

Selectmen's Meeting Minutes

Tuesday, April 29, 2008

**Present: Selectmen Ives and Bowles. Selectman Maxfield was not present.
Also present: Fire Chief Jeff Burr and Police Chief, Code Enforcement/Compliance Officer Bob Fiske.**

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

- I. Selectman Bowles moved to approve the Selectmen's Meeting Minutes of Tuesday, April 22, 2008 as presented. Seconded by Chairman Ives. Majority vote in favor. Motion carried.

- II. The Board began their review of weekly correspondence.
 - a. The Board received a reminder of the meeting scheduled with Canterbury Selectmen on Monday, May 5, 2008 at 7:15 PM to discuss the senior housing complex in Canterbury.
 - b. The Board received a reminder of the Scholarship Committee meeting scheduled for Wednesday, May 7, 2008 to introduce the two new committee members to the process.
 - c. The Board was advised that Merrimack Valley student Gavit Kerkel from Loudon had contacted the Road Agent asking if he could clean up Coaster Road for community service credit. Dave Rice advised the Town Office staff that Mr. Kerkel had done an excellent job. The Board thanked Gavit Kerkel for his efforts.
 - d. The Board reviewed and discussed the insurance renewal information for the Library contents. The Board agreed to increase the value from \$715,259.00 to \$720,000.00 to cover the new computers and purchases.
 - e. The Board received copies of weekly expenditure reports for review.
 - f. The Board received copies of the quote for signage at the Arthur W. Colby Safety Complex for review. Selectman Bowles moved to approve the installation of the 12" letters for the Arthur W. Colby Safety Complex with Sign-O-Rama of Concord, in the sum of \$779.00. Seconded by Chairman Ives. Selectman Bowles moved to have the funds come out of Town Building Expenses, account #01-41941-400-490. Amendment seconded by Chairman Ives. Majority vote in favor. Motion carried.
 - g. The Board received copies of a letter sent to Bill Leombruno from DES regarding the dam at the Country Club.
 - h. The Board received copies of a letter from Canterbury Selectmen regarding NH Motor Speedway.

- i. The Board received correspondence from Michael Harris.
- III. The Board met with Fire Chief Jeff Burr.
- a. Chairman Ives discussed the areas in town where the water levels are high. Discussion ensued.
 - b. Chairman Ives discussed an e-mail that Chief Burr had sent regarding the Emergency Management Director position. Discussion ensued. Selectman Bowles voiced his concerns regarding the Police Chief and Fire Chief being at the Race Track if there is an incident and the Emergency Management Director needs to be at a command center.
 - c. Chairman Ives stated that when the installation of the sign at the Arthur W. Colby Safety Complex is scheduled, Chief Burr will be notified ahead of time so that he can plan for equipment placement.
 - d. Chairman Ives said it was good to see all the communities that turned out to assist with the structure fire on Currier Road. Discussion ensued regarding the ash from the fire and only accepting allowable materials at the Transfer Station.
- IV. The Board continued their review of weekly correspondence.
- a. Chairman Ives stated that the Board had received correspondence from Volunteers of America stating that they had received their occupancy permit and invited the Board to an open house on May 7, 2008 at 10:00 AM.
 - b. The Board received copies of the 2007 total equalized valuation from DRA.
 - c. The Board received the 1st Quarter Host Community Fee calculation from ESMI.
 - d. The Board received a minimum impact wetlands application from Brian Tierney of Kenney Road for review.
 - e. The Board received the April Planning Board draft Minutes and ZBA draft Minutes for review.
 - f. The Board received a Regional Impact notice from the Town of Goffstown.
 - g. The Board received copies of the March Cate Memorial Van Committee Meeting Minutes for review.
 - h. The Board received copies of the NHMA Legislative Bulletin #19 for review.
- V. Chairman Ives opened the Public Hearing to accept funds in excess of \$5,000.00 for the Arthur E. McNeil and Raymond C. Cummings Memorial Scholarship Fund. He read the public notice for those present.
- a. Selectman Bowles moved to accept two checks, one in the amount of \$100,000.00 from Robert and Sandra Bahre, and the other in the amount of \$100,000.00 from Gary Bahre for the purpose of the Arthur E. McNeil and Raymond C. Cummings Memorial Scholarship Fund. Seconded by Chairman Ives. Selectman Bowles stated this is a great

opportunity for Loudon residents to further their education and he can't thank the Bahre family enough for establishing this trust. He said that Bob Bahre has been an advocate for the kids' continuing education and he is happy that the scholarship has been named in honor of Arthur McNeil and Raymond Cummings. Chairman Ives said that it is the Board's understanding that this is a yearly donation for the purpose of furthering education of the residents of Loudon. Majority vote in favor. Motion carried.

