

**SELECTMEN'S MEETING MINUTES
TUESDAY, AUGUST 25, 2009**

PRESENT: Selectmen Bowles, Maxfield, Ives, Police Chief/Code Enforcement Officer Robert Fiske, and Fire Chief Jeffrey Burr.

Chairman Bowles called the meeting to order at 6:30 P.M.

- I. Selectman Maxfield moved to accept the Selectmen's Meeting Minutes of Tuesday, August 18, 2009 as presented. Second by Selectman Ives. All in favor. Motion carried.
- II. Selectman Ives moved to approve the minutes of the Executive Session of Tuesday, August 18, 2009 as printed. Second by Selectman Maxfield. All in favor. Motion carried.
- III. The Board met with Police Chief/Code Enforcement Officer Bob Fiske.
 - a. Chief Fiske presented six pistol permits for approval and signature.
 - b. Mr. Fiske advised the Board he had received a complaint regarding the excavation work being done at NH Motor Speedway. He said he had contacted Mary Pinkham-Langer at Department of Revenue Administration and she visited the site on Tuesday. Following this meeting Mr. Fiske contacted Planning Board Chairman Tom Dow in reference to the current application before the Planning Board. Mr. Fiske feels that additional information and an as-built plan should be provided to the Planning Board for their review in regards to the topography modifications in the area under construction. Selectman Ives asked if the work being done is beyond the scope of work approved by the Planning Board. Mr. Fiske said yes.
- IV. The Board met with Fire Chief Jeff Burr.
 - a. Chief Burr said he has been working with the state and the public health network on the H1N1 flu. He presented the Board with a fact sheet for their review. He said he will be placing an article in The Ledger with this information. Mr. Fiske said there is also a conference call scheduled for Thursday to discuss the available information. Chairman Bowles asked about including this information on the town website. Chief Burr said this could be accomplished with a link to the Capital Area Public Health Network website.
 - b. Chief Burr said the maintenance work has been completed by the inmates from the Merrimack County Department of Corrections. Selectman Ives said it would be good if Chief Burr could provide an estimate of the money saved by participating in this program.
- V. The Board met with Jerry Gappens, Vice President and General Manager of NH Motor Speedway.

- a. Mr. Gappens advised the Board he had met with Chairman Bruton Smith and other personnel of Speedway Motorsports Inc. this past week-end in Bristol, Tennessee. He said the goal is to resolve the billing issue for the June event held at NH Motor Speedway as well as establishing a fixed budget for future events including the September race. He said based on the meeting and the feedback he received, he is certain he can have a check released and pay the remaining balance of the June invoice in full by Wednesday. He said to do this he is asking the Board to establish a budget not to exceed \$175,000 for the upcoming September 18-20 race week-end for police coverage. He said this would give Chief Fiske the flexibility of managing the schedules and assignments at the race event week-end without there being arguments over individual hours, recorded who is getting paid what, and the establishment of so-called discrepancy on what really constitutes event week coverage, such as Friday through Sunday. In addition, he said NHMS would like to establish a budget of \$25,000 for week-end fire coverage. He said this would give the Town of Loudon \$200,000 reimbursable expenses for the race week-end. Mr. Gappens said his understanding is that Chief Fiske has been working towards the reduction based on the previous meetings they have had. He said he would like to move forward and get this issue behind them and formulate a plan to get the expenses down. Mr. Gappens said based on a review by the corporate office, there has been a 40% increase in the police bills since 2005. He said attendance at the Speedway has not increased and has actually decreased for the Friday and Saturday events. Mr. Gappens said the attendance figures for the June event decreased, citing the current economic conditions as a factor. Chairman Bowles said he wants to be sure he is clear on the numbers provided by Mr. Gappens. He asked if the \$175,000 was for the year or per event. Mr. Gappens replied it was per event. Chairman Bowles said he also wanted to comment on Mr. Gappens' statement regarding the increase since 2005. Chairman Bowles stated that since 9/11, there has been increased security at all large events. He said for at least two years there were additional personnel on site. Mr. Gappens said they had picked 2005 as a starting point because 9/11 was in 2001 and they knew that had played a part in the increases. He said in studying the costs, the increases since 2005 were alarming. Chairman Bowles said the town is working in getting the costs reduced. He said Chief Fiske has had meetings with the track security personnel to work on reducing the hours and getting costs down. Mr. Gappens said he has not seen anything concrete on the projections or a printout of the proposed reductions and what the dollar amount would be. Chief Fiske said it was his understanding Mark Furlone was in agreement with the proposed reductions and showed Mr. Gappens what had been agreed upon. He said this was Mr. Furlone's request so to speak. Mr. Gappens said it was his understanding during his meeting with Mr. Furlone, who came in with a template of areas that had been looked at and adjusted. He said Chief Fiske's concerns of additional grandstand people requested by track officials had added to the overall costs were also being reviewed. Chief Fiske said it was his understanding that if the revised

