

**SELECTMEN'S MEETING MINUTES
TUESDAY, JUNE 8, 2010**

PRESENT: Selectman Maxfield, Ives, and Bowles. Also present Police Chief/Code Enforcement Officer Bob Fiske, Deputy Fire Chief Bob Bottcher, Road Agent David Rice, Planning Board Vice- Chair Stanley Prescott, and ZBA Chair David Powelson.

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, June 1, 2010. Second by Selectman Bowles. All in favor. Motion carried.

- II. Chairman Maxfield opened the Board of Permit portion of the meeting.
 - a. Chairman Maxfield stated there were three Hawker's and Peddler's applications on the agenda. Bob Fiske said all the paperwork is in order. He said one application was for NH Motor Speedway for all vendors on site for the event. The second is for Z-1 Convenience for racing paraphernalia, the same as last year. The third is for Rose Meadow Realty Trust for three vendors on his property near his fence. All certificates of insurance and paperwork are in order. The Board agreed to approve all three applications.
 - b. Chairman Maxfield read some notes as follow-up on prior month's Board of Permit agenda items. The Planning Board is in the process of reviewing all parking permits prior to next year. The second item is signage has been placed at Boars Tavern to encourage patrons to keep noise levels down and to be respectful of the neighbors. Mr. Fiske said as far as he is concerned she is following the Board's instructions to come into compliance.
 - c. Selectman Bowles said he would like to discuss the electrical lines that have been placed under Gues Meadow Road. Mr. Fiske said he spoke with Planning Board Chairman Tom Dow and was told the Planning Board had given approval for the track to proceed with the excavation work on the Mancini lot. Mr. Fiske said John Zudell had called to request an electrical inspection and Mr. Fiske said he was reluctant to do this as the track did not have approvals to do this construction. Mr. Fiske said the plumber contacted him yesterday regarding inspection of the sewer lines on that lot. Mr. Fiske said he told the plumber he would not go up to the site at all as there are no permits in place. Mr. Fiske said he had the opportunity to meet with Jerry Gappens on another matter and he discussed these issues with him. He said he told Mr. Gappens the track appears to be reluctant to get the proper permits. Mr. Gappens said he thought the permits were in place. Mr. Fiske said he told Mr. Gappens they had approval for the excavation only, they did not have approval to put the campers on that lot. Chairman Maxfield asked if the track was coming back before the Planning Board. Mr. Prescott said the track did come before the Planning Board and he thought they agreed to the camping issue, moving the campers from the maintenance area to this area. He said they did not discuss or approve putting electrical lines under the road. Chairman Maxfield said if the Compliance Officer has a problem with this then he should be addressing it with the

Planning Board. Mr. Fiske said he just understood Mr. Prescott to say the campers had been approved and he takes exception with that. Mr. Fiske said they cannot have the seasonal campers on that lot. Mr. Prescott said he would have to read the minutes to see what exactly was approved. He said number one is they need to change the zoning on that lot to put it all in the Commercial Recreational District. Dave Powelson said he thought this would need to go before town meeting. Selectman Ives said this was discussed and this is included in the Zoning regulations that would allow this lot to be merged with the larger lot that is all in the Commercial Recreational district. Selectman Ives said the track was given approval to continue with the excavation of the lot to prepare for additional approvals. Mr. Fiske said this is putting him in a dilemma as he was asking for the Selectmen's direction on whether to issue a Cease and Desist order. Dave Powelson said he is confused about a couple of things. He referenced the determination of district boundaries, and if a lot meets the requirements, can be reclassified. Mr. Powelson said if they can meet the requirements of Section 503, then it could be approved by special exception. Discussion ensued on the criteria for placing electrical and water lines under a town road. Selectman Bowles said his concern is this was done without permission. He said this is still a town road that goes through track property but he does not think the town would ever discontinue this road. Chairman Maxfield said a decision needed to be made. Selectman Ives said he would say issue a Cease and Desist until the track comes before the Planning Board and Zoning Board. Mr. Prescott said some ground rules need to be established. Mr. Gappens said he would like clarification on what was approved at the Planning Board. He said it was his understanding they had been approved to go ahead with the seasonal campers on the Mancini lot. Selectman Ives said it was his understanding the approval was given to go ahead with leveling the lot. Mr. Gappens said the track is not planning on putting any campers on this lot until all the approvals have been finalized. Selectman Ives said he does not remember any discussion on underground utilities or Gues Meadow Road. Chairman Maxfield said then the final decision is a Cease and Desist for now and the track must appear before the Planning and Zoning Boards for further approvals. Chairman Maxfield closed the Board of Permit and resumed the Selectmen's meeting.

