they were to stop playing at 10:00 PM would Mr. Bagone need any other approvals. Mr. Powelson said if it is 200 people and its camping activities then no, he did not think there were any other approvals needed. Chairman Bowles said that Mr. Bagone is having vendors, so he felt a Hawker's and Peddler's Permit would be needed. Mr. Dow asked about the Special Events option under the Board of Permit. Mr. Fiske asked if Mr. Bagone would be allowed to seek an approval from Board of Permit under the Special Events. Mr. Dow said he was just looking at all the options that are in place. Mr. Fiske said that the issue with vendors could be addressed so he is not worried about that portion. It was discussed that Mr. Bagone would need to apply for a Special Events Permit from the Board of Permit. Mr. Dow discussed the issue of if the 200 people applies to the over night camping or if it also is the condition during the days events to only allow 200 people on site. Mr. Fiske said that could be addressed under the Special Event Permit. Discussion ensued regarding parking issues. Mr. Fiske said that the parking permit is through Canterbury, which Mr. Bagone will have to address with Canterbury. It was agreed that Mr. Bagone would apply for a Special Events Permit through the Board of Permit and would have to comply

- with all conditions the Board of Permit puts in place as well as any conditions in his approvals from Planning Board and Zoning Board.
- b. Mr. Fiske stated he has had concerns regarding fire ponds in Loudon without fences surrounding them. He said the concerns were that swimming pools are mandated to have fences, why are fire ponds not required to have them. Chairman Bowles asked if the swimming pool mandate covers ponds. Mr. Fiske said no, not specifically. He said the question is relative to liability if the Town holds the easements for the fire ponds.
 - c. Mr. Fiske stated the Loudon Girl Scout Troop #361 has requested to hold the "Flamingo Flocking" fundraiser. He said the dates of the fundraiser would be February 12 to April 1, 2007. Mr. Fiske said everything is in order and he asked that the fees be waived for this application. The Board agreed to waive the fee for the Girl Scouts.
 - d. Mr. Fiske provided a proposed application form regarding signage. Discussion ensued regarding signage both permanent and for Special Events as well as using the form to be included in the Planning Board or Zoning Board file. Mr. Fiske stated that this form would be used even for the banners that are placed around Town, not just the temporary or permanent signage. Mr. Powelson suggested putting a line on the form to put the specific date that the sign/banner would be displayed from. Mr. Fiske will finalize the form.
 - e. Chairman Bowles stated the Board would be meeting Friday at 2:00 PM on Wiggins Road with DES relative to the crossing and the culverts. Discussion ensued regarding bridge abutments that are not there.

Chairman Bowles closed the Board of Permit.

- III. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
 - a. Mr. Fiske provided the Board with a request be added to the Recreation Budget.
 - b. Mr. Fiske requested the Board appoint Roger Matte as a part-time officer. Selectman Ives moved appoint Roger Matte as a part-time police officer for the Town of Loudon at a rate of pay to equal that of other part-time police officers. Seconded by Selectman Maxfield. All in favor. Motion carried.
 - c. Chairman Bowles stated for the record that two pistol permits were submitted for signature and review.
- IV. Chairman Bowles opened the Public Hearing to discuss the petition to accept a portion of Bee Hole Road as a Town Road from Joe Bohi. Chairman Bowles read the public notice for those present. Joe Bohi and Attorney Shane Stewart were present.
 - a. Chairman Bowles asked if there were any abutters present. There were none.

- b. Chairman Bowles discussed the requirements that had been asked of Mr. Bohi and stated that the last requirement of the fire pond/dry hydrant have been completed. Attorney Stewart reviewed the progress of the road construction and requirements that have been completed. He discussed the \$15,000.00 CD at Ocean National Bank that has been in place. Mr. Bohi stated the reason that they paved an additional 400 feet of road was because they had to pave past the culvert and they decided to utilize the remainder of the pavement in the trucks that were there. Chief Burr stated that the Fire Department has used the fire pond and everything has been operational. Attorney Stewart stated the easement for the fire pond has been recorded.
- c. Selectman Maxfield moved to approve 3,450 lineal feet of Bee Hole Road upgrading it from a Class VI Road to a Class V Road and to release the maintenance bond in the amount of \$15,390.46 based on the one-year maintenance bond decision by the Board in March 2005. Seconded by Selectman Ives. All in favor. Motion carried.

Chairman Bowles closed the public hearing and reconvened the Selectmen's Meeting.