template was agreeable with him, then Mr. Gappens would have been happy with the adjusted scheduling. Mr. Gappens said he has not received any numbers (dollar amounts) from Chief Fiske and asked if he had those numbers available and what the bill would be if presented right now. Chief Fiske said he cannot predict that at this time as it would only be an estimate. Chief Fiske said due to the free flow traffic plan, based on the study paid for by the track, there are many factors, including the weather, that could potentially increase the overall cost. Chief Fiske said based on his meeting with Ray Burke and Mark Furlone sixty positions have been reduced. Mr. Gappens said he is aware of this, but he still needs to see some numbers. He said he agrees if there is a rain date, adjustments would have to be made. Mr. Gappens said what his corporation is looking at are the numbers. He said they operate eight tracks across the country, and on the last bill from Loudon there are 225 officers on the invoice plus another 100 or so officers from the surrounding towns and State Police. He said this is an excessive number compared to what they see from the other tracks they own and operate to run NASCAR races. He said they had approximately 150,000 fans attend the Bristol event last week-end. Mr. Gappens said he can only go by the template they have for the standard of care coverage at the other events. He said while he understands the position Loudon is in, with the resources available, other localities provide this coverage with costs being covered either by the state, county, and town. Mr. Gappens said if a budget can be established he will do a purchase order to approve it, the town will receive payment within 10 days of the invoice and this won't be a problem in the future. Selectman Ives said in dealing with Bob Bahre in the past, keeping the customer happy was a priority. He said Mr. Gappens stated he felt the number of officers on the roster was excessive, but if you ask the police chief or fire chief, both would say more is better. Selectman Ives said the numbers can be pared back, but it has to be done on a gradual basis. Selectman Ives said if the track's costs can be reduced without sacrificing anyone's safety that is fine. Selectman Ives said he could not make a decision to agree to Mr. Gappens's proposed budget until Chief Fiske provided his assurance he could work within that budget. Chief Fiske reviewed an email he had sent to track security personnel following the June event. Chief Fiske said he also wanted to clarify that the 30 or so extra personnel stationed in the grandstands had been requested by the track. Chief Fiske said he did not care if the track did not want any personnel in the grandstands, but if there is an incident, he would not promise assistance would be available. Chairman Bowles said he does not feel the town can just remove half of the officers and jeopardize the safety of the race fans and the town residents. Chairman Bowles said he feels the July invoice and the September race are two separate items and have to be treated as such. If they are tied together, then he feels it won't be possible to move forward. Chairman Bowles said he is not comfortable with the number thing, about dictating a specific number in dollars. He said it is important for adequate personnel to be on site to cover an emergency situation and the law requires that adequate security and fire protection be