III. The Board met with Road Agent David Rice.

- a. Mr. Rice said the paving on Hollow Route Road will take place next week and Lower Ridge Road is being prepared for the re-paving as time permits.
- b. Mr. Rice said he needs to replace the grinder for the shop.
- c. Mr. Rice said he is getting close to having to replace the small lawn mower. He said he was looking at a Kawasaki 19 HP mower. Chairman Maxfield asked if Mr. Rice had funding in his budget to cover this. Mr. Rice said not in one line item but if he breaks it up he has enough in the bottom line. Selectman Bowles said Mr. Rice should get a final price, write it all out and show where the funds will come from before a final decision is made.
- d. Mr. Rice discussed Asby Road. Mr. Rice said he does not have enough money to do the project at this time.

- e. Selectman Bowles said he wanted to be sure Mr. Rice had Flagg hill still on the work agenda as soon as school is out. Discussion ensued on wash outs from the heavy rains.

IV. The Board met with Police Chief/Code Enforcement Officer Bob Fiske.

- a. Mr. Fiske presented the Board with copies of the letters of intent from NH Motor Speedway for motorcycle week-end and the Sprint Cup event.
- b. Chairman Maxfield stated for the record one pistol permit was signed for approval.

V. Chairman Maxfield noted that Deputy Fire Chief Bob Bottcher was in attendance this evening to act as fire watch due to lightening damage to the fire alarm panel.

VI. The Board met with Office Assistant Bonnie Theriault.

- a. The Selectmen asked Mrs. Theriault if she wanted to meet in executive session. Mrs. Theriault stated that she was ok with having this discussion in an open meeting. Mrs. Theriault asked the Board about their decision to rescind a motion to allow Road Agent David Rice to give Mrs. Theriault 40 hours of his sick time. Mrs. Theriault advised the Board that she had spoken with Mary Lee O'Brien of Primex regarding the Worker's Compensation issues. Mrs. Theriault asked the Board for their reasons for changing their motion to not allow the transfer of sick time. Chairman Maxfield stated the Board received information stating that the Town's Personnel Policy said if an employee is on Workman's Compensation they cannot receive sick leave from another individual. Mrs. Theriault asked if she could clarify the wording of the Town's Personnel Policy, which states that no employee shall be able to use sick leave for a work related illness or injury if compensated by Workman's Compensation. Mrs. Theriault stated that she has not been compensated by Workman's Compensation. She stated that Mrs. O'Brien could verify that information and also advised that Worker's Compensation does not pay an employee for time out of work for doctor's appointments, therapies, surgeries and procedures. Mrs. Theriault reminded the Board that in the year and four months since her injury, she has only missed work for doctor's appointments, therapies, surgery and procedures. She stated that Worker's Compensation has not paid her one cent for her time out of work. Mrs. Theriault stated that she read the personnel policy to Mrs. O'Brien. Mrs. O'Brien stated she did not understand why there would be an issue based on the wording of the policy if Worker's Compensation had not paid any money to the employee. Mrs. Theriault stated that Mrs. O'Brien was putting something in writing for the Board but the information had not cleared the legal department at Primex by this afternoon, but the Selectmen could contact her for verification. Selectman Ives said he did not want to keep flip flopping on this decision, that he felt the original request was to use the 8 hours of sick time and an employee made the offer to transfer sick leave hours unexpectedly. The Board then received information stating that they may be setting the wrong precedent because it involved Workman's Compensation after they moved to allow the transfer of sick leave. He said he felt it was important to get it all settled before making another decision. Mrs. Theriault agreed and stated that she had a problem with the way this issue has been handled. She said that the information she received from Primex was information made available to the individual from the

Town who called Mrs. O'Brien. Mrs. Theriault went on to say that based on conversations with the Selectmen, they did not receive the same information that was supposedly relayed from Primex. Mrs. Theriault stated that she felt the Board needed to get the information direct from Primex before making any decision on this issue. Selectman Bowles agreed that the Board had no problem with the original request of the 8 hours of sick leave being made available two days in advance, and that the offer of the transfer of 40 hours of sick leave was unexpected. Chairman Maxfield stated he was sorry for the misunderstanding as the Board had conflicting information. He said that there have been times when employees have given other employees some of their sick or vacation leave if needed. Mrs. Theriault stated that when she called Primex she asked for clarification because it did not seem right to only allow the transfer of time to some employees and not others, if it is ok to do, then it needs to be ok for everyone. The Board agreed they will take this issue under advisement at this time so they can get clarification before making their decision.

