

## Selectmen's Meeting Minutes

Tuesday, July 13, 2004

**Present: Selectman Maxfield, Kardaseski, and Bowles.**

**Also present: ZBA Chairman Roy Maxfield, Planning Board Vice-Chairman Tom Dow, Planning Board member Bob Ordway, Police Chief, Code Enforcement/Compliance Officer Bob Fiske, Road Agent David Rice, Deputy Fire Chief Rick Wright, and Deputy Fire Chief Rodney Phillips.**

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

- I. Chairman Maxfield opened the Board of Permit.
  - a. Mr. Fiske presented 6 Hawkers and Peddlers Permits.
    1. Mary George for Brookside Mall: This is the same application that has been submitted in the past. All of the required paperwork is in order. The valid dates are for July 17 – 26, and September 11 - 20
    2. Harry Franssen for Speedway Sports Park: This is the same application that has been submitted in the past. All of the required paperwork is in order. The valid dates are for July 17 – 26, and September 11 – 20. There will be overnight parking during July 17 – 26.
    3. Dudley's Ice Cream: This is the same application that has been submitted in the past with the exception of one additional 10 X 10 area for racing merchandise to be in an area which cars were previously parked. All of the required paperwork is in order. The valid dates are for July 17 – 26, and September 11 – 20.
    4. Mr. Fiske stated Pete's Pit Stop has applied for a Hawkers and Peddlers application for a 10 X 10 racing merchandise vendor space located by the payphone in the parking lot of Z-1 Express. The applicant has written permission from the property owner.
    5. Sunnyside Maples has applied for a Hawkers and Peddlers application for a COW Tower for Cingular Cell Phone Company. The effective dates for this application are July 1 – October 31. Discussion ensued regarding the other two COW Towers located on this property. Mr. Fiske stated that this COW Tower would be removed from the premises by October 31.
    6. Sunnyside Maples has applied for a Hawkers and Peddlers application for a COW Tower for T-Mobile Cell Phone Company. The effective dates of July 1 - October 31. The trailer for this COW tower will be removed from the premises by October 31.
  - b. Chairman Maxfield stated the issue of building permits on Hilltop Drive is being brought back from last months Board of Permit meeting. He stated

Hilltop Drive is located at the corner of Flagg Road and Clough Pond Road. Chairman Maxfield said this is a “paper street” and the lots in this development have been taxed based upon the “paper street”. Mr. Fiske stated Roy Merrill had submitted a building permit application for lot on Hilltop Drive. Discussion ensued regarding this subdivision and the possibility of it being recorded in the 1970’s as well as the issue of the road needing to be brought up to Town standards prior to the issuance of a building permit. Discussion ensued regarding the width of Hilltop Drive as well as the differences between Hilltop Drive and Foster Road. The Board reviewed the tax maps relative to the properties on Hilltop Drive. Chairman Maxfield stated the Board would take this issue under advisement at this time.

- c. Chairman Maxfield stated the next issue on the agenda was to discuss David Moody’s gravel pit and multiple uses. Mr. Fiske said he had spoken with Mr. Moody and advised him to go before the Planning Board to discuss this issue. Roy Maxfield said he felt Mr. Moody needed to meet with the Planning Board, as there have been other property owners required to complete site plan reviews for the same type of issue. Chairman Maxfield recognized Bob Landry from the audience. Mr. Landry said he had asked the Board to look into compliance issues and that he had not gotten answers. He questioned why only one issue was being addresses when there are other properties not in compliance. Chairman Maxfield stated the Board was trying to address these issues and move forward.
  
- II. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
  - a. Chairman Maxfield stated for the record that 4 pistol permits were submitted for signature and approval.
  
- III. The Board met with Road Agent David Rice.
  - a. Mr. Rice advised the Board that Oak Hill Drive has been paved. He also said that Chichester Road and North Village Road would be striped on Friday.
  
- IV. The Board met with Deputy Fire Chief’s Rick Wright and Rodney Phillips.
  - a. Deputy Chief Wright advised the Board the new ambulance would be delivered the last week in August. This date has been pushed back two weeks from the original delivery date. It will take approximately another week after delivery to get it into service. Deputy Chief Wright also advised the Board that the new truck for the Chief will be picked up on Wednesday.
  - b. Deputy Chief Phillips discussed Station #2 compliance issues and advised the Board that they have been addressed. Selectman Bowles discussed trimming branches by the light.
  
- V. Chairman Maxfield recognized Tim Landry from the audience.
  - a. Mr. Landry inquired about a response from the Board regarding reducing the speed limit in front of his home on North Village Road. Selectman Kardaseski stated a letter had been prepared and signed last week regarding this issue. Discussion ensued regarding the new crosswalk in front of Faith Community

Baptist Church on North Village Road. Selectman Bowles stated the crosswalk is permanent but the speed limit reduction is temporary due to construction during the churches summer activities.

- VI. Chairman Maxfield recognized Ray Cummings from the audience.
  - a. Mr. Cummings inquired about the work being done in the Community Building. The Board advised him that there is currently an alarm system being hard wired in the Community Building, which will be tied into the Town Office Building security system.
  