provided on premises. Selectman Maxfield asked Chief Fiske when his numbers might be available. Chief Fiske said he could give a preliminary amount based on the scheduling. Selectman Maxfield said he feels it is important to have those numbers to move forward. Selectman Ives said the town is willing to work with the track to pare the numbers down, and will continue to work diligently to do so, but cannot say if it will be possible to reach the number Mr. Gappens is looking for. Selectman Ives said he is not a safety expert but the town will continue to work diligently to reach an amicable agreement. Chairman Bowles said there is a feeling the town is being held hostage. He said it is like if you don't get this, we don't get that. Mr. Gappens said he is trying to work with the town, but he also has a responsibility to the share holders of the corporation. Chief Fiske said he intends to work with Mr. Gappens, but what happens if the numbers come in at \$195,000 instead of \$175,000 and the track says they are not paying any more than the \$175,000. How do you justify that the townspeople? Chairman Bowles said he agrees with Chief Fiske and it has to be safety first and to heck with the numbers. He said if the cost does exceed the \$175,000 he cannot justify putting the burden on the taxpayers to cover any additional funds. Chairman Bowles said Loudon is probably the smallest community the corporation works with, and with the least amount of revenue coming in. Selectman Maxfield said Chief Fiske has referred to the track security people coming up with the numbers requested. He said Mr. Gappens must be aware of these numbers as he is in contact with the track security heads. He said the town will keep trying to work with the track to get these numbers down. Chief Fiske said while it is correct that there were 200 plus people on the payroll, some officers only worked one 8 hour shift. Chairman Bowles said they have all seen the time sheets. Selectman Ives said he is in agreement the Board needs to see the numbers from Chief Fiske and go from there. Mr. Gappens said the seating capacity of the track has not changed in recent years and September ticket sales are down. Chairman Bowles asked what the decrease was. Mr. Gappens said at this time sales are down 11% from last September's race. Mr. Gappens asked Chief Fiske how soon he can pull the dollar amounts together for the September race estimate. Chief Fiske said he will need a couple of days. Chairman Bowles said he was going to ask again if the town was going to get paid for the July invoice, and then move forward from there, or is the town being held hostage by saying you are not getting that until I get this? Mr. Gappens said he was asked to get some re-assurance in moving forward to getting the costs reduced, he is not holding the town hostage, and he is moving forward to facilitate getting the rest of the payment forwarded to the town. Mr. Gappens said there was one check sent to the town, there is a balance remaining, and that is where they are looking for an adjustment. and then moving forward. He said he feels this will get done. Selectman Ives said officially, the town has not received a check. Mr. Gappens said there was one sent. Selectman Maxfield said Chief Burr will also have to work on reducing his staff. Chief Burr said he can work on that, but it has to be understood Loudon is not a big city. When mutual aid is

called in for an incident, they sometimes have to come from a long distance. He said it is very important to the department to have vehicles stationed in town if they are needed. Chief Burr said if something should happen and they need to call in other departments, it is going to be a long time coming. He advised Mr. Gappens that if something should happen, don't come screaming at him asking for more help. Chief Burr said he feels the scheduled coverage is sufficient, but not excessive and that has to be looked at. Chief Burr explained the additional people that have been added, and it was because NASCAR had mandated a truck and personnel in the infield. Mark Furlone, Director of Security for NHMS addressed the Board. Mr. Furlone said the roster that had been submitted was a goal. The goal they would like to work towards is the \$175,000. He said he never considered this to be a final request, but a starting point and an opportunity to look at the coverage. He said traditionally, the September event, and the first week-end is a drop and go week-end. He said race fans come in with their campers, secure their spot and leave. He said there may be some, who stay Saturday night, but probably no more than 1,000 people, no more than were on site for last week-ends road racing series event, yet the coverage for that week-end is scheduled for around the clock. This past week-end there was no coverage scheduled, and no problems. He said the focus of the reduction would be during the early part of the week. Mr. Furlone said the track did ask for the increased coverage in the grandstands, in an attempt to answer to the concerns of the staff and the fans. Chief Fiske said he wanted to remind those present that a few years back, during the beginning of the week, track security was handling the traffic flow and a serious accident occurred. Lawsuits were filed and one question asked was there police officers there. The answer was no. Chief Fiske said after that occurred, he was asked to have police officers on duty during the influx of campers. Mr. Furlone said he did not eliminate the positions, only asked that it be reduced from four officers to two. Chairman Bowles said he understands Mr. Furlone's position, and as has been stated, the town will continue to work to reduce the costs. Selectman Ives asked Chief Fiske how much he has been able to reduce the bill in the last year. Chief Fiske said he would have to look at the time sheets again, and cautioned that there were reductions in some areas, but there were increases in others at the track's request, such as replacing the State Police in the camp area with Loudon officers. Selectman Ives said then the town is working to reduce the costs as requested by the track. He said the 40% increase was over a period of four years, but the 30% reduction is in one year. He is not sure this can be accomplished in one year and does not feel the \$175,000 can be cast in stone as it may not be possible to achieve this goal in a one year time frame. He stated the town can certainly work towards this goal. Chief Fiske said Mr. Gappens can be assured he will work diligently to work the numbers down to the recommendations made by Mr. Furlone, but how can the town be assured the argument will not resurface if the bill comes in at \$195,000 in lieu of a bond. He said he understands no one wants to stand up at town meeting and tell the taxpayers there are bills