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

- VI. Chairman Ives stated that the Selectmen had received a request from NH Legal Rights Foundation for a letter of support for the issue of redistricting so that Loudon would have its own representative to the State House. Selectman Bowles moved to authorize the Chairman to sign the letter of support for the redistricting suit on behalf of the Town of Loudon, to the NH Legal Rights Foundation, with the hopes of getting a State Representative solely for the Town of Loudon. Seconded by Chairman Ives. Chairman Ives said that each town with 5,000+ residents is supposed to have their own representative. Majority vote in favor. Motion carried.
- VII. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
 - a. Mr. Fiske advised the Board that Wanda Cummings and Rich Lavoie were in the audience regarding a possible wetlands issue on Mr. Lavoie's property. Chairman Ives reviewed information from Peter Schauer regarding the wetlands delineation and Mr. Schauer states that the issue is not a jurisdictional wetland. Mr. Fiske stated that he concurred with Mr. Schauer, that the inlet in to the pond was diverted and subsequently it came out the other end. He said that Ms. Pickering (Wanda Cummings neighbor) has cut down trees which have also contributed to wet areas. Mr. Fiske said that Ms. Cummings is adamant that the situation gets worse each year. He said that he is not an expert on wetlands issues, but Mr. Schauer is. Mr. Fiske went on to say that the Selectmen had asked him to research this issue and this is what he has found. Chairman Ives asked if there is anything on record from DES for permitting of the pond. Mr. Fiske said not to his knowledge. He said that during a conversation he had with Mr. Lavoie, Mr. Lavoie indicated that DES had advised him it was alright. Chairman Ives said he felt that the town needed something in writing from DES stating that the pond on Mr. Lavoie's property is alright. Selectman Bowles said the town has to rely on DES to oversee these issues to be sure that their laws and regulations are being met, especially with the continual changes to laws and regulations. Mr. Fiske said he felt there

were two issues. One is whether the pond is permitted or would be permitted, and two, the drainage issues. Chairman Ives said that this issue has come up because of an abatement application that was being reviewed by the Town's Assessor. Mr. Wiley questioned why the town would be issuing an abatement due to a man-made problem. Chairman Ives said that the Board is trying to determine if this is a man-made problem. He said that based on Peter Schauer's letter, as an expert on this issue, he states this area is not considered wetlands because the water is flowing over the land, which does not constitute a wetland. Chairman Ives said that if the water has been flowing normally, he does not see how the town could issue an abatement. He said if it had been man-made and the course of the water had been altered and DES approved it, he does not see how the town could issue an abatement either. Chairman Ives said if DES did not approve it, there may be a problem. Selectman Bowles agreed and said Mr. Schauer is highly respected and if he determines that this is not wetlands, more of a seasonal overflow of water, then that is what it is; unless proven otherwise. Chairman Ives said he feels it comes down to getting information from DES. Mr. Fiske said he would make contact with Mr. Lavoie and try and make arrangements. Chairman Ives stated that this issue will be discussed again at the Board of Permit in May. Ms. Cummings said she had many concerns regarding this issue. Chairman Ives advised Ms. Cummings that she could have some time to discuss her concerns at the Board of Permit meeting in May as well as time for Mr. Lavoie to discuss any of his concerns. Ms. Cummings asked who paid for Mr. Schauer to do the study. The Board stated they did not know who paid for it but that the letter was addressed to Mr. Lavoie.

