

Selectmen's Meeting Minutes

Tuesday, July 10, 2007

Present: Selectman Maxfield, Ives, and Bowles.

Also present: Planning Board Chairman Tom Dow, Zoning Board Chairman David Powelson, Deputy Fire Chief Rick Wright, and Police Chief, Code Enforcement/Compliance Officer Bob Fiske.

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

- I. Selectman Ives moved to approve the Selectmen's Meeting Minutes of Tuesday, July 3, 2007 as presented. Seconded by Selectman Bowles. Selectman Bowles made a motion to amend the July 3, 2007 Selectmen's Meeting Minutes Paragraph VI, b to read "Fulltime Police Officers increased by \$2.00 per hour, permanent part-time Police Officers increased to \$14.00 per hour, Police Chief, Dispatcher, and Code Enforcement part-time Secretary increased by 3.25%. To be effective July 1, 2007." Seconded by Selectman Ives. All in favor of the amendment. Motion carried. All in favor to accept the minutes as amended. Motion carried.
- II. Chairman Maxfield opened the Board of Permit.
 - a. ESMI: Planning Board Chairman Tom Dow stated that ESMI has moved gravel on one of their lots without a 155-E Permit. He said the work has been completed; however, the Board could have ESMI come in and go through the permitting process. Mr. Dow advised Mark Aubrey of ESMI that he would discuss this issue with Board of Permit before having him begin the permitting process. Chairman Maxfield asked Mr. Dow if the Planning Regulations referenced any fines for doing the excavation without the proper permit. Mr. Dow said the excavation issues fall under the State RSA's. Chairman Maxfield asked that Mr. Dow look into the RSA's. Selectman Ives asked if ESMI excavated the gravel to sell or if they were just preparing the site. Mr. Dow said ESMI's approval was to allow the stockpile and resale of peat soil and allow for the placement 150,000 tons of ESMI reprocessed soil. It appears in the process of doing that, ESMI dug down deeper to put some of the material down as a sub-base for their storage area. Mr. Aubrey advised Mr. Dow that ESMI has sold 30,000 – 35,000 yards of gravel. Chairman Maxfield discussed ESMI's representation to the Town that every load of dirt that comes in for processing would be trucked back out of Town. Selectman Ives read the approval from the Zoning Board, which says, "Special Exception to allow stockpile and resale of treated soil and other fill materials." Mr. Dow stated that it did not give them the right to excavate. He said he feels that ESMI intends to follow the plan that was submitted to the Planning Board with the exception of the excavation of the gravel. Mr. Dow went on to say that the RSA's need to be reviewed and any fees due to the Town need to be paid. Chairman Maxfield said he is concerned that the reclaimed soil is being sold. Selectman Bowles said it was going out of Town. It was stated that the

