

**Selectmen's Meeting Minutes**  
**Tuesday, July 12, 2011**

Present: Selectmen Ives, Bowles, and Krieger

Also present: ZBA Chairman Dave Powelson, PB Vice-Chairman Stan Prescott, Police Chief Bob Fiske, Police Secretary Janice Morin, Deputy Fire Chief Rich Edgecomb, and Firefighter Brian Searles

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

- I. Selectman Krieger moved to accept the Selectmen's Meeting Minutes of July 5, 2011 as written; seconded by Chairman Ives. Selectman Bowles was not present at that meeting. Majority vote in the affirmative; motion carries.
  
- II. Chairman Ives opened the Board of Permit.
  - a. Chief Fiske presented several Hawker & Peddler permits.
    1. Meat House – to be at the race track, going through parking lots/campgrounds to sell ribs and steak tips. They may also go to Rocky's and Speedway Sports Park so they would need their own permit, not fall under the NHMS umbrella permit.
    2. Speedway Sports Park – three sites as always, all in order.
    3. Michelle York – hot dog sales at Fox Pond weekdays, occasional weekends. On race weekends she would be at the KKN lot on Hollow Route Road. Selectman Bowles asked if this meets zoning. Chief Fiske said that it does with a Hawker & Peddler permit.
    4. Loudon Food Pantry – raffle on July 23<sup>rd</sup> from 10 am to 2 pm. Chief Fiske asked about waiving the permit fee.
    5. Coles – Dad's Dream On Roll, type of hot dog stand, all in order.
    6. A college student wants to go door to door for book sales during the month of July from 8 am to 9 pm. There was discussion about this type of request being denied a couple of years ago, concerns of Board members, and the decision not to approve the request.
  - b. Chief Fiske submitted two letters of intent. One was an activities sheet for NHMS and the other was for a get-together with a live band that Dave Swenson has planned for July 30<sup>th</sup> from 4 pm to 11 pm.
  - c. Selectman Bowles made a motion to waive the fee of \$55 for the Loudon Food Pantry for their raffle; seconded by Selectman Krieger. All were in favor.
  - d. Chief Fiske said that he wanted to make the Board aware that he has been informed by Eddie Edwards that there are plans to sell margaritas at three sites at the track. He said this clearly falls under liquor sales which are not permitted by existing covenants. Selectman Bowles asked the chief to highlight this in the covenants and send it to Jerry Gappens' attention. Chairman Ives read this section of the agreement from the original lawsuit. Selectman Bowles noted that the agreement goes with the property and

that the Town cannot override the agreement. Chairman Ives stated that NHMS would have to go to the court and get the covenants changed if they want to sell anything but beer.

- e. Chief Fiske stated that Speedway Convenience was granted a Hawker & Peddler permit for vendors through Saturday and spectator parking was approved for Sunday. Chairman Ives recognized John Rymes from the audience. Mr. Rymes stated that they have had the same layout and process for fourteen or fifteen years. He read notes he made when listening to the May 19, 2011 Planning Board recording. Mr. Rymes said that it was stated that vendors are closed at the start of the race event. Deputy Chief Edgecomb said that he was in attendance at a meeting where the fire department voiced its concern about cars being parked next to the fuel pumps and it was their understanding that things were going to be shut down. Mr. Rymes said the gas pumps are down. He said that spectators do not park at 6 am but park later in the afternoon, noting that his lot has only filled to about 75% capacity in the last two years. Mr. Edgecomb asked if the vendors open when the race is over. Mr. Rymes said that the vendors open and the store sells when things pick up again at the end of the race. Mr. Edgecomb said they were under the impression that the whole operation is shut down. Mr. Rymes said he is not changing anything from the last fourteen to fifteen years.

Chairman Ives stated that all parking permits are being reviewed. He said that the Hawker & Peddler permit was issued for Friday and Saturday but not Sunday because they were parking cars in the lot. Mr. Rymes said that no rules have changed and there have been no incidents. Chairman Ives said that the permits are being reviewed annually and he feels the decision was made and he will stand by it.

Stan Prescott stated that he was not at the last Board of Permit meeting but was at the last Planning Board meeting. He said that he has listened to the tapes of the last two Planning Board meetings and has also reviewed the plans from the Planning office for Rymes' proposed restaurant and the parking plan. He asked Mr. Rymes if the restaurant is going to be open during the races. Mr. Rymes said it will not be for this race but will be in the future. He said the restaurant operator will be the food vendor once set up. Mr. Prescott asked where restaurant patrons would park during race events if the lot is used for spectator parking. Mr. Rymes said that they can only fit so many cars in the lot and if it is full then they do not let any more in. Selectman Bowles stated that is when issues start because if the lot is full then people park along Route 106 to visit vendors. There was discussion about parking on Route 106, it being the State's right-of-way, and the lot being full with spectator parking so vendor patrons cannot get in.