V. The Board met with Fire Chief Jeff Burr.

- a. Chief Burr discussed the grant money for the Capital Area Public Health Network relative to Pandemic Flu training that occurred at the Fire Station. He stated that there is grant money available to reimburse the Town for paying the attendees of the training at the Special Duty Rate. Chairman Bowles said he did not have a problem with the payment as long as the reimbursement comes through. He said he wanted to make sure that individuals who attend the trainings are aware a head of time if there are any trainings that they would not be compensated for so there is no confusion. Selectman Ives stated that he would not be voting on this issue as he was at the meeting being discussed. Selectman Maxfield moved to authorize the Fire Department Personnel in attendance of the Public Health Network meeting on January 8, 2007 be reimbursed at the Special Duty rate of pay. Seconded by Chairman Bowles. Chairman Bowles said that this payment is only to be made when reimbursement is guaranteed. Selectman Maxfield stated it is only for those members that attend the meeting. Majority vote in favor. Motion carried. Selectman Ives abstained.
- b. Selectman Ives asked about the price increase for the insulation for the Safety Complex. Chief Burr said that the work cannot be done until next spring and that the price should remain at the new quoted price. Selectman Maxfield asked about the funding for this project. Chief Burr stated that the money was approved at last Town Meeting; however, due to the issues with the two bridge projects, the Selectmen asked all departments not to spend money for big projects in case there

was a cash flow problem. He said that because the work was not completed when they originally planned, the cost has gone up 5%.

- VI. The Board began their review of weekly correspondence.
 - a. The Board received copies of the schedule for upcoming meetings and public hearings.
 - b. The Board received copies of a letter from Town Counsel to Mr. Leombruno's attorney regarding an easement.
 - c. The Board received copies of a letter from The Turner Group regarding unfinished work at the Dam, as an invoice for services through December 29, 2006, and a letter regarding other work not done by Piper on the Dam Project.
 - d. The Board received the application for payment from Piper regarding the Dam Project.
 - e. The Board received the change order from The Turner Group regarding the Dam Project.
 - f. The Board received cost estimates for assessing services for 2007 – 2008 from Cross Country Appraisal Group, LLC.
 - g. The Board received a fax from Alvin Davis regarding Kinkade Haven open space land title search. The Board will have Town Counsel review the information.

- VII. Chairman Bowles opened the Public Hearing relative to declaring an Emergency Lane for Greenview Drive. Chairman Bowles read the public notice for those in attendance.
 - a. Chairman Bowles stated that through discussion with Town Counsel during the research for acceptance of Greenview Drive it was agreed to consider the Emergency Lane option for Greenview Drive until such time as a decision is made to accept or deny the road as a Town Road. Chairman Bowles went on to say that, there are concerns that all private roads or Class VI Roads will want to be deemed Emergency Lanes; however, not all of those roads meet standards that have been met with Greenview Drive.
 - b. Selectman Maxfield stated that Town Counsel and Mr. Leombruno's Attorney have worked at forming a document showing what responsibilities are Mr. Leombruno, and what liabilities he would accept if the Town accepts the Road. Selectman Maxfield stated Mr. Leombruno owns the 100 feet of road at the 15th Tee and that has been addressed in the agreement document. He went on to say that, he has called Ms. Crowley and her Attorney to advise them they need to obtain an easement from Steve Roy. Selectman Maxfield stated his feeling is that he would consider a vote to deny the Emergency Lane status of Greenview Drive. Selectman Ives stated he feels that since the road is built to Town Standards and could possibly become a Town Road within the coming weeks, he feels that it would be OK to accept

Greenview Drive as an Emergency Lane. Chairman Bowles said he does not want to see a precedent set.

- c. Attorney McCue, representing Claire Crowley stated they wanted to thank the Town for taking the initiative to put out this petition and felt that the Emergency Lane option was a good idea. He said that the easement for Mr. Roy's property is in the works. Mr. McCue went on to say that, Ms. Crowley wanted to have the original surveyor work on the easement. Chairman Bowles asked that Mr. McCue advise the Board of the date that Mr. Krause would like to meet with the Road Agent, Mr. Roy, and Ms. Crowley. Mr. McCue said he would contact the Selectmen's Office with the information.
- d. Marcia Campaniello asked if the Board had forwarded a letter to Ms. Crowley, advising her that the Selectmen felt Ms. Crowley was responsible for maintaining the road until such time that the Town accepted the road as a Town Road. Chairman Bowles said that he did not have the Greenview Drive file relative to that question at this meeting, as the subject at hand is relative to Emergency Lanes and not the petition to accept the road. Mrs. Campaniello discussed her concerns with the uniqueness of this road, what the language was in the letter to Ms. Crowley, and bond issues. Chairman Bowles advised Mrs. Campaniello that the bond cannot be used for plowing fees associated with Greenview Drive. Mrs. Campaniello discussed the question of who is responsible for the plowing and maintenance of Greenview Drive at this time. Chairman Bowles explained that the maintenance bond is not in place for plowing purposes, it is for plugged culverts, shifting, cracks, and major repairs. Mrs. Campaniello asked if the letter advised Ms. Crowley that she was specifically responsible for plowing and maintenance of Greenview Drive. Chairman Bowles said he could not be sure of the wording that he did not have the file with him. Attorney McCue said he was not aware of any letter. He discussed the maintenance agreement that is recorded and said that this is an issue for the January 23, 2007 Public Hearing. Mrs. Campaniello said she was unaware of the maintenance agreement Mr. McCue talked about and said that due to the uniqueness of this road she does not feel the Board is setting a precedent. Chairman Bowles clarified that the Emergency Lane status does not mean that the Town will be plowing the road during every snowstorm; it puts in place an option to plow the road in an emergency. Selectman Maxfield said that the property owners purchased their property on a private road, which they all knew was a private road, and now they looking for the Board to address these issues.
- e. Bob Landry asked for clarification of the last line of paragraph I. Selectman Maxfield stated that Capital Reserve Funds are setup at Town Meeting, and it appears this section says that a Capital Reserve Fund could be established in order to maintain Emergency Lanes. The Board stated that there is no Capital Reserve Fund setup for this