soil has been placed on Currier Road and at Pleasant View Gardens. Bob Fiske stated that even if there were a fine imposed on ESMI, it would cost the Town money to prosecute, as he does not feel that ESMI would willingly say they would pay it. He said he felt the Town should go after the fees for the 35,000 yards of gravel. Mr. Fiske said ESMI has no intention of going for a 155-E Permit, and he is not sure that they could get the 155-E Permit. He said they took it upon themselves to lower the pit area so they could get more of their reclaimed soils in there. Mr. Fiske said that ESMI has no problem with paying the excavation fee. Mr. Dow said he does not want to have a situation where this comes up again, as this is not something the Town wants to allow to happen. Chairman Maxfield said that everyone else has to get a 155-E Permit. Mr. Dow said Mr. Aubrey is aware of the mistake that was made and is “willing to right the wrong”; however, Mr. Dow does not feel going through the 155-E process is necessary for something that is already done as they are not going to be excavating any more. Selectman Ives said he felt that Bob Fiske was correct; collect the fee on the 30,000 – 35,000 yards of gravel. Mr. Dow asked if this would be a Planning Board issue or a Selectmen’s issue to collect the fees. Mr. Fiske said that it was his opinion that ESMI should file the Intent to Excavate form and be required to pay the tax on the 35,000 yards of gravel. He stated that Mr. Aubrey was on vacation this week, and would be willing to sign the Intent to Excavate form when he returns. The Board agreed that Mr. Aubrey was trying to correct the situation; however, this is something that cannot keep happening. Selectman Bowles asked who would be following up on this issue. Mr. Fiske stated the Selectmen should expect to receive an Intent to Excavate next week. Selectman Ives suggested having Mr. Aubrey come in to meet with the Selectmen to explain the situation so it is on record. Discussion ensued regarding having these minutes for a record. Chairman Maxfield asked what would happen when the next person does this same thing. Mr. Fiske said he feels it was not ESMI’s intention to get in to gravel mining; they just wanted to put as much of their soil on the lot, bring it up to grade and elevation as best they could. Selectman Bowles said when they came before the Planning Board, there was no discussion regarding mining, the discussion was relative to filling, stockpiling, and building the berms. Mr. Fiske said that ESMI was aware of their misjudgment. Zoning Board Chairman Dave Powelson said he felt that mining 35,000 yards of gravel was a little more than an accidental mistake. Selectman Ives said that as Mr. Fiske stated earlier, if the Town were to prosecute, it would cost more than what would be received in fines. Mr. Powelson said it is a legitimate concern. Selectman Ives said he was fine as long as ESMI pays the taxes on the gravel and admits to the fact that they did not do what they were suppose to do. Mr. Fiske said that the lot that was excavated was originally part of the sand pit. Chairman Maxfield asked if anyone knew if the materials were going to be taken out of town. Mr. Dow said that would be a whole other issue. Mr. Fiske said ESMI could only stockpile so much soil. Mr. Dow said based on ESMI’s description, they are only allowed to stockpile 150,000 ton of reprocessed soil.

- b. Parking Permit Issues: Bob Fiske discussed an issue with John Storrs’ parking permit during the NASCAR Race Event. Mr. Fiske stated Mr. Storrs is approved for daytime parking only; however, he had several overnight RV’s

parked, and there were a lot of fireworks on the property. He went on to say that when the Police Officer went to the property to speak with Mr. Storrs, Mr. Storrs indicated that he felt he was being singled out because of the fireworks and RV's. Mr. Fiske stated that the individuals with parking permits have all been made aware that there is to be no overnight parking. Mr. Fiske stated John Pillsbury of NH DOT has concerns regarding the lack of snow fence at the Trefethen property on Route 106. He said as far as he was concerned this issue should be handled by the State. Discussion ensued regarding not issuing a parking permit for individuals who do not follow the rules. Mr. Dow stated that property owners with parking permit issues in the past have been given a warning and a second chance to follow the rules, and he felt that Mr. Storrs deserved the same opportunity. The Board advised Mr. Fiske to forward Mr. Storrs a letter advising him of the concerns and letting him know if there were issues during the September Race Event, he would not be issued a parking permit in 2008.

- c. Mr. Dow asked if there was any event at Rocky Road Campground during the Memorial Day weekend. It was stated that Mr. Bagone postponed his event.

Chairman Maxfield closed the Board of Permit and reconvened the Selectmen's Meeting.

III. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.