out there for \$500,000 that the town is not getting paid for. Chairman Bowles said he will not, in any way, shape, or form put a second bill, if the town is not paid for the first bill, on to the taxpayers of the Town of Loudon New Hampshire. He said this will not happen and the town will seek some type of insurance that the bills will get paid. Mr. Gappens reiterated that he is here tonight to try to work towards an amicable agreement, which will satisfy all parties involved. He said if the bill came in \$20,000 over the \$175,000 budget, the track has a \$10,000 bond in place now, he would not be worried about the \$20,000 overage. Mr. Gappens said he agreed with Selectman Maxfield, in asking Chief Fiske to pull the numbers together so Mr. Gappens can see where the cuts will affect the proposed budget. Chairman Bowles asked Mr. Gappens if they were on the same page now, and he is going to keep asking this questions until he gets the answer he is looking for. Mr. Gappens said he will contact the corporate office in the morning, and he is doing his due diligence to get the rest of the June bill paid, in a timely fashion as well. Chairman Bowles said the hours are going by and September 20th is right around the corner, and the coverage actually starts on or around the 10th. Chairman Bowles said the town does not have until that date to make a decision. Mr. Gappens said he understood that. Chairman Bowles said the town needs to be prepared, if it comes to that, to be in a position to assure ourselves payment, then the town needs to do that, and there is not a lot of time, so Mr. Gappens, you do not have the authority to say yes, the Town of Loudon will get paid for the June race, and then that is done. Now, let's sit down and talk about September, which is what we have been trying to do, as a separate issue, that's not happening. Chairman Bowles asked if this is what he is clear in understanding. Chairman Bowles said he is interpreting Mr. Gappens to say the issues are one in the same and Chairman Bowles is trying to separate them. Mr. Gappens said he can agree with that statement, that Chairman Bowles is trying to separate the two issues. Mr. Gappens said he has the ability to facilitate the June payment within 24 hours if the September budget can be established in moving forward towards a fixed cost. Mr. Gappens said he is not trying to hold the town hostage, he is trying to get the bill paid, and it will get paid. He said an agreement had been reached on adjustments to the invoice and they are working with that. Chairman Bowles said originally the issue had been with Loudon's portion of the bill, and now has been blown into a much larger issue. Chairman Bowles said he is not comfortable with the issues being treated as one in the same. Chairman Bowles said the June coverage had been approved by the track, the officers have been paid, and now the town is waiting for their reimbursement check. He said this has been paid in a timely fashion for many years, and now that is being held hostage because the town won't cower down on the September event. Chairman Bowles said the town will work with the track, and if Mr. Gappens cannot trust in that, then this is going nowhere fast. Selectman Maxfield said the town is responsible to invest their funds, this money is due to the town and it should be paid. Chief Fiske said he will look at the positions and placement of the officers, but he will not sacrifice the safety of

those attending the event or the residents of the town. The change to the free flow traffic pattern has increased the impact of getting emergency vehicles into the track area if needed and this has to be looked at. Chief Fiske said he wanted to clarify that whatever changes are made, it is not for the betterment of the Police Department or the Town of Loudon, it is to make it better for the track and their patrons. Chairman Bowles asked Mr. Gappens about where he feels the issue is at now. Mr. Gappens said his consensus is that Chief Fiske has asked for two days to review the numbers and try to work towards the number requested by the Speedway. He said he will contact the corporate office in the morning, report on this meeting and work towards getting a check released to pay the June invoice. Mr. Gappens touched on the amount of money the track pays in property taxes per year. Chairman Bowles said he feels this is irrelevant in this issue, as the tax structure in the State of New Hampshire includes several components and Mr. Gappens needs to understand that all the tax money paid does not remain in the town. Chairman Bowles said it is frustrating to him that more and more numbers get thrown into the mix, he said a service has been performed and the costs have not been reimbursed. That is the bottom line. Mr. Gappens said the reason he has made this comment is that during the first couple of meetings he had with the town, it was referenced by a couple of the Selectmen that the races did not benefit the town. He said he had also pulled some numbers on the amount of revenue the track generates for individuals who park cars, which generates approximately \$300,000 per season for those residents. He said there is permitting for 5,086 cars with the average cost to park being \$30 per vehicle. Selectman Ives said the numbers can be thrown around all night long, but this is not resolving the issue at hand. Selectman Ives said the bottom line is the track has homework to do; the town has homework to do, and then get together in a couple days. Chairman Bowles said no, the town needs an answer as far as is the town going to get paid for June ASAP tomorrow? Mr. Gappens said he is going to make the phone call first thing in the morning. Chairman Bowles said he does not want to wait until Bob and Jeff get their numbers together. This is a separate issue and will remain a separate issue. He said the town is working forward and the evidence from this meeting as well as past meetings is clear on this. He said it may not be at the pace Mr. Gappens would like to see, but the town is moving forward towards reducing the numbers. Chairman Bowles said the 30% reduction that is being requested immediately is a lot, and hard to justify if this reduction is a safe one. Chairman Bowles said he wants an answer on whether the town is going to get paid for June or not.