- b. Mrs. Theriault discussed an issue relating to her leaving the office early on Thursday, June 3rd and not working on Friday, June 4th. Mrs. Theriault asked the Board if they had a plan regarding a personnel issue in the office. She said she wanted to be sure that the Board was very aware of the situation that has been ongoing for 13 years. Selectman Bowles said the Board was very well aware of the situation and that he felt the Board would have to have a discussion with the employee as they have all witnessed occasions where everyone is on edge and he feels the Board needs to address the issues. Mrs. Theriault stated that she is willing to have a conversation but only as long as the Selectmen are present. The Board agreed. Selectman Ives stated he felt that discussion would have to be in an executive session. Mrs. Theriault stated that she had a list of items that she would like to discuss during the executive session. The Board agreed to schedule the meeting.

VII. The Board began their review of weekly correspondence.

- a. The Board received weekly expenditure reports for review.
- b. The Board received copies of a memo from Office Manager Jean Lee regarding the 2010 – 2011 Assessing contract and a letter from Mary Pinkham-Langer of DRA regarding excavation pit issues.
- c. The Board received copies of a scholarship trust fund intent signed by Gary Bahre.
- d. The Board received copies of an e-mail from LYAA regarding the condition of the baseball field at the Village Recreation Field. The Board will have the Office Manager forward a response to LYAA.
- e. The Board received a request from LYAA to have the town place insurance on the concession stand at the Village Recreation Field and not have LYAA insure the building.
- f. The Board received a letter from Bestway Disposal on Commercial Hauler Agreement clarification.
- g. The Board received information on the Greenview Drive litigation.
- h. The Board received an invitation to attend the Concord Christian Academy graduation ceremony to award a student their scholarship certificate. The Board agreed to have the Dean announce the award.
- i. The Board received two memos from Jeff Burr on training sessions.

- j. The Board received copies of a training certificate for Robert Bottcher.
- k. The Board received an abutter letter from NH DOT regarding the June 27th race.
- l. The Board received copies of NHMA Legislative Bulletin #23.
- m. The Board received a reminder that Office Manager Jean Lee would be on vacation from June 14th through the 18th.

VIII. Chairman Maxfield stated that Jerry Gappens from NHMS was in attendance and asked Mr. Gappens if he needed to speak with the Selectmen. Mr. Gappens said no.

IX. Chairman Maxfield recognized Michael Henderson of Oak Hill Road.

- a. Mr. Henderson discussed the new paving that has taken place on Chichester Road and Bee Hole Road. He advised the Board of the problems with the crown and flat spots on the new paving of Chichester Road and washboard issues on Bee Hole Road. Mr. Henderson stated he is concerned that there will be issues during the winter with melting snow refreezing on the flat spots. He said he would be willing to meet with the Board or anyone else to inspect the areas. Discussion ensued. Selectman Bowles advised Mr. Henderson that a developer had submitted a set of plans for the project and that the Town will review the plans again as the Board does not have the plans at this meeting to be able to determine what was required for that project. Mr. Henderson asked if anyone checked to see if the developer had the proper permits for this project. Selectman Bowles said yes, that the Town Engineer would have reviewed the plans, but that he was not notified that the paving had taken place by the developer. He said he only found out when he was driving around town. The Board stated that if there is a problem, it will be fixed. Selectman Ives stated that The Louis Berger Group was the engineering firm handling this project for the town. The Board thanked Mr. Henderson for letting the Board know about this situation.

Selectman Ives moved to adjourn the meeting at 7:41 PM. Seconded by Selectman Bowles. All in favor. Meeting adjourned.

LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, Chairman

Steven R. Ives, Selectman

Dustin J. Bowles, Selectman