

**SELECTMEN'S MEETING MINUTES
TUESDAY, MAY 11, 2010**

PRESENT: Selectmen Maxfield, Ives, and Bowles. Also present Police Chief/Code Enforcement Officer Robert Fiske, Planning Board Vice-Chair Stanley Prescott, Zoning Board Chair Dave Powelson, and Road Agent David Rice.

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

- I. Selectman Ives moved to approve the Selectmen's Meeting Minutes of Tuesday, May 4, 2010 as written. Second by Selectman Bowles. All in favor. Motion carried.
- II. Chairman Maxfield opened the Board of Permit meeting.
 - a. Bob Fiske brought forward three hawkers and peddlers applications for approval. All applications were renewals from last year and all paperwork is in order. The permits being sought were for Speedway Convenience, Dudley's Ice Cream, and Verizon for a cow tower on NHMS property. The applications were approved as submitted.
 - b. Bob Fiske brought forward a request for a day care at the First Church of the Nazarene. No concerns were raised on this request.
 - c. The Boards had received a complaint from David and Debbie Zarges on the horseshoe pits that have been placed within the beer garden area at Boars Tavern. Mr. Fiske said the approved beer garden area has not been increased. He said the original fence still exists as it was originally placed. He said new fencing had been placed but is not in violation of the zoning ordinance. Selectman Ives said his understanding of the approval was that it was for food and drink only with no outside entertainment. He said horseshoe tournaments could be construed as outside entertainment. Mr. Prescott said the Planning Board does feel this is a code enforcement issue but if the Tavern owners are going to exceed the approvals in place then they have to come back before the Planning Board for further review. Mr. Prescott said he feels this is a code enforcement issue. Chairman Maxfield recognized David and Debbie Zarges from the audience. Mr. Zarges said their concerns are not only with the outside area and horseshoe pits, but with the noise issues from the Tavern itself. Mr. Zarges said this time of year the noise and music is very loud and he does not feel he should have to call every week-end to ask for the noise to be reduced. He said he has a five year old grandson and he does not want to expose him to this activity and language. Chairman Maxfield said while the Board understands the Zarges' concerns, the Tavern is a business and they have a right to operate. Selectman Bowles asked if the approval required an annual review. Mr. Fiske said initially it did. Mr. Prescott said after two years the Planning Board felt they were operating within their approvals so they were not required to come back in to the Planning Board for further review. Selectman Bowles asked if Chairman Maxfield had given Chief Fiske

direction on what should follow. Chairman Maxfield said yes he asked Chief Fiske to meet with the owners of the Tavern and ask them to be more diligent in keeping the noise down and to be more considerate of the surrounding neighbors.

- d. Mr. Fiske addressed a request from NHMS to remove the old security building on Guess Meadow Road. He said John Zudell had sent correspondence outlining their intentions to remove the existing building, clear and grade the area to be utilized for seasonal and event workers as a staging area and a place to park their camping and recreational vehicles. Mr. Fiske said the campers are now located by the maintenance building. Mr. Fiske said he has reviewed the Zoning Ordinance and does not feel he can approve this without the track appearing before the Planning Board. Mr. Prescott said he agreed this was part of the planning process and the track should come before the Planning Board to discuss their intentions. Selectman Ives asked if this was a separate parcel located in the Rural Residential area as opposed to the Commercial Recreational district. Chairman Maxfield stated he remembers other parcels being re-zoned in the past. Mr. Prescott said this would be through the Planning Board as a zoning amendment at Town Meeting. Selectman Bowles said the tax map does not show this particular parcel as a separate lot. It was concluded the track needed to appear before the Planning Board for discussion of their plans for the use of this parcel.

Chairman Maxfield closed the Board of Permit session and the Selectmen resumed the regular portion of the meeting.