purpose and they do not have the intent to have Emergency Lanes throughout Town.

- f. Selectman Ives moved to approve the Emergency Lane status to Greenview Drive, a private way, under RSA 231:59-a specific to this road being a paved road, built to town specifications, and being on the course of being accepted as a Town Road. Seconded by Selectman Maxfield. Chairman Bowles stated this is specific to Greenview Drive only, not any other road in Loudon. Majority vote in favor. Motion carried.

Chairman Bowles closed the public hearing and reconvened the Selectmen's Meeting.

VIII. The Board continued their review of weekly correspondence.

- a. The Board received a letter from DOT regarding the pedestrian signal at Route 106 and Route 129. A copy of the letter will be forwarded to Bob Ordway.
- b. The Board received copies of the safety violations for the Town Office Building for review. Discussion ensued regarding what items have been addressed to date, and what items need to be resolved. Selectman Maxfield will review the list with Office Manager Jean Lee.
- c. The Board received copies of correspondence from DRA regarding the Trustees of the Trust Funds reporting issue.
- d. The Board received a memo from Conservation Commission Chairman Julie Robinson advising of a change in monthly meeting dates.
- e. The Board received a copy of an article from the Co-operative Extension Service for inclusion into the Town Report. The Board agreed not to include the submission into the 2007 Town Report. Chairman Bowles suggested the article could be submitted to the Loudon Ledger.
- f. The Board received a regional impact notice from the Town of Alton for a monopole cell tower.
- g. The Board received Legislative Bulletin #2.
- h. The Board received correspondence from Merrimack Valley School District regarding the Homeless Education Act.

IX. Chairman Bowles read the public notice for the proposals for sealed bids for cemetery maintenance.

- a. Chairman Bowles stated three sealed bids were received as follows:
 - 1. Souther Property Maintenance – 262 Route 129, Loudon, NH in the amount of \$6,900.00
 - 2. Hook and Rake Property Maintenance – 25 Pine Ridge Road, Loudon, NH in the amount of \$6,875.00
 - 3. Cutting Blade Lawn Care – Flanders Memorial Road, Weare, NH in the amount of \$6,500.00

Selectman Maxfield moved to award the cemetery bid for 2007, to Hook and Rake Property Maintenance – 25 Pine Ridge Road, Loudon, NH in the amount of \$6,875.00. Seconded by Selectman Ives. Chairman Bowles stated this bid submission was very detailed and this is the company who did the cemetery maintenance last year. All in favor. Motion carried.

- X. The Board met with Bill Forst relative to his property on Route 106.
- a. Mr. Forst advised the Board he has put up a fence and removed items from the yard. He asked for direction from the Selectmen and if they have any other recommendations for him. Chairman Bowles said that this issue is a Code Enforcement issue. Mr. Forst stated that he has not been able to get answers to his questions and just wanted to find out if the Town was satisfied with his actions on cleaning up his property. Chairman Bowles stated that since this is a pending court case and decisions have been made by the court, he does not believe the Selectmen should be the ones he should be speaking with, it should be Code Enforcement. Discussion ensued regarding fencing and requirements by the court. Mr. Forst said he just wants to know if he has satisfied the Town before he goes back to the court in February. The Board stated they would contact Code Enforcement and review the progress to see if the Town is satisfied with Mr. Forst's progress and advise him of their findings. Mr. Forst said he would like to have someone talk with him in person to deal with this issue. Chairman Bowles said he would contact Mr. Fiske and setup a meeting.

Selectman Ives moved to adjourn the meeting at 8:49 PM. Seconded by Selectman Maxfield. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Dustin J. Bowles, Chairman

Roger A. Maxfield, Selectman

Steven R. Ives, Selectman