

## Selectmen's Meeting Minutes

Tuesday, February 13, 2007

**Present: Selectman Bowles, Maxfield, and Ives.**

**Also present: Fire Chief Jeff Burr, Deputy Chief Rick Wright, Police Chief, Code Enforcement/Compliance Officer Bob Fiske, Loudon Emergency Management Director Sigrid Little, and Chris Pope Director of Homeland Security and Emergency Management. For Board of Permit were Planning Board Chairman Tom Dow, Planning Board member Bob Ordway, and ZBA Chairman David Powelson.**

Chairman Bowles called the meeting to order at 5:53 PM.

- I. Chairman Bowles stated that the Board was meeting with Chris Pope, Director of Homeland Security, and Emergency Management to discuss criteria for opening the Emergency Operations Center in Loudon and responsibilities of each department.
  - a. Mr. Pope stated he respects the differences in state and local government. He said the law says each town has to appoint an Emergency Management Director, if they do not appoint one, the Chairman of the Board of Selectmen becomes the Emergency Management Director. Mr. Pope stated that depending on the wording of the Emergency Operations Plan some towns have it set up that the Emergency Management Director is the person who makes the decision to open the EOC. He went on to say that, some towns have it set up where the Emergency Management Director, other department heads, and board members collectively make the decision to open and at what level. Mrs. Little said that Loudon's EOP is set up to have the Emergency Management Director work collectively with the other departments and boards. Mrs. Little stated there are two levels of activation for Loudon. She went on to say that she felt there has been some issues with other departments feeling like she is stepping in on their turf and because the plan is still so new, maybe people are not that familiar with it yet. Mrs. Little said she is not trying to step on anyone's toes and she thinks that everyone has to find where their place is in this. Mrs. Little said that communication and trust is something that needs to be built up. Chairman Bowles said that one issue that keeps coming up is cooperation. He said that as a community, Loudon has done very well in the past dealing with emergencies, even before the EOP was updated. Mr. Pope said the people who play key roles in Emergency Management are the Fire Chief, Police Chief, Health Officer, and Emergency Management Director. He said the Emergency Management Director is the one who pulls the team together. The Fire Chief, Police Chief, and Health

Officer are all in command of their specific disciplines. Mr. Pope said that the Emergency Management Director typically does not have command in control. He said the Emergency Management Directors role is to see that the requests of the departments are taken care of and they have the resources that are needed. Selectman Maxfield asked at what point the Emergency Management Director opens the EOC. Mr. Pope said that it depends on the situation. He said that some towns call meetings between the departments involved to determine if they feel a need is there, other towns have the Emergency Management Director make the decision on their own. Mr. Pope stated that e-mails go out to Emergency Management Directors every time there is a potential for an emergency event. He said that the information forwarded to each Emergency Management Director advises them of what potential emergency situation is possible. They do not necessarily tell the Emergency Management Directors what they have to do; they provide the information so each town can decide how they want to prepare for a possible event. Mrs. Little said she felt that the issue of cooperation is something that needs to be dealt with at a local level and with trust and communication it should get better. Mrs. Little said she has contacted the State Emergency Management Office for information and guidance and appreciates everything they have done for her. Mr. Pope said that ultimately, the Police Chief and Fire Chief are held accountable for emergency situations. He said he has known the Police Chief and Fire Chief for many years and he knows that they take their jobs very seriously. Mr. Pope said that it is very important to have a good working relationship with the departments involved. He said that if things cannot be worked out, then there might be a need to make a change. Discussion ensued regarding the Road Agent being an integral part of the plan. The Board agreed that it was important to have all parties involved with Emergency Management in this meeting so they all hear the same information and have the opportunity to ask questions. Mr. Pope said that while Loudon is a small town, it hosts a huge event, which is registered with Homeland Security at a Level 2 Special Event. He said there is extra planning that the Town has to do and they do it. Mr. Pope said that Loudon has a good reputation for what they have done with the event. Mr. Pope discussed the similarities he found between the NHIS events and his experience with the Pasadena Rose Bowl Parade and Football game. He said he is very impressed with how Loudon handles the big events. Chairman Bowles said they have to cautiously work the Emergency Management Director into the plans and be sure that everyone is working together. He said that it is important one department does not overpower another. Chairman Bowles said the Emergency Management Director is a key person to the whole picture. Everyone thanked Mr. Pope for attending this meeting.