- a. Mr. Fiske presented the Board with a copy of the Police Department billing to NHIS for the July NASCAR Race Event in the amount of \$214,774.61.
- b. Chairman Maxfield stated for the record that one pistol permit was submitted for signature and approval.
- c. Mr. Fiske stated that he respectfully takes exception to the issue of the "non-pay raises." He said the reason that he is bringing it up is due to the Friday morning meeting last December when he provided the Board with a piece of paperwork specific to salaries/pay raises. Mr. Fiske went on to say that he asked for the Board's support for the pay raises he submitted as he had promised his people, not just the Officers but all of his people, that he would go to bat for them to get the salaries up to where they belong. He said that the Selectmen took the information under advisement, and subsequently approved the budget as submitted. Mr. Fiske said the \$332,000.00 on the sheet he submitted adds up identical to the budget submitted, there is nothing hidden. He said as it was stated, all of the other help would be increased by \$2.00, he would get 4%, noting that Jean Lee got 4%, and there are other people getting 4%, and all of the figures are in the Town Report. Mr. Fiske said had he known that there was going to be a problem with the increases at the budget hearing, he would have taken it upon himself to address it at Town Meeting. He said he was reassured by the Selectmen that everything was in place. Then two weeks ago, he submitted a memo based identical to the paper he submitted to the Selectmen this evening that was approved. Mr. Fiske said last week when he was not at the meeting, the Selectmen voted to amend and pass the new figures. Selectman Ives said his recollection of the budget meeting was an increase of \$2.00 for the Patrol Officers, because of the concern the Town was losing Officers to other towns due to the pay rates. He said Mr. Fiske felt that if the rates were bumped up there would be a fighting chance that he could keep some of the Officers for a longer period of time, instead of a training session. Selectman Ives went on to say the Board went

along with the \$2.00 increase for the Patrol Officers only, the part-time Officers were being brought up to \$14.00 per hour, and everything else, all other department personnel would get the 3.25% pay rate. He said that is what he recalls. Mr. Fiske said certainly that is a major part of it, but he resubmits that the paper he presented to the Board tonight is in fact the paperwork that was submitted to all three Selectmen at budget hearing. He said he was very specific of everybody's pay, what it was then, and what he would like to see now. Mr. Fiske said if the Selectmen had said no, that it was way too much, he would have asked the Town at Town Meeting. Had they said no, then the answer would have been no and there wouldn't have been any hard feelings from anybody. He said had he known that it wasn't going to be approved he would have taken his chance at Town Meeting. Mr. Fiske said the increase is to retain his people, all his people. The Secretary has been with the Town over twenty years fulltime. He said the \$14.00 per hour for part-time Officers is for certification. Mr. Fiske said Fire Fighter/EMT-I Bill Lake just received a raise to \$18.15 per hour, part-time ambulance personnel are up to \$14.00+, everybody's going up. He said he would really like to see the Board reconsider his request. Mr. Fiske said the \$2.00 per hour increase is not in his salary, it was the 4% as originally discussed. He said there are 4% increases on two or three other employees based on the Town Report. Selectman Bowles said he remembers asking specifically if the increase was for Officers only, and Mr. Fiske replied "absolutely". Mr. Fiske said he disagreed, and takes exception to that statement. Mr. Fiske said he does not agree because it is in writing with the correspondence that he provided the Board this evening, it is in the documentation. He said it was subsequently approved at Town Meeting, as \$332,000.00 and if anyone was to add those figures, it is identical, there is no question whatsoever. Selectman Bowles said the discussion was about how to keep Officers in Town. He said Mr. Fiske felt it was 100% to do with salaries, so the Board went along with the pay raise he requested to try to offset all the Officers the Town lost in the last year. Mr. Fiske said he respectfully asks again for the Board to reconsider and authorize the wages. Chairman Maxfield said the Board made an amendment this evening to what they felt they wanted it to be and that is the way it is going to be. He said he and the other Selectmen recall the discussion was for the Officers to receive the \$2.00 per hour and part-time Officers to be \$14.00 per hour and even if it is in the bottom line of his budget it wasn't represented to the Board. Mr. Fiske said that it is documented, that the majority of that budget was to maintain and keep personnel. He said the documentation states right in it, 4% for himself, and \$2.00 for everyone else on that list, it is documented. Chairman Maxfield said unless the other Selectmen want to do anything different, the decision will stand. Selectman Ives said he felt the Board had made their decision. Selectman Bowles said that he was going to review his information from the budget workshops, and see if the piece of paper Mr. Fiske presented this evening is included in the material given to the Board. He said he specifically asked if the increase was for Officers only, and Mr. Fiske said absolutely. Mr. Fiske said he thought that the budget process is where this would have been addressed so he would know exactly who is getting raises and to be sure, there is enough money in the budget to cover the costs. He said he gave the Selectmen the documentation and if it was not

