

Selectmen's Meeting Minutes

Tuesday, August 29, 2006

Present: Selectman Bowles, Maxfield, and Ives.

Also present: Road Agent David Rice and Emergency Management Director Sigrid Little.

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

- I. Selectman Maxfield moved to approve the Selectmen's Meeting Minutes of Tuesday, August 22, 2006 as presented. Seconded by Chairman Bowles. Majority vote in favor. Motion carried. Selectman Ives abstained, as he was not present at the meeting. Selectman Ives moved to accept the Selectmen's Meeting Minutes of Wednesday, August 23, 2006 as presented. Seconded by Selectman Maxfield. Chairman Bowles stated the bid that was awarded to Advanced Excavating and Paving, Inc., of 219 Morrison Road, Sanbornton, NH needs to be corrected to their Suncook address. He also stated there needs to be an amendment to the motion to authorize the Chairman to sign the two bridge contracts on behalf of the Town. Selectman Maxfield moved to authorize the Chairman to sign the two contracts for the bridge projects, Cross Brook Road and Chichester Road, on behalf of the Town. Seconded by Selectman Ives. All in favor. Motion carried. Chairman Bowles went to the motion to accept the Selectmen's Meeting Minutes of Wednesday, August 23, 2006. All in favor to accept the Minutes with the amendments.
- II. Chairman Bowles stated for the record that one pistol permit was submitted for signature and approval.
- III. The Board met with Road Agent David Rice.
 - a. Mr. Rice advised the Board that Alan Minery had been mowing the Ridge, School Street, Oak Hill Road and he will be working on Old Shaker Road next. Mr. Rice said the Town's mower has been on the Ridge and to Route 106.
 - b. Mr. Rice stated grading is on going. Discussion ensued regarding grading.
 - c. Mr. Rice will be talking with Bob Mossman regarding concrete.
 - d. Selectman Maxfield stated that Barbara Cameron of the Cate Van Committee has advised the Selectmen's Office that members of the Committee have offered to volunteer their services in building the structure to house the Van at the Transfer Station. Mr. Rice stated the site work would begin this week. Discussion ensued regarding the lumber and if the building is not completed by winter, the Van could be housed at the Fire Station again.

- e. Selectman Ives asked about the trash hauler. Mr. Rice discussed the status of the new hauler.
- IV. The Board began their review of weekly correspondence.
- a. The Board received a letter from Bob Phillips appealing the decision from Fire Chief Jeff Burr. Mr. Phillips is also requesting to meet with the Selectmen on Tuesday, September 5 for further discussion. The Board will advise Office Manager Jean Lee by the end of the week if they are going to meet with Mr. Phillips on September 5, 2006.
 - b. The Board received a letter from Fire Chief Burr to Bob Phillips for their review.
 - c. The Board received permits from the Corps of Engineers and DES for both bridge projects.
 - d. The Board received invoices from the Louis Berger Group, Inc., for Cross Brook, Chichester Road, and Berry Road for approval. Selectman Maxfield moved to pay the Louis Berger Group, Inc., for their work on the replacement of Bridge #061/044 Chichester Road over Bee Hole Brook invoice #CM1574-02 in the amount of \$22,350.79. Seconded by Selectman Ives. All in favor. Motion carried. Selectman Ives moved to pay the Louis Berger Group, Inc., for their work on the replacement of Cross Brood Road Bridge over Bee Hole Brook invoice #CM1578-01 in the amount of \$14,061.09. Seconded by Selectman Maxfield. All in favor. Motion carried. Selectman Maxfield moved to pay the Louis Berger Group, Inc., invoice #CM1562-0002 for plan review of driveway upgrade for Maratea property, preparation, and submittal of summary recommendation letter for the Maratea property and correspondence to the Town relative to the Maratea property in the amount of \$1,851.99. Seconded by Selectman Ives. All in favor. Motion carried.
 - e. The Board received a copy of the denial of Ora and Mary George's dredge and fill application from DES.
 - f. The Board received a letter from Letty Barton regarding safety lines at the Town Beach. Discussion ensued regarding adding this item to the 2007 – 2008 budget folder.
 - g. Selectman Ives moved to forward past due ambulance bill account #33693 in the amount of \$535.60 to collections. Seconded by Selectman Maxfield. All in favor. Motion carried.
 - h. The Board received the ESMI monthly compliance report for July.
 - i. The Board received a copy of a letter from Claire Crowley regarding the dry hydrant on Greenview Drive. Chairman Bowles stated once the work is started Engineer Tony Puntin needs to be able to review the work to be sure it follows the engineered plan.
 - j. The Board received notification letter from Speedway Sports Park as required by the Planning Board for overnight camping during the NEXTEL race event.