Chief Fiske stated that if there are no vendors then there is no problem with parking. He noted that with spectator parking there is no idea when people will be leaving. He said the Planning Board was asked that the snow fence and No Parking signs be a prerequisite for approval.

Mr. Rymes noted that there is animosity between the chief and himself and he feels that his lot is being singled out.

Chairman Ives stated that the Board of Permit made a decision and the group has to decide whether to overturn or stand by that decision. Dave Powelson stated that he had not seen a plan before now. He said it might be difficult to attract patrons for vendors if using the space for parking. He said there is no description of how to park for Sunday and feels if there are to be vendors then there probably should not be spectator parking. Stan Prescott said if the spectator parking is full this creates problems with the restaurant. He noted that space is needed behind the vendors for their own vehicles which would squeeze the vendors out into the lot more. He said a conflict arises if there are overlapping uses. Mr. Prescott said the original thought was that everything was closed so the parking was alright but if that is not so, then there is a problem.

Selectman Krieger asked about parking for vendors. Dave Powelson pointed out that there are not spaces for vendor parking. Stan Prescott said that people are not parking at 12:30 and leaving as soon as the race is over. He said some will come early and some will leave late. He suggested that the number of cars be cut back and have designated areas for vendor parking and spectator parking. Rich Edgecomb asked if the store is closed. Mr. Rymes said the store stays open; there are just no customers during the race. Selectman Bowles asked who would be counting if the parking permit is approved for eighty-two cars but adjusted to fifty. Chairman Ives said that Mr. Rymes could reconfigure the parking. Mr. Rymes stated that he would much rather have the vendors than parking. Selectman Bowles said that the overlap is the issue, suggesting that the parking be pulled. Stan Prescott said if Mr. Rymes only wants the vendors then there would be no spectator parking. Selectman Bowles said that the parking could be reconfigured for both for the next race if Mr. Rymes wanted to do that.

John Rymes said that he has been doing this for many years and there have been no issues in all that time. He said other than going to Superior Court this seems to be his only option. Dave Powelson stated that he would be in agreement with clearly designated vendor spaces, giving up some or all of the spectator parking.

Selectman Bowles asked Mr. Rymes if he would be installing the snow fence. Mr. Rymes said he is not willing to make himself liable by installing a structure on State property. Chief Fiske noted that it was a prerequisite of the Planning Board's approval. Mr. Rymes said he would have to get the permission of the State to put a structure on State property. Selectman Bowles pointed out that others have to install snow fence along Route 106. Chief Fiske said the State is behind the request for the snow fence. Mr. Rymes noted that there is a berm that the State installed in the area being discussed. Chief Fiske spoke about fencing that was required for the Searles property and the concerns that are behind these requests. Mr. Rymes said that he feels the snow fence is not necessary but he will

do it if he has to. Selectman Bowles said that all parking permit lots are being reviewed. Dave Powelson said that he would propose to remove the parking of spectator vehicles. He said if there are spaces for customer parking then he is in agreement. Chairman Ives asked to clarify that there would be no spectator parking on Sunday and the vendors can be open. Mr. Powelson said that was correct. Stan Prescott stated that he would agree with that.

Mr. Rymes again stated that there have been no incidents. He said he will do whatever they want so he can have these people open and he is open to suggestions. He said he vehemently disagrees that this has ever been an issue. Chairman Ives pointed out that he is giving Mr. Rymes the opportunity to speak and they are just making sure that there are no incidents in the future. He said they are looking at every lot open for parking. Chairman Ives said that they are compromising to allow vendors for Sunday and that Mr. Rymes can come back with an alternate plan with designated parking and vendor sections. He said this compromise seems the best option at this point. Mr. Rymes said if that is what he has to go forward with then he would but he does not agree.

The Board asked Chief Fiske if he would rewrite the permit to include Sunday. Chief Fiske asked if Selectman Bowles wanted to speak with the Planning Board before the permit is rewritten. Selectman Bowles said that he could do that.

Chairman Ives closed the Board of Permit and resumed the Selectmen's meeting.

