

**SELECTMEN'S MEETING MINUTES  
TUESDAY, JULY 13, 2010**

**Present: Selectmen Maxfield, Ives, and Bowles. Also present Road Agent David Rice, Police Chief/Code Enforcement Officer Robert Fiske. Planning Board representative Bob Ordway 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, July 6, 2010 as written. Second by Selectman Bowles. All in favor. Motion carried.
- II. Chairman Maxfield opened the Board of Permit.
  - a. The hawkers & peddlers permit for Brookside Mall was brought forward by Code Enforcement Officer Bob Fiske. Mr. Fiske said this permit is for September and is the same as was in place for the June race. Mr. Fiske said he had some concerns for the cars parked along Shaker Road, as this is a State road right-of-way and parking in that area is not permitted. Mr. Fiske said he will speak to Mr. and Mrs. George about this issue.
  - b. Mr. Fiske addressed an issue with Tax Map 10, Lot 13. Mr. Fiske stated the owner has approached him with a request to renovate an area of the residence into a studio type apartment with a kitchenette to be used by a college student. The Board concurred this cannot be allowed as the lot size etc. does not meet the zoning ordinance for a multi-family unit.
  - c. Mr. Fiske addressed a greenhouse on the Larrabee property on Pleasant Street. Mr. Fiske said this is a 30x70 greenhouse for personal use. Mr. Fiske said the owner also intends to have a farm stand. This is a permitted use. Selectman Bowles said he would like to see a sketch of the building. Mr. Fiske said this will be with the building permit.
  - d. Mr. Fiske asked about the issue with trenching under Old Concord Road by Merrimack Valley School District. Selectman Bowles said he had met with Fred Reagan and this utility was on the original plan. He said Mr. Reagan noted some changes had been made to the plan and he will submit an updated plan to the Planning Board for their files.
  - e. Mr. Fiske discussed the workers camping issue on Gues Meadow Road. Concerns for water drainage, additional traffic, and storm water runoff were addressed as well as the traffic flow during race events. It was suggested that the Planning and Zoning Boards review this issue.
  - f. Selectman Bowles advised Mr. Fiske that it appeared there was still trash on the lot formerly owned by the VFW Post. He said there have been problems in the past with the trash not being removed after the race events.
- III. The Board met with Office Assistant Bonnie Theriault.
  - a. Mrs. Theriault asked the Board if they had any answers regarding the personnel issues in the office. Chairman Maxfield stated that the Selectmen had met with the Office Manager and expressed the concerns that were raised. He said the Office Manager has agreed to make a concerted effort to smooth

things out. Mrs. Theriault asked about the request to have a meeting to discuss the issues in an effort to move forward. Chairman Maxfield stated that the Office Manager simply won't do it. Mrs. Theriault stated that the only way to be able to move forward is to have a face to face discussion, as the Office Manager is her immediate supervisor it is important to work through the issues if they are going to be able to work together every day. Chairman Maxfield stated there is the option of having an independent arbitrator to come in and mediate. Mrs. Theriault stated she did not feel the town should have to spend any money just so that she and her supervisor could sit down and talk about the issues, it should just be able to happen without cost. Chairman Maxfield stated he did not know if it would cost anything. Selectman Ives said he felt that the Board did the right thing by meeting with Mrs. Theriault and then meeting with the Office Manager separately. He said he felt he would give things a little while and see how it all worked out. Then if needed, meet again. Selectman Ives said if the Board can't meet with all the parties involved then they would meet singly, one selectman with both employees, or one on one. Mrs. Theriault stated that it was the Office Manager who was not willing to have the meeting with herself and the Selectmen. Selectman Ives stated that legally the Selectmen cannot force her to have the meeting. Mrs. Theriault stated that she has tried very hard to be patient for a long time and has been trying to do the right thing by trying to work things out, but feels that the personnel policy which is in place isn't being followed. Mrs. Theriault stated that it has been more than five weeks since she brought her biggest concerns to the Board. Chairman Maxfield asked what the personnel policy's procedure stated. Mrs. Theriault said that once the concerns were brought to the Board they should investigate the issues in a timely fashion. She stated it has been almost six weeks since she brought up these issues but there have been issues for the past thirteen years. Selectman Ives said it has only been five weeks that the Board has known of the issues. Mrs. Theriault said the issues have been going on for much longer than just this particular issue. Selectman Ives said the Selectmen only meet once per week and they met with Mrs. Theriault one week and then met with the Office Manager another week. And decided to let things set for a week to see how things were going. Selectman Ives said it was not done yet. Mrs. Theriault stated she came to the Board May 25, 2010 to discuss this issue and it is now July. Selectman Ives stated the timing has been difficult with a major race in the middle of all this. Mrs. Theriault stated she has been trying to be patient and let the Selectmen handle the situation, but she does not feel like there has been any resolution. She stated having the Office Manager acting like there have not been any issues and pretending that everything is fine is not going to work; it is not a resolution to the issues. Chairman Maxfield stated he did not know what other options there were because the Office Manager absolutely will not meet with Mrs. Theriault and the Selectmen. He said he did not know if she would meet with an outside arbitrator but he felt that an arbitrator could be very successful. Mrs. Theriault stated that she would like to leave this meeting feeling like she has

