

Selectmen's Meeting Minutes

Tuesday, July 31, 2007

Present: Selectman Maxfield, Ives, and Bowles.

Also present: Fire Chief Jeff Burr and Police Chief and 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 24, 2007 as presented. Seconded by Selectman Bowles. All in favor. Motion carried.
- II. The Board met with Fire Chief Jeff Burr.
 - a. Chief Burr stated he has not heard anything regarding the dry hydrant at the Village Dam and asked if the Board was aware of an anticipated date for work to begin. The Board stated it was their understanding that the work would begin in August after the water dropped off. Selectman Bowles said he has not heard anything about the work on the pipe; however, he knows that they need to finish the original work. The Board will contact RM Piper regarding the remaining work to be done at the Village Dam.
 - b. Chief Burr provided the Board with copies of certificates of continuing education from The Local Government Center.
- III. The Board met with Police Chief and Code Enforcement/Compliance Officer Bob Fiske.
 - a. Chairman Maxfield stated one pistol permit was submitted for signature and approval.
 - b. Mr. Fiske read the following and asked that it be included into the minutes: "Subject: Minutes of 07/17/07: FACTS: Deadline for budget was 11/17/06. It was submitted on time. Work session for my budget was 12/01/06 – lasted for 60 minutes. Present: Chairman Bowles, Selectman Ives, Selectman Maxfield, myself. 1. Selectmen Bowles stated during work session budget negotiations that there was no discussion of a 4% increase for "any" employee. 2. In the minutes dated 07/17/07, Selectman Bowles stated increases were not what are being presented now. Code Enforcement line stated 3.99%. Police line stated 4.55%. It is in fact what was presented and it's the same bottom line now with the exception of the added money by the Selectmen. 3. Selectman Bowles said I represented that I was planning to hire another officer (clearly, on the paperwork submitted on 12/01/06 to the Selectmen is where the "vacant" position for f/t officer was explained and addressed along with the pay increases –(copy enclosed). 4. Chairman Maxfield said all three Selectmen take their notes during budget workshops EXACTLY as the information is presented to them. (I wonder if these notes are available). It was stated by Selectman Maxfield that the increases were for the officers and the rest was for a new hire – clearly it was not for a new hire – only to fill a vacant position which showed the same increases as everyone else. That would not have been noticed, other than being shown on the pay spreadsheet. 5. Selectman Bowles stated that the information was never presented to the Selectmen that showed individual percentages and that all the Board received was a piece of paper that showed the bottom line for the PD was going up this much and Code Enforcement was going up this much. He said there was no explanation whatsoever. I reiterate that the budget workshop lasted 60 minutes which was so

indicated on my time sheet. There would have had to been some explanation. I submit that the bottom line indicated 4.55% and 3.99 % respectively. Also, on 12/29/06 a five page fax sheet was sent to the town office regarding a \$9,250.00 request for computer equipment which was suggested by Selectman Bowles and subsequently added to the operating budget by the Selectmen. 6. In regards to Mrs. Pearl, the proposed budget that was subsequently approved at Town Meeting and the increase that was authorized afterwards, by the Selectmen, was a difference of negative .09- in my opinion this is unjust. 7. Chairman Maxfield said he is absolutely clear on what he heard during the discussions and there was no question in his mind. I contend that I am equally clear and furthermore it's so indicated in the written documentation submitted. 8. Selectman Bowles stated, according to Chairman Maxfield that during the budget hearing the COLA would be 3.25% except for officers and one other. None of my budget preparation figures were changed from 12/01/06 except for the Selectmen adding more money. The annual report states and shows the Welfare Assistant under Welfare, is 3.96%, Code Enforcement & Health is 3.99%, the Secretary at Planning & Zoning is 0% but was subsequently authorized by Selectmen for 4%. 9. Selectman Ives stated that I never brought up anything to do with raises for administration, it was strictly regarding full time and part-time police officers and everything else discussed was 3.25% even though Selectman Bowles stated that there was no explanation whatsoever. In my opinion I feel that's incorrect, particularly with the approved 4.55% increase on the PD budget and 3.99% on the Code Enforcement budget as submitted.

