

## Selectmen's Meeting Minutes

Tuesday, February 24, 2009

**Present: Selectmen Ives and Maxfield. Selectman Bowles was not present.**

**Also present: Road Agent David Rice and Fire Chief Jeff Burr.**

**Chairman Ives called the meeting to order at 6:30 PM.**

- I. Selectman Maxfield moved to approve the Selectmen's Meeting Minutes of Tuesday, February 17, 2009 as presented. Seconded by Chairman Ives. Majority vote in favor. Motion carried.
- II. Chairman Ives stated for the record that seven pistol permits were submitted for signature and approval.
- III. The Board met with Fire Chief Jeff Burr.
  - a. Chief Burr advised the Board that it appeared Wellington Lane was beginning to get very narrow due to all the snow.
  - b. Chief Burr advised the Board that the dry hydrant at the Village Dam is frozen. He stated that this is the third year in a row that it has happened. Discussion ensued.
  - c. Chairman Ives asked about the status of the cistern on School Street. Chief Burr stated that it was not complete at this time. Chairman Ives stated that it was noted that the cistern had to be complete prior to any Certificates of Occupancy being issued and it appears that one house has received its CO. Chief Burr discussed the progress of the cistern. Chairman Ives said that the Planning Board is going to be watching this issue to be sure that no CO's are issued until all work is completed as required by their approvals.
- IV. The Board met with Road Agent David Rice.
  - a. Mr. Rice advised the Board that the Highway Crew was continuing to screen sand. He stated they had a few breakdowns with the trucks during the storms but nothing major had happened. Discussion ensued.
  - b. Mr. Rice stated that the Bobcat Skid-steer was at Bobcat having repairs and should be back at the end of this week.
  - c. Selectman Maxfield asked about the Highway Overtime budget. Mr. Rice stated that there was still enough money in this line.
- V. Selectman Maxfield moved to issue a Town of Loudon Business License pursuant to NH RSA 31:41a to New Hampshire Motor Speedway with an expiration date of December 31, 2009 for a fee of \$100.00. Seconded by Chairman Ives. Majority vote in favor. Motion carried.

- VI. The Board began their review of weekly correspondence.
- a. The Board received a memo from Darren Gagne of D & S Transmissions regarding the hours of operation and estimated number of clients. Discussion ensued.
  - b. The Board received copies of expenditures for review.
  - c. The Board received notification of the NHMA meeting to review Governor Lynch's proposed budget cuts.
  - d. The Board received copies of a memo from Bob Fiske requesting a waiver for Corporal Bob Akerstrom to utilize his accumulated sick leave for Family Medical Leave for a period of four to six weeks. The Board approved Corporal Akerstrom's use of accrued sick time for the Family Medical Leave.
  - e. Selectman Maxfield stated he had followed up on an e-mail received last week from DES regarding the replacement of vehicles to reduce emissions. He said he received an e-mail back from DES, which states the program is intended to encourage the retirement of newer vehicles to achieve the greater emissions reduction, and replacing an older vehicle for a new ambulance does not qualify. The Board agreed that this statement does not make sense. Chairman Ives said the ambulance that they would be replacing is not an end of life vehicle, it is still in operation. Selectman Maxfield suggested that Chief Burr contact Barbara Bernstein at DES to get some additional information.
  - f. The Board received copies of the ESMI host community fee calculation for the 4<sup>th</sup> quarter of 2008 for review.
  - g. The Board received copies of the list of appointments to expire March 31, 2009 for review.
  - h. The Board received copies of the February Planning Board minutes for review.
  - i. The Board received copies of the December property transfers.
  - j. The Board received copies of the NHMA Bulletin #8.
- VII. Chairman Ives called the Public Hearing to order to discuss the petition from Wellington Way Properties to accept Wellington Lane as a Town Road.
- a. Chairman Ives read the Public Notice for those present. He stated that it encompasses 3.2 +/- acres with 2,783.88 feet of the existing Right-of-Way known as Wellington Lane. Chairman Ives noted that Dan Aversa of Wellington Way Properties, as petitioner, was in the audience.
  - b. Chairman Ives stated there had been a list of items that Mr. Aversa/Wellington Way Properties needed to address based on the findings of Town Engineer Tony Puntin and those items have been addressed, and Mr. Puntin has reviewed the progress and found all the items to have been corrected. He said the Selectmen have received notification from an abutter on Tax Map 2, Lot 26 owned by Leroy Bragdon & Patricia Mackenzie through the Code Enforcement Office

regarding an issue with silt. Chairman Ives stated that a written agreement from Mr. Aversa/Wellington Way Properties would need to be prepared and resolved to a reasonable satisfaction prior to any acceptance. Mr. Aversa presented some photos for the Selectmen's review and stated that the water has been an issue since prior to any development. Mr. Aversa agreed that he would address the silt issue. Chairman Ives stated that he felt there would need to be three additional conditions met in order to accept the road which are: 1) written agreement between Mr. Aversa/Wellington Way Properties and the owners of Tax Map 2 Lot 26, 2) a deed to be drawn up for the road and the property that the cistern is located on, and 3) a maintenance bond in the amount of \$69,556.51 to be issued for a period of five years. Chairman Ives explained that the maintenance bond of \$69,556.51 represents 15% of the original construction bond which was \$463,710.09. He advised Mr. Aversa that the current amount of the construction bond is \$50,000 and that Mr. Aversa would need to roll it over to a maintenance bond and increase it by \$19,556.51.

- c. Selectman Maxfield moved to accept Wellington Lane as a Town Road effective February 24, 2009 with the conditions that a written agreement be drawn up between Mr. Aversa/Wellington Way Properties to remove the silt with the property owners of Tax Map 2 Lot 26, a deed be drawn up for the transfer of the road and property where the cistern is located to the Town of Loudon, as well as the issuance of the maintenance bond in the amount of \$69,556.51. Seconded by Chairman Ives. Chairman Ives stated there is a recorded plan for this development at the Merrimack County Registry of Deeds Plan #17030. Selectman Maxfield stated that Mr. Aversa/Wellington Way Properties has completed all of the requirements listed by the Town Engineer. Chairman Ives stated the requirement to remove the silt would be at a reasonable expectation. Selectman Maxfield stated the maintenance bond would remain in place for a period of five years and stated that if there were any issues with the road the Town could call the bond and make the repairs as necessary. All in favor. Motion carried. Chairman Ives stated that once the conditions are met Wellington Lane would be a Town Road. He advised Mr. Aversa that once the Town takes over the road the Highway Crew would be going and winging the snow bankings back to open the road.
- d. James Childress, of 19 Wellington Lane asked about the status of the school busses picking up children on Wellington Lane once the road is taken over by the Town. Dave Rice advised Mr. Childress that anything pertaining to the school busses would need to be addressed with Merrimack Valley School District Transportation office. Selectman Maxfield advised Mr. Childress to contact the SAU office and speak with Robin Hines. Selectman Maxfield moved to close the

Public Hearing at 7:13 PM. Seconded by Chairman Ives. Majority vote in favor. Motion carried.

- VIII. Chairman Ives reconvened the Selectmen's Meeting.
- a. John Plumer asked about Candidates Night. The Board advised Mr. Plumer that Candidates Night is scheduled for Wednesday, March 4, 2009 at 7:00 PM at the Community Building.

Selectman Maxfield moved to adjourn the meeting at 7:15 PM. Seconded by Chairman Ives. Majority vote in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

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Steven R. Ives, Chairman

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Dustin J. Bowles, Selectman

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Roger A. Maxfield, Selectman