III. The Board met with Police Chief Bob Fiske.

- a. Chief Fiske presented the Board with a confirmation from Local Government Center; there will be a meeting on Thursday.
- b. Chief Fiske stated that Grace Capital Church is still working on details for their August outing.
- c. Chief Fiske informed the Board about a group that would be in town, working for the federal government, doing a survey on drug and alcohol use at selected homes. Selectman Bowles stated that this is a study being done with a government grant. After discussion, it was agreed that the Board felt a mailer would be better as they are not comfortable with someone going door to door.
- d. Chief Fiske asked about the timeframe for the Clough Pond project. There was discussion about trying to schedule the work around swim lessons.
- e. Chairman Ives stated for the record that one pistol permit was signed.
- f. Chief Fiske informed the Board that Steve Jackson has not erected snow fence at the flea market location as requested. He said that Mr. Jackson will be going to the ZBA to discuss the matter of signage. Selectman Krieger noted that Mr. Jackson had tape up. Selectman Bowles stated that Mr. Jackson was trying to avoid using snow fence because of the appearance and wanted to use split rail fence. Chief Fiske stated that

Saturday's traffic could be heavy and he feels a letter should be sent as this requirement needs to be accomplished.

- g. Chief Fiske stated that an employee working a ten-hour shift should be entitled to a ten-hour holiday. Selectman Krieger read from the personnel policy with regard to compensation. He noted that the fire department does twelve-hour shifts and they get twelve-hour holiday pay. After discussion it was agreed to look at the budget and address the chief's request.

IV. The Board met with Deputy Fire Chief Rich Edgecomb.

- a. Loudon volunteers filled the tanks at NHMS as training with the tanker and Engine 1.
- b. The Loudon Fire Association purchased a commercial washer and dryer for the Loudon Fire Department to use for washing their turn-out gear.
- c. 6-1-F2 has been to J & D to have the air conditioning fixed.
- d. 6-1-Eng 3 will go in tomorrow to have the lights on the back fixed.
- e. Chairman Ives spoke about a parking detail involving the daytime parking lots during race events. He said that several people in town were called but nobody was interested in going around inspecting the lots. He suggested that the ambulance crew could do the inspections since they are not at the track on Sunday. Mr. Edgecomb stated that the ambulance coverage is done by volunteers and part-timers that day. There was discussion about Captain Lake doing the inspections as part of his rounds. Mr. Edgecomb will speak with Chief Burr.

- V. Chairman Ives stated that bids were opened at the last meeting for some repaving on Staniels Road and East Ricker Road. Selectman Krieger moved to award to Suburban Paving of Bow, NH the paving contract at \$67.35/ton; seconded by Selectman Bowles. Chairman Ives stated that this would be for 2,850' x 21' on Staniels Road and 4,800' x 21' on East Ricker Road. He explained that there were five bids received and Suburban was the lowest bid. He said they have done work for the Town before and the Board is comfortable with the quality of their work. All were in favor.

VI. The Board began their review of weekly correspondence.

- a. The Board received copies of the current expenditure report for review. Chairman Ives noted that all bills have been paid and if anything is to be encumbered it must be done soon.
- b. The Board received paperwork from Jean Lee for Selectman Bowles concerning his salary. Selectman Krieger stated that he added a statement to the note for himself as well.
- c. The Board received a memo from Jean Lee on various issues, one regarding funds for repairs. Selectman Bowles moved to encumber \$2,500 from the Town Office/Community Building Repair line for the purpose of maintenance work being done on the police side of the Arthur Colby Building. This would be from line #01-41941-400-430. Seconded by Selectman Krieger. All were in favor.

- d. The Board received an email from George Saunderson regarding scholarship funds. Selectman Bowles said that he spoke with Mr. Saunderson about funds that have become available.
- e. The Board received a memo from Donna White regarding daytime parking reviews. Chairman Ives stated that this was handled earlier in the meeting.
- f. The Board received a memo from Donna White regarding the parking permit list.
- g. The Board received a note from Jean Lee concerning Manchester Sand & Gravel.
- h. The Board received the State of NH DOT Conference report.
- i. The Board received a memo from the Merrimack Valley School Board Study Committee.
- j. The Board received meeting minutes from the Trustee of the Trust Funds.
- k. The Board received a copy of information from Upton & Hatfield regarding the Fortier lawsuit.
- l. The Board received a letter from Richard Vincent.
- m. The Board reviewed miscellaneous correspondence.

VII. Selectman Krieger said that he has been approached about the berm that the Town put by Dudley's Ice Cream. He said he feels it is an eye sore and is out of place. The Board discussed the purpose of the berm, options/changes, and snow plowing. It was agreed that the berm was placed there so that there would be defined entrances/exits to be used for the business. Chairman Ives said that the Town needs to protect the road and that this will be looked at.

Selectman Bowles moved to adjourn the meeting at 8:13 p.m.; seconded by Selectman Krieger. All were in favor. Meeting adjourned.

LOUDON BOARD OF SELECTMEN

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Steven R. Ives, Chairman

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Dustin J. Bowles, Selectman

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Robert P. Krieger, Selectman