EMPLOYEE	SAL/HRLY (WEEKLY)	ANN. HOURS (43 hr wk)	\$2.00/hr	ANNUAL SALARY EFF. 07/01/07
ROBERT N. FISKE, CHIEF	31.30	1040	32.55	33,852.00
JANICE J. MORIN	17.04	2080	19.04	39,603.20
ROBERT P. KRIEGER, LT.	23.08	2080	25.08	52,166.40
SETH F. PLUMER	16.97	2236	18.97	42,416.92
ROBERT S. AKERSTROM	16.97	2236	18.97	42,416.92
JASON S. FISKE	16.97	2236	18.97	42,416.92
NATHAN S. TAYLOR	15.87	2236	17.87	39,957.32
F/T PATROLMAN	15.87	2236	17.87	39,957.32
TOTAL REG. SALARIES				332,787.00
PART-TIME				12,012.00
TOTAL P/T WAGES				12,012.00
2 shifts/wk=16 ½ hrs @ \$14/hr				
PART-TIME SECRETARY WAGES				
BRENDA PEARL	11.14	120		1,336.80
TOTAL P/T SECRETARY WAGES				1,336.80

- IV. Selectman Bowles stated that the “E-Pod” for electronic recycling has been shipped out. He said that the weight was 10,000 lbs. Selectman Bowles went on to say that the 10,000 lbs is tonnage that is not sent to Penacook, which helps keep the GAT down. The Board said Steve Bennett is doing an excellent job at the Transfer Station.
- V. The Board met with Mr. Samuel Schneider regarding the maintenance of the cul-de-sac on Ilona Lane.
- a. Mr. Schneider stated that there is a grassy area at the cul-de-sac on Ilona Lane that he feels the Highway Department should be mowing and maintaining. He said that he has spoken with the Road Agent on different occasions through out the years and was told that the mowing would be taken care of and it has not. Mr. Schneider gave a history of his work record and stated he felt that he knows what he is talking about. He said he believes that the Road Agent is not getting the job done. Chairman Maxfield said the Board would speak with Mr. Rice to look into the situation. He said that generally the roadside mowing is done once per year with the Highway Department mowing the Recreation Fields and Town property through out the season. Chairman Maxfield stated there are approximately five cul-de-sacs in the Town of Loudon. Selectman Bowles stated that cul-de-sacs are fairly new to Loudon and it has not been common practice to mow them weekly or monthly. He said it should be annually and he knows that not all of the roads have been mowed completely in approximately 4 years. Mr. Schneider said he figures there is approximately \$40,000.00 in taxes from Ilona Lane. Selectman Bowles said the Town of Loudon only sees 9% of that tax revenue, the remainder of it goes to the County and Education; however, the Selectmen will look into this issue and speak with Mr. Rice. Mr. Schneider said that he has cut the brush back and mowed, and broke his mower. He also stated that this past winter, the plow pushed back the dirt and he had to reseed to get the grass back. Selectman Bowles said the plow probably had to push back the snow due to drifting issues. Discussion ensued regarding the Town’s right-of-way and volunteering.
- VI. The Board began their review of weekly correspondence.
- a. The Board talked about a road inspection on Thursday as well as the Highway Department working on the Library parking lot.
- b. The Board received copies of a letter received from the Maxfield Library Trustees requesting transfer of appropriated funds so that they can process their own accounts payables. The Board will address this issue later in the meeting.
- c. The Board received copies of RSA 202-A: 11 – Powers and Duties of Library Trustees for their review.
- d. The Board received copies of the Public Office Bonding schedule from The Local Government Center Property Liability Trust.
- e. The Board received confidential correspondence regarding pending litigation.
- f. The Board received the revised plan from Judy Houston regarding the Berry Road drainage issue.
- g. The Board received copies of the July 26, 2007 draft Zoning Board minutes, July 26, draft Zoning Board work session minutes, and the July 28, 2007 Zoning Board draft site walk minutes for review.
- h. The Board received the Loudon Street Light Inventory from PSNH. The Board reviewed the list and will check for a light pole at the Town Hall on Clough Hill Road.

- i. The Board received notice of a pricing increase from Comcast.
- j. The Board reviewed past due ambulance bills. Discussion ensued regarding the ambulance coverage and agreement with Chichester. Selectman Bowles moved to forward past due ambulance account #21406 in the amount of \$589.80, account #9428 in the amount of \$320.80, account #36012 in the amount of \$239.50, and account #35987 in the amount of \$228.26 to collections. Seconded by Selectman Ives. All in favor. Motion carried.
- k. The Board received copies of the June property transfers for review.
- l. The Board received a memo from Office Manager Jean Lee regarding her vacation request. The Board approved the request.
- m. The Board received copies of the upcoming road maintenance workshops.
- n. Mr. Samuel Schneider was recognized from the audience. Mr. Schneider asked if the ambulance bills were checked to see if the patients had insurance. Selectman Ives said that the Town has a billing service that processes the accounts, when a patient has no insurance, cannot pay the bill, or moves away, the bills are sent to collections. Chairman Maxfield stated by utilizing the billing service it has cut down on the Small Claims cases.