had at least a little bit of a resolution to the issues so she does not feel like it is a waste of her time to keep coming to the Selectmen and talking about the issues. She said right now she feels like it is a waste of time. Mrs. Theriault stated that the Office Manager is being nice, but nothing has been resolved and as her immediate supervisor, it needs to be resolved. Chairman Maxfield stated the Board advised the Office Manager she needed to work things out and be cordial. Selectman Ives said it does not mean that they are dropping the issue. Mrs. Theriault said it is different for the Board as they only meet once per week but she works with the Office Manager four to five days per week and it is uncomfortable, it is very hostile and it needs to be resolved. Mrs. Theriault stated she did not want to have to make anyone else come in and deal with this situation; she does not want to make it a big deal. She just wants to go to work, do her job, and not have to be stressed out because of someone else's attitude when she doesn't even know why. Chairman Maxfield asked if the Office Manager was being more cordial. Mrs. Theriault stated that right now she was but the issues are still there. She asked the Board if this was all that was going to be done. Selectman Ives said the Board was not going to brush this issue under the rug. Selectman Bowles said the Board gave the Office Manager a direct order and they have to let some time pass to see if she is doing what they asked. He said that if Mrs. Theriault is sitting and being tense waiting for something to happen she is going to feel like it is still on her. Selectman Bowles said Mrs. Theriault needs to let it go. Mrs. Theriault said she can't. She stated that this is how she feels since it has been going on for thirteen years, and it comes and it goes, and comes and goes and she can't just drop it. Selectman Bowles said the Selectmen do not have time to stand in the office five days per week and babysit so they have to let this go. He said the Selectmen will hear back from everybody in the office as to how things are going, like they have in the past. He said his suggestion is to relax and try to get through, the Office Manager is supposed to make an effort, that is what she was asked to do, and that is all the Selectmen can do outside of hiring Mr. Fiske to come and sit with Mrs. Theriault in her chair because he does not have time to sit there everyday. Mrs. Theriault stated she just needed to know where everything stands. Chairman Maxfield stated the Board would still be watching the situation and it was not a closed case.

IV. The Board met with Road Agent David Rice.

- a. Mr. Rice talked about changing the bid specs for Lower Ridge Road. Selectman Bowles said the specs need to be changed to  $\frac{3}{4}$  inch binder 1  $\frac{1}{2}$  thick and 1 inch wear-coat on top. Mr. Rice said he would be removing the top asphalt layer and the blocks on the edges have moved and they are looking at digging down and pouring concrete so the corners would not push out anymore. He talked about needing Jersey Barriers and posting the bridge one lane during construction.

V. The Board met with Trustees of Trust Funds Diane Bowles, Constance Ives, and Melissa West to discuss the investment of funds donated by the Bahre Family for the Scholarship Fund in the amount of \$2,000,000.00.