Chairman Bowles stated the Board moved the meeting to the Safety Building due to a lack of heat at the Community Building.

Chairman Bowles reconvened the Selectmen's Meeting at 6:30 PM.

- II. Selectman Maxfield moved to approve the Selectmen's Meeting Minutes of Tuesday, February 6, 2007 as presented. Seconded by Selectman Ives. All in favor. Motion carried. Selectman Ives moved to approve the Selectmen's Meeting Minutes – Final Budget Hearing 2007 – 2008 Budget on Wednesday, February 7, 2007 as presented. Seconded by Selectman Maxfield. All in favor. Motion carried.
  
- III. Chairman Bowles opened the Board of Permit.
  - a. Mr. Fiske stated Rocco Bagone has applied for a Hawker's and Peddler's Permit. He said that there are a few items missing that are required. Mr. Fiske said one of the items missing is the certificate of insurance. He went on to say that the advertising that stated there was a general store on the premises has been corrected. Mr. Bagone has written a memo stating there would not be a general store on site. Mr. Fiske said Mr. Bagone is permitted for a maximum of 200 people at any event. Mr. Bagone feels that he may have as many as 300 people on Saturday night only. Mr. Bagone has asked that the hours of operation be from 12:00 PM on Friday to 6:00 PM on Sunday for this event. Mr. Fiske said that he is not sure of the number of overnight campers there will be. He said that there are 20 bands scheduled to perform during the weekend and it had been advertised that they would be playing until 2:00 AM. Mr. Fiske went on to say that, he has discussed this with Mr. Bagone and Mr. Bagone has reassured that he has taken care of this issue and the bands will perform between the hours of 12:00 PM to 9:30 PM as per the Town of Loudon Noise Ordinance. Mr. Bagone has several vendors that are going to be on site. Mr. Fiske has advised Mr. Bagone that he would need to obtain State Hawker's and Peddler's Permits for each individual vendor. Selectman Maxfield asked how this complies with the regulations and Planning Board approvals. Mr. Fiske stated that Mr. Bagone is approved for a maximum of 200 people and he is anticipating the possibility of 300 people on Saturday. Selectman Ives asked how they could allow 300 if only 200 were originally approved. Mr. Fiske said that the consensus of the Board of Permit had been that this fell under Special Events. He said there have been Special Events such as graduations where there have been 400 people in attendance. Selectman Ives asked if this would be for one night only. Mr. Fiske said for Friday through Sunday. Mr. Powelson asked how many people would be staying overnight. Chairman Bowles recognized Mr. Bagone from the audience. Mr. Bagone said it depended on the weather but he did not think it would be 300 people either night. He