- VI. Chairman Bowles said the Board had a public hearing scheduled for 7:00 P.M. to review the proposed fee schedule increases for the Transfer Station as part of the Solid Waste Ordinance. The time is 7:40 P.M. and the Board will now open the Public Hearing. The Board of Selectmen of the Town of Loudon will hold a public hearing on Tuesday, August 25, 2009 in the meeting room of the Loudon

Community Building to review amendments to the fee schedule at the Loudon Transfer Station.

- a. Chairman Bowles stated the Board had met with Transfer Station Manager Steve Bennett to discuss revisions to the fee schedule. He said the Board was in agreement with the proposed increases as follows: Building Demolition from \$45 to \$50 per cubic yard. Roofing Shingles will be added at a cost of \$75 per cubic yard because they are a heavier material. Microwave ovens are now required to be included with electronics disposal therefore a fee of \$5.00 has been recommended. Anti-freeze has been added to the disposal fee list at a cost of 75 cents per gallon. Chairman Bowles asked for any comments or questions. Hearing none, Chairman Bowles called for a motion. Selectman Ives moved to increase the Building Demolition fee from \$45 to \$50 per cubic yard, Roofing Shingles to be added at \$75 per cubic yard, Microwave Ovens to be added to electronics disposal at \$5.00 each regardless of size, and Anti-freeze to be added at 75 cents per gallon. Second by Selectman Maxfield. The effective date to be September 1, 2009. All in favor. Motion carried. Chairman Bowles said this concludes the public hearing.

VII. Chairman Bowles said the Board has received a letter from Deirdre Littlefield resigning her position as Deputy Town Clerk. He said she is not leaving the office, and will remain as a clerk, but due to a change in the law, she has to resign the Deputy Town Clerk position. Chairman Bowles said she will remain on staff, continuing to do the excellent job that she does. Selectman Maxfield explained the Deputy position requires the individual to be a resident of the town in which they serve in that position. Mrs. Littlefield lives in Pembroke so she cannot serve in Loudon. Selectman Maxfield moved to appoint Wendy Walsh to the position of Deputy Town Clerk until March 13, 2010. Second by Selectman Ives. All in favor. Motion carried.

VIII. The Board began their review of weekly correspondence.

- a. The Board reviewed a memo from Donna White in regards to the Selectmen preparing bid specifications to complete the reclamation of tax map 40, lot 009.
- b. The Board received information of a meeting September 10, 2009 in Chichester to review the new law on affordable housing with representatives of Central NH Regional Planning Commission. Discussion ensued on the ramifications of the changes to the law.
- c. The Board received the August Planning Board minutes for review.
- d. The Board received the final NHMA Legislative Bulletin for the 2009.
- e. The Board was given information from George Hunton requesting assistance with obtaining cable and internet service on Currier Road. Selectman Maxfield said Currier Road does not qualify for the density requirements of the franchise agreement.

Selectman Ives moved to adjourn at 8:06 P.M. Second by Selectman Maxfield. All in favor. Motion carried.

LOUDON BOARD OF SELECTMEN

Dustin J. Bowles, *Chairman*

Roger A. Maxfield, Selectman

Steven R. Ives, Selectman