- a. Chairman Maxfield stated it's the Selectmen's understanding that this is a one-time gift so the money needs to be invested and use interest for the scholarships. He stated it is also the Board's hope to grow the principal out further. Chairman Maxfield stated that the Board met with an investment broker Tony Hartigan who came up with a good plan. Selectman Ives stated Mr. Hartigan's plan was to place the funds in CD's and step them out seven years which would broaden the range of the interest rate from 3 ½% all the way to 4 ½ to 5% and that way when the CD matures, it would be rolled over each time. He said Mr. Hartigan has done this for other towns and endowments and is well versed in the procedures. Selectman Ives stated the Selectmen want to see it invested in a way that the interest can be accessed once per year which will pay out for the scholarships. Melissa West asked if the intent would be to have it set up so that it would be broken into chunks so each of the CD's would come due at different times. Selectman Ives said yes. Selectman Bowles said some CD's could mature as early as three months. Selectman Ives stated Mr. Hartigan was Vice-President of Merrill Lynch. Ms. West stated that she has spoken with someone who has been Mr. Hartigan's client for 35 – 40 years and was given a very high recommendation. Selectman Ives said there are no fees involved because of the way this would be setup. Mr. Hartigan would not be getting any fees from the Town. Selectman Ives stated that the investment information received from the company out of Maine would have charged a maintenance fee. Ms. West asked if all the interest would be used for scholarships or would a portion of the interest be rolled back into the CD. Discussion ensued regarding the history of the scholarships and Chairman Maxfield stated that it has been discussed that with the change in funding the scholarships may possibly be changed back to high school seniors only as there probably will not be the same amount of funding as in the past. He advised Ms. West that possibly some of the interest could go back in to the CD's but was not sure at this point. Selectman Ives stated the Selectmen would be having a public hearing to accept the funds on July 27, 2010 and the Board has to notify the Trustees of the Trust Funds within ten days of acceptance. The Board stated that currently the money is in the town's CD but it would be best to separate out the funds so it can be earning its own interest. The Trustees of the Trust Funds will move forward with contacting Mr. Hartigan.

VI. The Board continued their meeting with Road Agent David Rice.

- a. Mr. Rice advised the Board signs would be posted on Flagg Road as they are going to begin replacing the culvert on Monday. It was discussed that it could possibly take two days to complete the project as well as where the road closing local traffic only signs would be posted.
- b. Selectman Ives asked about the bid specs for paving. Mr. Rice stated he would be looking for next week to have the new information. Discussion ensued regarding the culvert on Lower Ridge Road. Mr. Rice said the culvert is straight but there is a spot that sticks up and the Highway Crew would address it.

- c. Mr. Rice stated he has received a request from Phil Stone to place approximately \$10,000.00 of material on Asby Road. Selectman Bowles stated he did not think it was wise to do as it would not fix the problems with the road. Mr. Rice stated that there is a chance that Canterbury may ask Loudon to start taking over the plowing of the road due to its condition. Selectman Bowles said he did not want to waste the funds for a temporary band aid, that this issue could be looked at next June to see if there are any funds still available. Selectman Ives stated he did not think it was a good idea to do temporary fixes. Chairman Maxfield asked about the Cold Mix. Discussion ensued regarding the condition of the road. The Board agreed they were not in a position to do a temporary fix.
- VII. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
- a. Chief Fiske advised the Board that Officer Brian Martel was back from Military Duty safely and was back to full duty. The Board stated they were glad Officer Martel made it safely and were happy to have him back.
  - b. Chief Fiske advised the Board that he interviewed Isaac Chassman from Bow for the position of Lifeguard at the Town Beach. Chief Fiske gave Mr. Chassman's credentials. Chairman Maxfield asked if he was certified. Chief Fiske stated he is finalizing his certification this Thursday. He said the hours would be 10:00 AM to 6:00 PM with Monday and Tuesday off. Chief Fiske asked that the starting wage be \$10.00 per hour with an additional \$0.50 beginning the second week of August based on good performance. He stated that the rate of pay would be based on experience. Chairman Maxfield stated that the Board did not have to make a motion that Mr. Fiske had the power to hire Mr. Chassman.
  - c. Chairman Maxfield advised Chief Fiske that NHMS has contacted the Selectmen's Office requesting the officers' hours spreadsheet for the June NASCAR race. Chief Fiske advised the Board that the track had already received copies of the hour by hour worksheet and the spreadsheet they are requesting will only speed up their process. Selectman Ives asked if there had been any information from NHMS regarding preparation of the September race. Chief Fiske said he had spoken with the Assistant Director of Security and there was not a lot of information exchanged. He said the thirty days was not up yet and as far as he is aware they are moving forward with September.
  - d. Chairman Maxfield stated for the record that one pistol permit was submitted for signature and approval.
  - e. Chairman Maxfield stated he felt everyone did a good job during the race watching out for safety with a reduced budget. Chief Fiske stated the race started an hour earlier and the traffic went smoothly.
- VIII. The Board began their review of weekly correspondence.
- a. The Board received a memo from Planning/Zoning Administrative Assistant Donna White regarding the annual renewal fee for daytime parking permits. Chairman Maxfield stated the Planning Board recommended a fee of \$50.00. Selectman Ives stated he advised the Planning Board that the Selectmen set the fees, but could use the Planning Board's recommendation. He said it would be a yearly fee no matter how many cars are parked. Selectman Ives