VII. The Board began their discussion regarding the request by the Maxfield Library Trustees for the transfer of appropriated funds so that they can process their own accounts payables. Selectman Ives thanked Selectman Bowles for contacting Attorney Mayer. Chairman Maxfield stated the Board had received a letter from the Maxfield Library Trustees requesting that the Selectmen forward their appropriated funds in quarterly payments directly to the Library with the exception of salaries. The total amount appropriated for the Library is \$186,898.00 of which salaries/wages total \$124,548.00 leaving \$62, 350.00, or \$15,587.50 per quarter. Selectman Bowles said the response from Attorney Mayer highlights many different points, but the RSA that is referenced says “a payment schedule as agreed to by the Library Trustees and the Selectmen or City Counsel” does not mean that the Library Trustees can demand that the Selectmen just hand them a check. He said the RSA states that the two parties need to come to an agreement. Selectman Bowles went on to say the Selectmen’s Office has not received any bills from the Library since July 1, 2007 and feels that the Trustees have been planning this for a while. He said that the Board has asked the Library Trustees to come and meet with the Selectmen for a while with no response from the Trustees. Selectman Bowles said he does not feel by refusing to meet with the Selectmen they are being team players and that Attorney Mayer strongly recommends that the Board not agree to this request. Selectman Ives said that he agreed with what Selectman Bowles said. He went on to say that while the Board cannot tell the Library Trustees how to spend that money, the Selectmen oversee how the money is being spent. If the Library is paying their bills directly, there will be no check and balance in place. Selectman Ives said he felt it would be better liability wise to have another set of eyes looking at those bills. Chairman Maxfield noted that the Library Trustees want the Town to continue paying salaries. Selectman Ives said that until the Town had a fulltime Fire Chief there was a Fire Board that double-checked all the bills before they were submitted to the Selectmen’s Office to be paid. That way there was checks and balances in place. He went on to say that, he does not feel it is a good idea to give the Library a quarterly payment as it could interrupt the Town’s cash flow. Selectman Bowles stated that if the quarterly payments are due during a time where the Town does not have the money to cover the payment it may mean that the Town would have to look at borrowing money to cover the payment and the Selectmen do not have the authority to borrow money without the Town’s vote. He said that the Library had been

submitting their bills and the bills were being paid weekly so that cash flow was not an issue. With a lump sum payment there could be issues and he feels that this is an issue that the Town's people should vote on it. Chairman Maxfield stated the opinion of Town Counsel includes a section that says "Town's in NH handle Library Funds in different ways. This is normally by agreement of the Library Trustees and the governing body (the Selectmen shall manage the prudential affairs of the Town and perform the duties by law prescribed)". Selectman Ives said the only knowledge of another town's library system is Bow, as his brother is a Library Trustee there. He said the Bow Library handles all their own bills, payroll, and insurance. Bow has their own accountant and are completely separated from the Town. Selectman Ives went on to say the system in Bow was not done over night. It was setup over time. Selectman Bowles said he feels the Capital Reserve Funds are being overlooked where the Selectmen are the authorized agents as set forth by the voters. He said there are systems in place and does not feel the Library Trustees demand needs to be fulfilled in this way. Selectman Bowles said the Trustees wouldn't even come in and talk with the Selectmen. Selectman Ives said the bottom line is that the Trustees need to come in and have a conversation with the Board. The meeting has to be a duly noticed meeting that is open to the public. The Board agreed not to have the Attorney prepare a response at this time so the Board can ask the Library Trustees again to meet and discuss the issues as Loudon is still a small town and there is no reason that this discussion cannot take place. The Board stated they do not want to spend taxpayer's money for the Attorney to prepare a response if it can be helped. Selectman Bowles stated the Board has asked the Library Trustees to meet with the Board before and the Library Trustees responded by sending a letter to the Board stating that the Selectmen can go to the Library and meet with the Trustees as they meet on Tuesday nights. He said the Selectmen also meet on Tuesday nights and does not feel that it is appropriate for the Selectmen's Meeting to be cancelled or rescheduled because the Library Trustees are refusing to meet with the Board. The Board will draft a letter requesting that the Library Trustees meet with the Selectmen at a Selectmen's Meeting.

- VIII. Selectman Bowles moved to enter into executive session to discuss an attorney client privileged communication at 7:30 PM. Seconded by Selectman Ives. Roll call vote: Maxfield yes, Ives yes, Bowles yes. All in favor. Motion carried. The Board came out of executive session. Chairman Maxfield stated the results of the executive session are that the Board discussed an attorney client privileged communication and the Board knows what they want to do with the attorney.

Selectman Bowles moved to adjourn the meeting at 8:00 PM. Seconded by Selectman Ives. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, Chairman

Steven R. Ives, Selectman

Dustin J. Bowles, Selectman