- III. The Board met with Road Agent David Rice.
 - a. Mr. Rice advised the Board the crew has been working on the dirt roads. He said he needs to replace the tires on the excavator and they will run approximately \$300.00 each.
 - b. Mr. Rice said he is soliciting prices on the magnesium for the dirt roads. He said it looks like the cost will be approximately \$9,000.
 - c. Mr. Rice advised the Board a new used oil container is needed at the Transfer Station. He said delivered price is \$1,350.00.
 - d. Chairman Maxfield asked if all the road sweeping was completed. Mr. Rice said yes, the sweeper was on site for two days.
 - e. Selectman Bowles asked Mr. Rice to get some plywood to cover the sander for the one ton after it is oiled. Mr. Rice said he would take care this.
- IV. The Board met with Police Chief/Code Enforcement Officer Bob Fiske.
 - a. Chief Fiske said he would like the Selectmen to review the Memorandum of Understanding he presented to the Board. He said as stated in the letter, meetings held with the Governor's Committee have not produced any commitment to additional manpower at the State level. Chief Fiske said he has stated in the MOU the manpower for the June race will remain at the same level as the September 2009 event. Chief Fiske said he received a telephone message from Jerry Gappens, Vice President and General Manager of NHMS, that he is not going to sign the Memorandum of Understanding and considers the request to be an insult. Chief Fiske said it was not intended as an insult,

but if the bill to the track exceeds \$75,000, the town will be held liable. Chairman Maxfield stated the Board has reviewed the Memorandum presented by Chief Fiske. He said, as stated by Chief Fiske it does not appear there will be any State provided manpower to offset the cost. He said if the track wants the same level of manpower as in the past, the track and the town must get together and finalize an agreement. Chairman Maxfield said Loudon is a small town with a population of approximately 5,000 and the taxpayers cannot foot the bill for the security needed for the Sprint Cup events. Selectman Bowles said he wanted to clarify what was just stated. He said it is not the Town's responsibility to provide security at the track, but it is the Town's responsibility to ensure the facility is secure as well as ensure the safety of the town's residents and the guests attending the event. Mr. Gappens was recognized from the audience. Mr. Gappens said he is disappointed the State has not stepped in as hoped. He said today Commissioner Barthelmes had contacted Mark Furlone and advised he was working on getting State Troopers assigned to the 106 corridor to assist with the traffic control and hopefully take some of the money off the Loudon bill. Mr. Gappens said some of the things they are looking at in trying to reduce the billing to the track are getting the billable rate reduced by having the non-Loudon officers paid directly by the Track, taking away the \$6.00 per administrative fee, and hiring a private security company at \$21.00 per hour for the security in the camping areas and grandstands instead of paying \$43.00 per hour to the town. Mr. Gappens said another possibility discussed was Loudon Police handling the traffic on the 106 corridor and leaving the internal track security the responsibility of NHMS. Mr. Gappens said this has not been totally explored at this point. Mr. Gappens said he has received the schedule of manpower from Fire Chief Jeff Burr, and it appears only the dates have been changed from last year and the manpower schedule remains the same as last September. Selectman Bowles said he feels the town has been working on getting the numbers down. He said he attended the meeting with the Governor, and the town agreed to a substantial reduction for last September. He said it was his understanding the town would be proposing the same number from the September race if there was no participation at the State level. He said it is only a little over 30 days from the race and Chief Fiske needs to proceed in scheduling the needed manpower. Mr. Gappens said the door seems to be closed on discussing the alternatives he referenced tonight. He asked the Selectmen's opinion on that. Selectman Ives said his personal opinion is that it is not Bob Fiske's responsibility to design the track's security plan or figure out how to save the track money. He said the track has their own security people who should be coming up with an idea to present to Chief Fiske to see if it will work. Mr. Gappens said Mark and Ray have presented some of these alternatives to Chief Fiske but so far they have not been accepted. Mark Furlone reviewed steps that have been taken to date and the discussions with Chief Fiske. He said some concessions have been made but the bottom line is whatever plan is put in place it will be Chief Fiske's plan. Chairman Maxfield said he works with specifics and the town needs those