stated he had wanted to see a graduated fee scale based on the number of vehicles parked but the Planning Board felt there would be too much paperwork and it would be difficult for accounting. The Board discussed the process for establishing the fee. Selectman Ives stated that the Planning Board was planning on sending letters out to all the property owners who have daytime parking permits advising of the changes.

- b. The Board received copies of the final expenditure reports for Fiscal Year 2009 – 2010.
- c. The Board received a reminder of the meeting with the Conservation Commission on Wednesday, July 14, 2010 at 6:00 PM.
- d. The Board received copies of Bob Bottcher's resignation letter.
- e. The Board received copies of a memo going out to swim lesson participants regarding parking at Clough Pond Beach from Recreation Committee Chairman Alicia Grimaldi. Chief Fiske stated that he spoke with Alicia Grimaldi and Dave Rice regarding wanting lines for parking at the Beach. It was discussed that there is not a lot of room at the Beach. Chief Fiske stated the police department has posted a memo at the Beach stating the PD is planning on being present during the first week of lessons to assist with this issue.
- f. The Board received notification that Cartographic Associates has provided their opinion on an issue back in February regarding the Shaw family property. It was stated that Cartographic Associates has given no specific answer as to why the parcels were combined as the issue probably goes way back. Office Manager Jean Lee asked for the Board's directive if she should advise the property owners to apply to the Planning Board for subdivision. Discussion ensued regarding the town having two parcels for the Shaw Family but their deed shows three parcels. The Board stated they felt the landowner should go to the Planning Board for subdivision or provide documentation that there are three separate lots. It was stated that the landowner only receives two tax bills from Loudon. Selectman Ives suggested that Mrs. Lee forward a letter to the landowner.
- g. The Board received a reminder of Mr. Walters e-mail regarding the culvert/drainage issue on Berry Road. The Board drafted a response this evening and stated that the Road Agent will be meeting with Mr. Walters regarding this issue.
- h. The Board received a letter from Dick Vincent regarding a driveway issue on Country Hill Road. Selectman Bowles stated he had asked Road Agent Dave Rice to put down some cold patch to fix the area.
- i. The Board received a letter from DRA regarding the Assessing Contract review. The Board will have Office Manager Jean Lee forward a letter to Cross Country Appraisal Group regarding DRA's concern regarding the contract and issue #2.
- j. The Board received a scholarship thank you letter.
- k. The Board received copies of May and June property transfers for review.
- l. The Board received a Stream Crossing Workshop announcement.

- m. The Board received copies of a Regional Impact Notice from the Town of Alton for review.
- n. The Board received miscellaneous correspondence.

Selectman Bowles moved to adjourn at 7:50 P.M. Second by Selectman Ives. All in favor.  
Motion carried.

LOUDON BOARD OF SELECTMEN

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Roger A. Maxfield, *Chairman*

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Steven R. Ives, *Selectman*

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Dustin J. Bowles, *Selectman*