

**SELECTMEN'S MEETING MINUTES
TUESDAY, APRIL 28, 2009**

PRESENT: Selectmen Bowles, Maxfield, and Ives. Also present Police Chief/ Code Enforcement Officer Robert Fiske.

Chairman Bowles called the meeting to order at 6:30 P.M.

- I. Selectman Maxfield moved to approve the Selectmen's Meeting Minutes of Tuesday, April 21, 2009 as printed. Second by Selectman Ives. All in favor. Motion carried.
- II. The Board met with Police Chief/Code Enforcement Officer Robert Fiske.
 - a. Mr. Fiske advised the Board that Officer Brian Martel will be leaving for his deployment with the US Military shortly. Mr. Fiske said he had been in conversation with Office Manager Jean Lee regarding payment to Officer Martel for his unused holidays. Mrs. Lee then asked about payment for his accrued vacation and sick time. Mr. Fiske said Officer Martel is not terminated from his position with the department; he is only on leave for the duration of his deployment. Mr. Fiske said his thought is that the accrued annual leave (vacation) and accrued sick time should remain on the books so that Officer Martel had that time available to him on his return. Mr. Fiske said during his discussion with Mrs. Lee, it appears that upon Officer Martel's return he will continue at his present seniority and will have two weeks of annual leave available to him. Mr. Fiske said he would like the Board's concurrence that this would be the case. Selectman Ives said he does not feel the accumulation or accrual would continue during Officer Martel's absence. The Board said in the other instances referenced by Mr. Fiske, it was a negotiated agreement, and they do not feel the same situation applies in this case. Selectman Ives asked if Officer Martel was asking for payment of his accrued time. Mr. Fiske said no, Officer Martel has not requested this. Selectman Maxfield reviewed the wording included in the Uniformed Services Employment and Reemployment Rights Act (USERRA) that is contained in the Knowing the Territory publication provided by The Local Government Center. Discussion ensued on the interpretation of that information. Selectman Maxfield asked if Officer Martel had requested to continue to accumulate his vacation and sick time during his absence. Mr. Fiske said no, there had been no discussion in this regard. Selectman Ives suggested the question of continued accumulation of annual leave be posed to the attorneys at The Local Government Center for clarification. Mr. Fiske also noted the COLA which goes into effect on July 1. He asked the Board to confirm that this increase would become part of Officer Martel's record and applied to his payroll records upon his return. The Board agreed this is correct. Chairman Bowles recognized Chip Cochran from the audience. Mr.

Cochran noted other reemployment rights for personnel returning from military service.

- b. Chairman Bowles noted for the record one pistol permit was signed for approval.
- c. Mr. Fiske discussed the water test conducted at the Library. The results are negative for e-coli and coliform. He said Mrs. Hendy had contacted him regarding the sulfur smell to the water, which is common in this area. Mr. Fiske said he had the water, which comes from the same well as the other town buildings, tested and has spoken with the Library personnel and provided a copy of the test results.
- d. Mr. Fiske advised the Board of his meeting with representatives of NH Motor Speedway regarding staffing for the upcoming NASCAR events. Mr. Fiske said the discussions are ongoing and he will keep the Board apprised of any decisions made in this regard.
- e. Chairman Bowles advised Mr. Fiske the Board has been requested to follow up on water drainage issues on Bear Hill Road. The Board reviewed the tax map for this area with Mr. Fiske. He discussed a study that had been completed prior to construction and it was determined the buildable area was not in the wetlands. Chairman Bowles said a site visit will be scheduled to review the properties involved on Thursday, May 7 at 4:00 P.M.
- f. Mr. Fiske discussed the LeClerc property on South Village Road as was requested by the Zoning Board of Adjustment. The reversion from commercial use back to residential use has been completed.