- VII. The Board met with Trustee of Trust Funds Chairman Tom McCue.
  - a. Mr. McCue advised the Board the Cemetery Maintenance Fund is no longer earning enough interest to pay the annual maintenance charges. He stated there is approximately \$4,500.00 in the Town budget for abandoned cemeteries and feels that the Spring 2004 cemetery maintenance billing from Jeff Burr Sr. in the amount of \$675.00 will need to be paid from this fund. Mr. McCue stated he was not aware of this issue when the Board was preparing the budget for 2004 – 2005, and with the projected billing amounts for this year, the budget line for this will probably be over expended by \$1,500.00 – 2,000.00. Chairman Maxfield asked that Mr. McCue bring this forward at budget time. Mr. McCue stated there is an issue with Fiscal Year end June 30, 2004 relative to the Cemetery Maintenance Fund. He said the year-end balance for this fund is \$174.17 of earned income. The Trustees paid out \$1,854.00, which means \$1,679.83, was paid without the funds actually being available. Mr. McCue said he is in the process of checking into options that may be available to fix this issue. He said there is a possibility that when the funds were turned over to NHPDIP, there was earned income that was combined with the principal for the initial deposit. He is going to look into this. Mr. McCue discussed the other cemetery maintenance funds and said they have earned enough interest and income to pay their costs as each of those funds are only responsible for one cemetery. The general Cemetery Maintenance Fund is responsible to pay the bills for 5 cemeteries in Town. Mr. McCue will continue working on this issue and let the Board know what he finds out.
  
- VIII. The Board began their review of weekly correspondence.
  - a. Selectman Kardaseski moved to approve the Selectmen’s Meeting Minutes of Tuesday, July 6, 2004 as presented. Seconded by Selectman Bowles. All in favor. Motion carried.
  - b. The Board received copies of the final 2003 – 2004 expenditure report. Chairman Maxfield discussed the line item for Highway road maintenance relative to balances. Discussion ensued.
  - c. The Board received a copy of a letter sent to Michael Harris from NH Department of Environmental Services regarding air quality testing during a NASCA Nextel Cup Race. The letter advises Mr. Harris that DES is potentially willing to do limited air quality testing during the September race event. It also asks Mr. Harris to find a property owner in the vicinity of the racetrack willing

to allow DES to setup and operate the equipment for an uninterrupted period of at least 24 hours.

- d. The Board reviewed a refund request for vehicle registration. The Selectmen will discuss this with the Town Clerk.
- e. The Board reviewed a draft review of assessment practices for the Town from the Department of Revenue Administration. The Selectmen have 30 days to respond to DRA regarding this document.
- f. The Board discussed a current use lien release penalty that was assessed in May. The original penalty was assessed on a value of \$50,500.00. The Town recently received the PA 34 form for the sale of this property, which lists the sales price at \$70,000.00. The Board will review this further before making a final decision on whether or not to issue a supplemental billing.

IX. Chairman Maxfield opened the public hearing relative to new operating procedures for the Septage lagoon at the Loudon Transfer Station at 7:30 PM.

- a. Chairman Maxfield advised those present that the Town has been ordered by NH Department of Environmental Services to monitor the septage lagoon for a period of six months due to a high level of nitrate concentration. The Town must also prepare a management plan for the lagoon to include water quality testing. The current five-year permit expires in 2006. Chairman Maxfield stated the maximum gallons the Town could accept at the lagoon annually is 840,000 gallons. The Transfer Station is open three days per week and can accept 5,500 gallons per day, when the facility is open. The Town receives \$40.00 per 1,000 gallons for septage dumped into the lagoon. Robert Saunders of The Louis Berger Group, acting as engineer for the Town asked to clarify one item, that the maximum gallons allowed per month is 70,000. Mr. Saunders said the Town is really under restrictions to only accept the 5,500 gallons per day that the facility is open for the next six months. Testing is being conducted on a monthly basis, as so far there is no substantial change in the test results. Mr. Saunders said he is in hopes that by strictly enforcing the daily limit the Town will be able to defend its position and show positive test results to DES.
- b. Chairman Maxfield recognized Mitch Locker of DES. Mr. Locker said he became involved in review of the Landfill Closure Management permit, which includes monitoring the closed landfill, groundwater permits, and the septage lagoon permits. The nitrate issue is clearly septage and falls under domestic wastewater streams and that is why Mr. Locker wrote the letter. If the monitoring wells indicate there is a problem there must be a response. Chairman Maxfield said that the Town performs quarterly monitoring of the 8 to 10 test wells on the site. Mr. Saunders said one point he wanted to make was to see if the septage haulers could arrange to service the larger commercial accounts during the off months of November to May to help balance the impact on the lagoons. Mr. Locker said some of the monitoring wells are relatively close to the lagoons and that may in itself be the reason for the high nitrate readings. Selectman Kardaseski said she had met with Road Agent David Rice to discuss options that may be available. Selectman Kardaseski reviewed what happens if the daily quota has been met at the lagoon and a commercial hauler