- k. The Board received a request regarding the Scholarship award to be paid to the student for books and supplies, as the student does not have an outstanding balance, he has a credit. The Board discussed other requests in the past and Selectman Maxfield said he felt the award could be paid to the student for books. Discussion ensued. The Board stated they wanted verification of where the money is spent and are taking this under advisement at this time.
- l. The Board received a Scholarship thank you letter.
- m. The Board received the 2007 – 2008 Legislative Policy conference materials from NHMA.
- n. The Board received a resignation letter from Recreation Committee Chairman Rebecca Osgood. The Board discussed the need to address the funding access for the Recreation Committee. Selectman Maxfield moved to accept the resignation of Recreation Committee Chairman Rebecca Osgood with regrets as she has done an excellent job and the Board is sad to see her go. Seconded by Selectman Ives. Chairman Bowles stated he agreed that Mrs. Osgood has done a lot with the Recreation Committee. All in favor. Motion carried.
- o. Selectman Maxfield moved to authorize the Chairman to sign the Wetlands and Non-Specific Site permit #2006-01208 from DES regarding dredge and fill of bridge replacement on Chichester Road over Bee Hole Brook. Seconded by Selectman Ives. All in favor. Motion carried. Selectman Ives moved to authorize the Chairman to sign the Wetlands and Non-Specific Site permit #2006-01206 from DES regarding dredge and fill of bridge replacement on Cross Brook Road over Bee Hole Brook. Seconded by Selectman Maxfield. All in favor. Motion carried.
- p. Chairman Bowles stated the meeting with Boston Lightning Rod Company has been moved to Friday, September 1, 2006 at 8:00 AM.
- q. Chairman Bowles stated the Board would be meeting on Wednesday, August 30, 2006 at 3:00 PM at the worksite on Chichester Road with the contractor on that site and at 4:00 PM at the worksite on Cross Brook Road with the contractor for that site as well.
- r. The Board discussed Bob Fiske's request for an increase in special duty pay for Janice Morin. Selectman Ives said he felt that this request should be addressed in 2007, not part way through the season. Chairman Bowles discussed the process of how the rate has been set for special duty pay in the past. He said that he had requested Chief Fiske speak with Mr. Bahre regarding this issue. Chairman Bowles said that he himself had spoken with Mr. Bahre regarding this issue and Mr. Bahre had said that he would leave it up to the Selectmen to decide if the raise would be granted. Selectman Ives said that he felt it was unfair to make a change partway through the season as Mr. Bahre had already set his budget and although this would probably not be a huge amount, it still was not fair to spring it on them partway through the season. Chairman Bowles stated he had been at Station R during

the busy part of race week before and he does feel that Ms. Morin has a lot of responsibility and while he does not agree to the \$10.00 per hour amount, he would like to see a compromise. Selectman Maxfield stated he had done some research and found that starting pay for Capital Area Dispatch is \$14.00 per hour. He said he felt that a 37% increase to \$37.00 per hour was a bit much. Chairman Bowles said he felt there is a large responsibility involved and feels there should be some compromise and when he discussed a compromise with the Chief, there was no compromise. Discussion ensued regarding safety issues. Selectman Ives said he felt he would like to have Chief Fiske come to the Board and give reasons why this type of increase is deserved at this time he would be willing to consider it. Chairman Bowles stated the letter the Board received gave some reasons for the request. He stated Ms. Morin's duties and responsibilities have increased as two years ago the manpower was increased. Selectman Ives said that the State Police were brought in and Ms. Morin has nothing to do with the State Police. He said that he would consider it next year. Chairman Bowles said he felt the decision needed to be made this evening. Selectman Maxfield moved to increase the special duty pay for Janice Morin 10% to total the hourly rate to \$29.70. Seconded by Chairman Bowles for discussion purposes. Chairman Bowles said he felt the Board needs to take action but when he discussed this issue with Chief Fiske and Dispatcher Ms. Morin and asked for a compromise and meet the Board partway they said absolutely not. Selectman Ives said the motion is moot if they are not willing to compromise. Chairman Bowles said the Board can authorize this increase, then it will go to Mr. Bahre and it is done. He said he does not know what action Chief Fiske and Ms. Morin will take on it or if they will forward another request or not. Selectman Ives moved to amend the motion to deny the increase. For lack of a second, the motion fails. Chairman Bowles moved to amend the motion to meet the request half way due to the conferences he has had with Mr. Bahre. For lack of a second, the amendment fails. Selectman Maxfield stated while they may not be happy with the 10% increase, it is still a good raise. The Board voted on the original motion to increase Janice Morin's special duty pay to \$29.70 per hour beginning with the September 2006 race event. By a two to one vote in favor. Motion carried.