III. The Board began their review of weekly correspondence.

- a. Chairman Bowles said he spoke with Amy Manzelli, staff attorney at Sulloway and Hollis regarding the wetland mitigation plan for NH Motor Speedway. Chairman Bowles said Ms. Manzelli had emailed a list of items to be addressed by the Town. He said he informed Ms. Manzelli the Town will not be expending any town funds on this project. It will be the responsibility of NH Motor Speedway to provide all required legal documents, including recording fees, at their expense. Chairman Bowles said at this point, the Board has not yet made a motion to accept this parcel. Once the transaction has been completed then a hearing will be held to officially accept the land and additional Conservation Easement. Selectman Ives asked about item four which addresses the deed restriction and benefit that will accrue to the town by virtue of it. Selectman Ives said he would have concerns in signing any document regarding this item without input from town counsel. Chairman Bowles said Selectman Maxfield and/or Selectman Ives will need to act on behalf of the town as he must recuse himself from this transaction. Selectman Maxfield said as long as the town is represented by town counsel he will have no problem with executing the documents.
- b. The Board acknowledged receipt of an email from Ruth Murray of Country Hill Road regarding the Board's January correspondence to her on the boundary markers for the road. Chairman Bowles said this will be addressed soon and Stanley Prescott has offered to accompany him to verify the marker.

- c. The Board received a memo from Jeff Burr regarding a meeting he attended at the Capital Region Health Network in reference to the swine flu. He indicated he will keep the Board apprised of the situation.
- d. The Board acknowledged receipt of an email sent to DES by Judith Houston regarding the Wiggins Road mitigation plan issue. Ms. Houston has asked for an extension until May 29 to file the plan.
- e. The Board received a letter from Attorney Bart Mayer referencing his review of the letter of credit for Wellington Way Properties for the maintenance bond on Wellington Lane. Attorney Mayer said the wording is sufficient for the intent.
- f. The Board was advised of the rescheduled hearing on Greenview Drive. The hearing will be held Monday, May 11 at 9:00 A.M. The Board also received additional correspondence from Attorney Mayer on this litigation.
- g. The Board was advised the 2009 edition of Knowing the Territory was available from The Local Government Center. The Board agreed they would like three additional copies, one for each Selectman, in addition to the office copy.
- h. The Board noted receipt of NHMA Legislative Bulletin #17.
- i. The Board received a copy of the State driveway permit for NH Motor Speedway for Gues Meadow Road access.
- j. Office Manager Jean Lee provided a copy of the property schedule covered under the Property Liability Trust agreement. Mrs. Lee asked the Board to review this schedule and update the contents values as needed in preparation for the July 1 renewal. The Board concurred the values stated can remain in place for the July 1, 2009 renewal.
- k. The Board noted receipt of payment for 2008-2009 snow removal on Upper City Road from Town of Gilmanton in the amount of \$2,750.00.
- l. Selectman Ives moved to forward the following past due ambulance bill to collection, account # 41083 in the amount of \$484.60. Second by Selectman Maxfield. All in favor. Motion carried.
- m. The Board received their corrected copies of the April Planning Board minutes as well as the draft copies of the April ZBA minutes.
- n. Selectman Maxfield moved to appoint William W. Gabler as a member of the Loudon Conservation Commission for a three year term to expire on March 31, 2012. Second by Selectman Ives. All in favor. Motion carried.
- o. Selectman Ives moved to approve the following individuals to the Loudon Agricultural Committee: Three year terms expiring March 31, 2012 are Carole Soule, Melissa Moore, Larry Moore, and Bruce Dawson. Second by Selectman Maxfield. All in favor. Motion carried. Selectman Ives moved to appoint the following people to the Loudon Agricultural Committee for two year terms to expire March 31, 2011: Colin Cabot and Earl Tuson. Second by Selectman Maxfield. All in favor. Motion carried. Selectman Maxfield moved to appoint the following people as alternate members for a one year term to expire on March 31, 2010: John Plummer, Cory Clark and Per Garp. Second by Selectman Ives. All in favor. Motion carried. Chairman Bowles said the Board would like to thank all of these individuals for their interest in joining the committee. Selectman Maxfield said he would like to thank Carole Soule for organizing this

committee and providing these individuals to be appointed by the Board.
Selectman Ives said he would like to second these statements.

- p. The Board recognized John Plummer from the audience. Mr. Plummer asked about the franchise negotiations with Comcast. Chairman Bowles said the Board will be setting up a meeting with Comcast to discuss the franchise agreement. Town Counsel will be present for all negotiations.

Selectman Maxfield moved to adjourn at 7:46 P.M. Second by Selectman Ives. All in favor.
Motion carried.

LOUDON BOARD OF SELECTMEN

Dustin J. Bowles, *Chairman*

Roger A. Maxfield, Selectman

Steven R. Ives, Selectman