said because this event is being held April 20 – 22, he would be lucky to get 100 people stay overnight. Chairman Bowles asked if this should be looked at as a Special Event with overnight camping as opposed to a campground with overnight camping. Mr. Fiske said the Zoning Ordinance references overnight camping. Chairman Bowles said if this falls under the Special Events, then he felt it would have to follow the regulations for Special Events Hawker's and Peddler's Permit. Mr. Fiske said he felt they would be working under a different set of rules. Chairman Bowles said he agreed and asked the members present if they all agreed. Selectman Maxfield asked for clarification of "quiet time". Mr. Fiske said 10:00 PM, but Mr. Bagone's letter of intent says 9:30 PM. Selectman Ives asked Mr. Powelson what the Zoning Ordinance stipulated for amount of days per year for camping. Mr. Powelson discussed Mr. Bagone's approval through the Planning Board and stated that he did not have a copy of the approval with him so he was not exactly sure what Mr. Bagone's approvals were. Mr. Bagone said the original application stated he was approved for seven to ten weekends per year including the three races. He said he typically only has people during the three races. Selectman Ives said it looked as though if by allowing this under the Special Events Hawker's and Peddler's Permit it would not count against Mr. Bagone's dates of operation that he was approved for through the Planning Board, this is an entirely different entity. Mr. Fiske said that was also his assumption. Selectman Ives asked what type of security would there be at this event. Mr. Bagone said the same as he has for the race events. He has some friends who wear security shirts and he has not had any incidents in the ten years that he has been doing this. Selectman Ives asked about alcohol issues. Mr. Fiske stated that Mr. Bagone has asked for a uniformed officer to be located at the entrance to his property. He advised Mr. Bagone that he would need to discuss this with Canterbury as the location is technically in Canterbury. Mr. Fiske said that if they were to receive calls from Mr. Bagone or spectators, the Town might need to place two or three officers there at Mr. Bagone's expense. Mr. Dow said he felt there needed to be concerns regarding the neighbors. Chairman Bowles said he agreed. He said that Mr. Bagone needs to be sure that the quiet time starts at 9:30 PM, not any time later than that. Mr. Fiske said if there are complaints and Officers are sent to Mr. Bagone's property he needs to be aware that people could be subject to arrest if there is disorderly conduct at that time. Mr. Powelson discussed the Zoning Ordinance relative to campgrounds. He said he felt the festival portion fell under the Special Events Permit, but the overnight camping would need to follow the Special Exception. Selectman Ives asked if Chief Burr had any questions relative to bonfires. Chief Burr said he has not been aware of any issues in the past. Chairman Bowles asked if Mr. Bagone was planning on this event to be under a tent. Mr. Bagone

said depending on the weather, he was thinking about having a tent placed over the stage area. Chief Burr advised Mr. Bagone if a tent were to be utilized, depending on its use, and the number of people in attendance, Mr. Bagone would have to have it inspected. Chairman Bowles advised Mr. Bagone he should have the tent inspected no matter what the size. Chief Burr also advised Mr. Bagone that if anyone were to be using propane, an inspection would need to be done for that also. Mr. Fiske discussed outstanding paperwork requirements and said he would be willing to make the Hawker's and Peddler's Permit contingent upon having all required paperwork in place. Mr. Bagone explained that in order to get the insurance for the Special Event, he needs to have the Hawker's and Peddler's Permit in place. Mr. Bagone said he already has the State Hawker's and Peddler's Permit. Selectman Maxfield asked how many of these events was Mr. Bagone planning on holding per year. Mr. Bagone said this was the first one and he did not have anything else like this planned. Selectman Ives advised Mr. Bagone that he needed to be sure that he follows all the regulations and requirements as this will set the tone for future events. Mr. Dow asked about onsite parking and asked if Mr. Bagone knew how many additional spectators would be around during the day. Mr. Bagone said the three hundred that he had stated in his letter of intent. Mr. Bagone said Mr. Cal Dunn had offered to allow him to park additional vehicles at this property if needed. He said he did not plan to utilize this property but it was a backup plan if needed. The Board asked Mr. Bagone for a letter granting consent to park additional vehicles on Mr. Dunn's property from Mr. Dunn. Chairman Bowles asked that this letter be part of the required paperwork from Mr. Bagone. Mr. Fiske said he felt that Canterbury needed to know that Mr. Bagone might be utilizing Mr. Dunn's property, which is in Canterbury for overflow parking. Selectman Maxfield asked if there would be fireworks at this event. Mr. Bagone stated it is a very strict rule that he cannot have any fireworks at his property. Mr. Dow said he felt there should be some type of notification for the neighbors. Selectman Ives asked if there had been any noise complaints in the past. Mr. Fiske said no. Mr. Dow asked Mr. Bagone to obtain letters from his closest abutters. Mr. Bagone said he would send certified letters to his abutters advising them of the event and letting them know they can send their concerns to the Selectmen's Office. Chairman Bowles agreed that this was a good idea. Mr. Bagone said there are nine abutters. Chairman Bowles said that as long as Mr. Bagone provides the information required and follows up on all the requirements he should be able to get the Hawker's and Peddler's Permit. Mr. Bagone said the biggest issue for him is the insurance. Discussion ensued regarding the next Board of Permit meeting date. The Board agreed that if everything is in order then the Board will sign the permit at the next scheduled Board of Permit and if Mr. Bagone

does not have everything in order by then, the permit will not be signed. Mr. Bagone thanked the Board for their time.