- b. Mr. Fiske provided the Board with information regarding live entertainment at the Loudon Country Club. Discussion ensued regarding this being for one guitarist who will be playing inside and no later than 10:00 PM.
- c. Mr. Fiske discussed Tax Map 050, Lot 013 (former Country Hall) on Mudgett Hill Road. He said that the property owner had applied for a parking permit for race weekend and was approved for it. Mr. Fiske went on to say that Mr. Sanborn has been advised that if he wishes to use this building for residential purposes, he would need to obtain a change of use. Mr. Sanborn has stated to Mr. Fiske that on occasion he has stayed overnight at the property on Mudgett Hill Road. Mr. Fiske has advised Mr. Sanborn that staying overnight cannot be tolerated. He said that Mr. Sanborn has stated that he would like to put in a 60-foot X 60-foot apron from Mudgett Hill Road up to the front door of the property. Mr. Fiske said that Dave Rice has already gone to look

at the property and has given his approval. Discussion ensued regarding the drainage issues. Selectman Bowles will contact Dave Rice regarding this issue. Mr. Fiske suggested that from this point on the Town Engineer should review these situations. Chairman Ives said that he feels if someone alters their property and it causes damage to another property or the road, it is that landowner's responsibility to correct the situation.

- d. Mr. Fiske advised the Board that a representative from DES had visited him regarding the issues on Lovejoy Road and wetland issues. He said that in speaking with the representative of DES he provided copies of the septic system approvals, which surprised the DES rep. Discussion ensued regarding the history of wet areas on the property along Lovejoy Road.
- e. Mr. Fiske advised the Board that the Race Track has gone before the Zoning Board for approval to put an addition on to the administration building. He said there are major renovations in one of the suites and replacement of the infield garages. Mr. Fiske said the removal of the diner and a replacement building is going through the Planning Board. The Board discussed the suite renovations, which are for the new owner.
- f. Chairman Ives discussed the SPCA billing. Mr. Fiske stated that the only time a summons is issued would be if a dog was running loose and was vicious or harmed someone, but if a dog was picked up and taken to the SPCA because it was just running loose, the owner claiming the dog is charged the \$60.00 fee. Selectman Bowles said there needs to be better communication on this issue. He said SPCA sends out their quarterly billing and they charge the Town \$60.00 per dog. The Town is looking at increasing the charge to the dog owner to \$100.00 due to the cost that the Town incurs with transportation of the animal, personnel time, and billing. Mr. Fiske stated that not all animal issues are subject to a summons due to the circumstances.

VIII. Chairman Ives moved to enter into executive session with Bob Fiske to discuss personnel issues at 7:35 PM. Seconded by Selectman Bowles. Roll call vote: Ives yes, Bowles yes. Motion carried. Chairman Ives moved to come out of executive session at 7:55 PM. Seconded by Selectman Bowles. Roll call vote: Ives yes and Bowles yes. Motion carried. Chairman Ives stated the results of the executive session were discussion of office procedural matters with Mr. Fiske and it was determined that information flow needs to be improved upon in both directions.

IX. Chairman Ives stated for the record that two pistol permits were submitted for review and approval.

X. The Board met with Colin Cabot of Sanborn Road to discuss a bridge bond and construction issues.

- a. Mr. Cabot stated that he has not obtained the building permit yet, as he is trying to move a portion of a hill behind his home and place the fill on his property on the other side of the bridge on Sanborn Road. He discussed the type of trucks that they are planning on using and discussed the vehicles that were used during the dam construction for the concrete. Mr. Cabot said he found that it would cost him \$5,000.00 to obtain a \$300,000.00 bond and he does not want to do that. Discussion ensued regarding types of construction vehicles that have been over that bridge and Mr. Cabot stated for the record that he would pay to have the bridge fixed, if ZBA Chairman David Powelson approved the design of the bridge. The Board stated that as long as Mr. Cabot would agree to fix the bridge and to sign a statement to that fact, then they would be in agreement. Mr. Cabot said that he would provide the Board with a statement.

Selectman Bowles moved to adjourn the meeting at 8:16 PM. Seconded by Chairman Ives. Majority vote in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Steven R. Ives, Chairman

Dustin J. Bowles, Selectman

Roger A. Maxfield, Selectman