specifics from the track. Mr. Furlone reviewed where they have discussed reductions in personnel, and where they have added personnel as well as replacing uniformed officers with private security. Selectman Ives said he wanted to clarify the town is not responsible for the track security; the track is responsible for the track security under the direction of Chief Fiske. Chief Fiske said why is the State waiting until the last minute to step in. He said he had heard nothing of this proposal until now. He said as far as the track putting the part time officers on their payroll, he has concerns about the liability. Chief Fiske said he has concerns about S and F lots and blending security personnel with police officers. Chief Fiske said the numbers he has established are necessary. Chief Fiske addressed the additional screeners, the presence at the bank and the presence in the grandstands. He said concessions have been made, but if there is a major incident, there will not be enough manpower to step in and assist the private security personnel. Chief Fiske said he is asking the Selectmen to either get the Memorandum of Understanding signed by Bruton Smith or investigate increasing the bond to a sufficient amount to cover costs incurred. Mr. Furlone questioned the statement of Loudon Police only covering the 106 corridor but now stating it is necessary they be on site at the track. Chief Fiske said he would love to just do the corridor but the track still has to have the police on site. Chief Fiske said the town cannot absorb the cost. Chief Fiske said the statute gives him the authority to assign details as needed. Selectman Ives asked Chief Fiske when he needed to implement the staffing schedule. Chief Fiske said two weeks ago. Selectman Ives asked Mr. Furlone when he will have confirmation on the number of State Police that will be available. Mr. Furlone said he hoped by Thursday or Friday. Mr. Gappens said to clarify; the State Police have to have their schedule in place 28 days ahead of time. Selectman Ives said this is the problem in that all of this discussion should have taken place a couple of months ago. Chief Fiske said he would like to make it clear in the minutes that the billing will not meet the \$75,000 the track wants to see. Selectman Bowles said he will stand by what he asked for last year and that is a guaranteed letter of payment signed by Bruton Smith. He said the town will need that or the Selectmen will revisit the bond issue. Mr. Gappens said the bills have been paid and it bothers him the town appears to distrust the track. Selectman Bowles said he does not want to revisit what took place last year. Chairman Maxfield said Chief Fiske will finalize the plan and present it to the track. Chief Fiske said he will do that but he needs confirmation on the State Police issue before he can do that. Selectman Ives said he would like to mention that on the Fire Department side, the town does not charge for use of the equipment or gasoline. Chairman Maxfield said this discussion will end at this time and he thanked Mr. Gappens and Mr. Furlone for attending the meeting.

b. Chief Fiske addressed the letter from the Merrimack Valley Trail Riders on their June 6 charity ride. Selectman Bowles said his only concern is the snowmobile bridge and asked Chief Fiske to write the Snowmobile Club a letter advising them of this event.

- c. Chairman Maxfield stated for the record three pistol permits were signed for approval.
- V. The Board began their review of weekly correspondence.
- a. Chairman Maxfield read the following oath in to the record: We, the Selectmen and Assessors of the Town of Loudon NH, do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due for a solvent debtor. So help us God. To Helen L. McNeil, Collector of Taxes for Loudon, New Hampshire in said county. In the name of the State you are hereby directed to collect the property taxes in the list herewith committed to you, amounting to the sum of Five Million Four Hundred Seventy Nine Thousand Five Hundred Forty Six Dollars (\$5,479,546.00) and with interest at 12% per annum from July 1, 2010 thereafter, on all sums not paid on or before that day. And we further order you to pay all monies collected to the Treasurer of said town at least on a weekly basis when receipts exceed Five Hundred Dollars or more when directed by the Commissioner of Revenue Administration. Given under our hands at Loudon New Hampshire, this eleventh day of May in 2010. Board of Selectmen Loudon New Hampshire.
 - b. The Board was advised Mr. William Bald of Melcher Prescott Insurance has received the health insurance rates for the July 1 renewal and would like to meet with the Selectmen to review the proposals.
 - c. The Board received a memo on the property liability insurance renewal.
 - d. The Board received a copy of the Fire Department race schedules for June and September events.
 - e. The Board received a letter from Fire Chief Jeff Burr that he will be on vacation the dates of July 5th through July 23rd.
 - f. The Board received notification of the trial date for the Greenview Drive litigation.
 - g. The Board acknowledged receipt from the Merrimack Valley Trail Riders to use Wiggins Road as part of their charity ride on June 6th. This was previously addressed with Chief Fiske.
 - h. The Board reviewed an email from Stephanie Alexander of Central NH Regional Planning Commission on the Hazard Mitigation update. The Board discussed appointing a co-coordinator to work with Ms. Alexander and agreed on asking Donna White, Planning/Zoning Administrative Assistant if she would accept this assignment.
 - i. The Board received the Landfill Testing report from Eastern Analytical for review.
 - j. The Board received the NHMA Legislative Bulletin #20 for review.

Selectman Bowles moved to adjourn at 8:21 P.M. Second by Selectman Ives. All in favor.
Motion carried.

LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, *Chairman*

Steven R. Ives, Selectman

Dustin J. Bowles, Selectman