- b. Mr. Fiske discussed a Hawker's and Peddler's Application for NHIS for the parking lot at the Big Apple Convenience Store. He said everything is in order. The dates are for June 27, 2007 through July 1, 2007, 6:00 AM to 11:00 PM and September 12 – 16, 2007, from 6:00 AM to 11:00 PM. Mr. Fiske said that the Track provides a list of all vendors, not just the ones for the Big Apple Convenience Store.
- c. Mr. Fiske discussed Michael Minery's property on Route 129. He said Mr. Minery currently has two residences on one parcel. Mr. Fiske said Mr. Minery has inquired about either replacing the house closest to the road and either move it or rebuild on another part of the property. He asked the Board if Mr. Minery would be required to only build on the existing footprint or would he be allowed to put a house on another part of the property as long as it follows the zoning requirements with the exception of the two houses on one parcel. Selectman Maxfield said it would be nice to move that house out of the right-of-way, especially since it is so close to the road. Mr. Ordway asked for clarification for the relocation of the house. He asked if it were going on another lot, or on the same lot in another location. Mr. Fiske said it would be the same lot, just another location. Discussion ensued regarding the subdivision that had taken place through the Planning Board. Mr. Dow stated he felt the Planning Board minutes should be reviewed as he thought this issue had been touched on during the meetings. Mr. Fiske said the big issue is that there are two residences on one lot versus if it were only one residence. Mr. Dow said he felt Mr. Minery should meet with the Planning Board at Thursday's meeting. Planning/Zoning Secretary Donna White will be asked to gather the meeting minutes relative to Mr. Minery's property. Discussion ensued. Mr. Dow asked if Mr. Minery were looking to move an existing house to a vacant lot, would he have to get a building permit, as this would not be a new building. Discussion ensued regarding this being a replacement, but on a new lot. The Board will take this under advisement until more information can be obtained.

Chairman Bowles closed Board of Permit and reconvened the Selectmen's Meeting.

- IV. The Board met with Road Agent David Rice.
  - a. Mr. Rice asked the Board when Mr. Flagg's probationary period as Assistant Road Agent ends. Discussion ensued regarding what the minutes say as far as the probationary period. The Board will look into this and get back to Mr. Rice.
- V. The Board met with Fire Chief Jeff Burr.
  - a. Chief Burr stated he had nothing new to report.

- b. Selectman Ives stated he wanted to be sure that nothing be done with the building owned by Atlas until all permits were in place. Chief Burr said that as he said at the Fire Department Meeting, nothing would be done until all permits were in place.
- VI. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
- a. Mr. Fiske provided the Board with a Fish and Game Grant letter.
  - b. Chairman Bowles stated one pistol permit was submitted for signature and approval.
  - c. Chairman Bowles reiterated the importance of being sure everything is in order for Mr. Bagone's Special Events Hawker's and Peddler's Permit.
- VII. Chairman Bowles opened the Public Hearing for the Electronic Recycling Fees for the Transfer Station at 7:30 PM.
- a. Chairman Bowles read the Public Notice for those present. He stated that Transfer Station Manager Steve Bennett was in attendance. Chairman Bowles asked if there were any public comments or questions. There was none. Chairman Bowles went on to say that, this has become a State mandated issue. These devices can no longer be disposed of in with the household trash, burned, or buried. Mr. Bennett stated the company that NRRA contracts with does recycle the parts responsibly. He explained that parts that are recycled are sold to other companies. Discussion ensued regarding signage at the Transfer Station as well as costs associated with the electronic recycling. He said that there is no expectation of revenue to be generated with the implementation of electronic recycling, as it will actually cost the Town more money to get rid of the items than they are charging. Discussion ensued regarding not charging higher fees to cover the cost of getting rid of these items, as there are people who will try to find creative ways of disposing of the items without paying for them if the fees are too high.
  - b. Selectman Maxfield moved to authorize the Chairman to put into effect the amendment to the Town of Loudon Solid Waste Transfer Station Ordinance, Section 11, Fees (b) to include Electronics as mentioned in the Public Hearing Notice to be effective March 1, 2007. Seconded by Selectman Ives. All in favor. Motion carried.