acceptable to them then he would have taken it to Town Meeting but he wasn't given the opportunity. Chairman Maxfield said the decision has been made. Selectman Ives stated that last year was his first time with the budget process and he feels that in the next budget process the meetings need to be recorded, or have a secretary in taking minutes so there would be no questions down the road. Chairman Maxfield stated he had already discussed that and it is absolutely what is going to be done, so there will not be any conflict with what was said or not said. Mr. Fiske said he does not understand why he submitted all the documentation and it does not suffice, as it is in writing in three or four different spots, and particularly that the people voted at Town Meeting.

- IV. The Board met with Deputy Fire Chief Rick Wright.
 - a. Deputy Chief Wright stated he would like to thank everyone who helped with the flash flood on Greenview Drive on Monday evening. He said with everyone working together further damage to the residence was prevented. Deputy Wright said he would like to thank Mike LaBonte and Greg Fillmore for bringing in gravel, Tad Flagg and the Highway Crew, Steve Roy, the members of the Fire Department who responded, as well as the neighbors who came out to help, and Officer Plumer. Everyone did a good job. Selectman Ives said that although it was a tragic event, it shows the people on Greenview Drive that even though Greenview Drive was not accepted as a Town Road, they are part of the Town of Loudon and they should not worry about emergency events, because they will be taken care of.
 - b. Deputy Wright advised the Board that the insulation is done at the Safety Building.

- V. Chairman Maxfield recognized Josh Harmon from the audience.
 - a. Mr. Harmon stated he was working on Senator Obama's Presidential Campaign, located at Eagle Square in Concord. Mr. Harmon said that he wanted to introduce himself to the Board as he is in charge of organizing the Loudon portion of the campaign. He thanked the Board for taking a moment to speak with him and stated he thought they would be organizing some meetings in the future.

- VI. The Board began their review of weekly correspondence.
 - a. The Board received weekly expenditure reports.
 - b. The Board received copies of Assessor Dave Wiley's response to Dean Wilber's abatement rebuttal. The Board will take this under advisement.
 - c. The Board received notice that Ed Wlodyka has requested a refund of \$150.00 for payment of a legal agreement to build a second home on his lot without removing the original structure until the second building was complete. Mr. Wlodyka never moved forward with the agreement, or the structure. Selectman Ives moved to refund Ed Wlodyka of 7189 School Street, the \$150.00 fee for drafting of a legal agreement, which was never completed. Seconded by Selectman Bowles. All in favor. Motion carried.
 - d. The Board received a request for additional information from DES on the Septage Facility Permit application for SDS.

- e. The Board reviewed two Scholarship thank you notes, one from Sarah Clasby and one from Samuel Moore. Chairman Maxfield said that the thank you notes received are forwarded to NHIS.
- f. The Board received past due ambulance bills for review. Selectman Ives moved to forward past due ambulance bills account #35113 in the amount of \$598.30 and account #34560 in the amount of \$98.12 to collections. Seconded by Selectman Bowles. All in favor. Motion carried.
- g. The Board received a regional impact notice from the Town of Hooksett.
- h. The Board received copies of NHMA Legislative Bulletin #26.
- i. The Board received a training announcement for the 2010 Census.
- j. The Board received information from NHMA volunteer awards.
- k. The Board received training announcements from UNH.

VII. Chairman Maxfield recognized George Page from the audience.

- a. Mr. Page asked for an explanation regarding the “excess rear acreage” notation on his abatement form. The Board advised Mr. Page that he should touch base with Assessor David Wiley, who will be at the Town Office on Thursday for clarification.

Selectman Ives moved to adjourn the meeting at 7:19 PM. Seconded by Selectman Bowles. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, Chairman

Steven R. Ives, Selectman

Dustin J. Bowles, Selectman