- comes in to drop off a load. City of Concord will not commit to a contract with Loudon to allow our septage to go there at a cost of \$75.00 per 1,000 gallons. She stated one idea was to increase Loudon's fees from \$40.00 per 1,000 gallons to \$65.00 per 1,000 gallons. The additional \$25.00 could be deposited into a Capital Reserve Fund, which in the future could be used to establish a regional facility in Loudon. Selectman Kardaseski also explained that there are Federal funds available to help with this type of project. If the plant were built in Loudon, then other Town's would pay Loudon to dump their septage at the treatment plant. She stated another option that was discussed was to place another pond behind the existing lagoons, filled with plants that thrive on nitrates. This would assist with the volume of nitrates getting into groundwater.
- c. Chairman Maxfield recognized Darlene Johnson, President of the NH Haulers Association. Mrs. Johnson expressed her concerns that the Town would not go further in trying to find a solution rather than just close the lagoon completely. She said the fleet servicing the commercial accounts in the off months was a good idea. The Franklin treatment facility will accept commercial waste but the business must obtain a permit to identify the type of waste that goes into the septic tank. Mrs. Johnson said other than Franklin, the other options for commercial waste was Maine and Massachusetts. City of Concord will not accept any waste from any commercial businesses that are not located in Concord.
  - d. Chairman Maxfield recognized Pat Hannon, Septage Coordinator, Water Quality Division, DES. She stated the Legislature had addressed grant funding on a sliding scale. The more a Town is willing to assist their neighbors, the more grant funding would be available.
  - e. Chairman Maxfield recognized Raymond Cummings from the audience. Mr. Cummings said without a special town meeting a Capital Reserve Account could not be established until March 2005. Mr. Cummings expressed his concerns for the Town shutting off the commercial accounts. Selectman Kardaseski assured Mr. Cummings that it was not the intent of the Board to shut off the lagoon completely to commercial accounts. Mr. Cummings expressed his concerns for the locations of the existing test wells. Chairman Maxfield asked Mr. Saunders to address relocating the test wells. Mr. Saunders said the groundwater permit was the umbrella that Mr. Locker referred to and that it could be possible to relocate the test wells further away from the lagoon. Chairman Maxfield asked if this could result in increasing the number of gallons per month currently allowed. Mr. Saunders said based on the soils on the site and the aquifer, he did not think that number would be increased. Mr. Saunders said a monitoring well could cost \$1,500 – 2,000 and \$1,500 per year in monitoring fees. Chairman Maxfield stated this hearing was an informational meeting to advise the citizens affected by this issue of the Town's plan to come into compliance with DES regulations. Chairman Maxfield said even though Concord will not sign a contract with Loudon, they would accept residential waste as needed. Mitch Locker clarified the lagoon is only permitted to accept domestic septage only. Darlene Johnson asked about scheduling use of the lagoon. Mr. Rice said it would be best to call ahead, such as call on Tuesday to

be able to dump on Thursday. Chairman Maxfield stated at the end of the six-month period the limits on gallons will most likely stay in place. Mr. Locker stated it is not the intent of DES to shut the lagoon down, but to ensure compliance with the regulations. Mr. Saunders said there are three options that the Town could implement. One would be to reduce the number of gallons accepted even further, two is to place the test wells further away from the lagoon, and three is onsite storage. Roy Merrill said he felt that if the per gallon fee was increased to \$75.00 per 1,000 gallons or equivalent to what Concord charges, then the commercial haulers could adjust their fees and could deliver to Concord and lessen the impact on Loudon's lagoon. Selectman Kardaseski said that was what her proposal was, with increasing the fee across the board to \$65.00 per 1,000 gallons. Tom McCue stated from an Economic Development perspective, commercial businesses are taking the brunt of the increased fees imposed by the Town. It is hurting the existing businesses and making it more difficult to attract new businesses. Paul Johnson said increasing the fees would affect the fees he will need to charge. Marie Sherman addressed the possibility of providing a holding type system by which the waste could be disbursed a little at a time. Roy Merrill said he felt the Selectmen need to address the fee issue immediately. Ora George said any site for a treatment plant should be away from residential areas. Chairman Maxfield thanked all those who attended for their input and closed the public hearing to resume the Selectmen's Meeting.

- X. The Board continued their review of weekly correspondence.
  - a. Darlene Johnson addressed the Board regarding increasing the fees and agreed that this must be addressed. Mrs. Johnson also stated there are only seven lagoons left in the State.
  - b. Steve Bennett asked if there was any type of maintenance fund in place to assist with the maintenance of the lagoon. The Board said not at this time. They suggested Mr. Bennett discuss this with Road Agent David Rice.

Selectman Kardaseski moved to adjourn at 9:12 PM. Seconded by Selectman Bowles. All in favor. Meeting adjourned.

#### THE LOUDON BOARD OF SELECTMEN

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Roger A. Maxfield, Chairman

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Deborah A. Kardaseski, Selectman

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Dustin J. Bowles, Selectman