Chairman Bowles closed the Public Hearing and reconvened the Selectmen's Meeting.

- VIII. Selectman Maxfield asked Mr. Bennett about the metal recycling processing. Mr. Bennett said the company that picks up the metal comes with a cherry picker truck and picks up the metal, places it in the truck and if they need to weigh it down in the truck, they have weights they use. He went on to say

that, it is transported to Concord and Portsmouth where it is then shredded, sorted, and non-metal materials are removed. The final product is then sold to companies. Mr. Bennett said that Advanced Recycling likes to wait until there is approximately a full day's work for them when they come to the Transfer Station to pick up the metal. He said they usually are able to get about four truckloads.

- IX. The Board began their review of weekly correspondence.
- a. Chairman Bowles stated that Mrs. Lee had spoken with Don Borrer at DRA relative to the 2007 – 2008 Budget and making the bottom line figure a whole dollar amount. Selectman Ives moved to amend line item 01-42100-300-390 PD Prosecution from \$21,108.50 to be rounded up to \$21,109.00 and to amend the 2007 – 2008 Operating Budget to \$4,190,003.00. Seconded by Selectman Maxfield. All in favor. Motion carried.
  - b. The Board received a copy of a thank you letter sent to Bob Fiske.
  - c. The Board received correspondence from Board of Tax and Land Appeals regarding two separate appeals, one from Mr. Harris, and one from Mr. and Mrs. Sherman.
  - d. The Board received the Host Community Fee from ESMI for the 4<sup>th</sup> Quarter of 2006.
  - e. The Board received copies of the 2006 Equalization Ratio from DRA. The Equalization Ratio for 2006 is set at 98.7%.
  - f. The Board received correspondence from Avitar regarding “View Tax”.
  - g. The Board received correspondence from Town Counsel regarding the Kinkade Haven open space deed.
  - h. The Board received correspondence from Town Counsel regarding the Lapadula open space deed.
  - i. The Board received an example of the deed language for the Conservation Easement deed for the Davies property. Conservation Commission Chairman Julie Robinson asked that the Board review it and advise her if it is acceptable.
  - j. The Board received the updated list of Gravel Pit Reclamation Bonds for gravel pits in Loudon. Selectman Maxfield said he felt the Board should have Code Enforcement Officer Bob Fiske speak with Mr. Plourde regarding a Reclamation Bond for the property he purchased in the Village. Chairman Bowles stated they would need to research minutes relative to the Reclamation Bond for Mr. Plourde to get the required bond amount.
  - k. The Board received copies of the 2007 Parking Permit list from the Planning Board. Chairman Bowles stated that the Rymes Oil Company utilizes the former VFW parcel for race event parking and he recalled that Board of Permit had agreed to revoke the Atlas Parking Permit for one year due to the way the property was left after the race event. Selectman Ives stated that there was also a problem

with the Parking Permit for Bob Searles property on Route 106. The Board will look into this and Chairman Bowles will discuss this issue at the Planning Board Meeting Thursday evening.

- l. The Board received correspondence from Pemi Baker Solid Waste District regarding a vote taken by Northeast Resource Recovery Association.
- m. The Board received copies of DES correspondence regarding Pleasant View Gardens Wetlands application.
- n. The Board received the NHMA Legislative Bulletin #7.
- o. Selectman Ives thanked Harry MacLauchlan of Harry O Electric for coming to the Community Building on Saturday, February 10, 2007 to fix the fire alarm system due to an activation. Mr. MacLauchlan donated his time. The Board thanked Mr. MacLauchlan.
- p. Chairman Bowles stated he felt the Board should forward a letter of thanks to Chris Pope for coming in to discuss Emergency Management issues. The Board agreed that Mr. Pope is a valuable asset to the Town of Loudon.

Selectman Ives moved to adjourn the meeting at 8:10 PM. Seconded by Selectman Maxfield. Chairman Bowles thanked Chief Burr for allowing the Board to hold their meeting at the Fire Station due to heating issues at the Community Building. All in favor. Meeting adjourned.

#### THE LOUDON BOARD OF SELECTMEN

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Dustin J. Bowles, Chairman

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Roger A. Maxfield, Selectman

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Steven R. Ives, Selectman