- V. The Board recognized George Page, Polly Touzin, and Laura Darling from the audience.
 - a. Mr. Page stated he had a concern regarding the water testing at the Town Beach due to the flooding that had taken place this spring. He said the Town only tested once the entire season. Mr. Page stated the Clough Pond Association tested the water twice. Selectman Maxfield stated the water results came back within the allowable limits. If it had

come back with high levels of e-coli, it would have been closed down. Mr. Page said once test for the entire season was not enough. Selectman Ives said that the Town tested once, the Clough Pond Association tested twice for a total of three times. Mr. Page said the Clough Pond Association paid for the water test out of their own pocket and the test are for water quality for drinking, not e-coli. He said he is concerned for the safety of the children. Chairman Bowles said people need to bring this information to the Board at budget time. This type of issue needs to be addressed during budget preparation, not by coming in and flying off the handle at the end of the season. Discussion ensued regarding the Town Beach and the State not allowing the Town to do any work on the Beach at this time.

- b. Mr. Page discussed his concerns regarding the drainage on Berry Road. Chairman Bowles advised Mr. Page that the Engineer has been working on the drainage issues on Berry Road.
- c. Polly Touzin discussed the Selectmen's Meeting Minutes relative to the drainage issues on Berry Road. She asked the Board if a CO was issued for Ms. Maratea's property. Chairman Bowles stated it was. Ms. Touzin asked why the CO was issued if the drainage issues had to be addressed prior to the CO being issued per the Selectmen's Meeting Minutes and letters to Ms. Maratea. Selectman Maxfield stated Engineer Tony Puntin advised the Board not to dig into the road, but to put the catch basin in and culvert drainage. Chairman Bowles stated the drainage is supposed to flow out over the curbing and down the edge of the road. The deeper catch basin, rip wrap and driveway design will slow the water flow down. Chairman Bowles stated there is also a bond in place, which is why the CO was released. Selectman Maxfield stated the Board is still not satisfied with the work. Chairman Bowles stated there is a signed agreement that states the work will be done and the engineered plan will be followed. Ms. Touzin asked what the timeframe was for completion. Chairman Bowles stated it was his understanding that it would be done before Labor Day. Selectman Maxfield said it is his understanding that the first contractor for Ms. Maratea is no longer on the project and the second contractor may also no longer be working on the project. Ms. Touzin stated she had a problem with the CO being issued prior to the work being completed. Discussion ensued regarding the bond in place and if there was an official completion date. Chairman Bowles stated he felt the completion date was in September. Ms. Touzin discussed her concerns regarding issuing a CO before work is completed and then hoping that the work is completed. She said the Board has put many peoples safety at risk because of one property owner. Chairman Bowles said that there are many other parts of this situation that Ms. Touzin does not see. The Town cannot unreasonably withhold the CO on a property. Chairman Bowles stated the Board has tried to compromise with this situation. The Board discussed setting a

- completion date, but they will need to speak with Ms. Maratea to check on the status of the project before a date could be set.
- d. Laura Darling was recognized from the audience. Mrs. Darling stated she had spoken with Selectman Maxfield last year regarding her concerns relative to the drainage issues. She said that she has seen the Board approve extensions and conditions for Ms. Maratea over the eighteen years that she has lived in Loudon and feels Ms. Maratea does not always complete the projects. Mrs. Darling stated she feels the reason Ms. Maratea is being required to follow the engineered plan is that the residents of Berry Road have been bringing their issues to the Board. She said she is not sure that any Town official would be monitoring the project if it were not for the resident's complaints. Mrs. Darling went on to discuss the erosion to the road and issues of the winter approaching again. Mrs. Darling stated residents have brought their concerns to other boards in Town, not just the Selectmen and feel that Ms. Maratea has been allowed to overlook some ordinances, has not been required to follow the plans, and received extensions for her projects without completion. She said she just wants fair and equitable representation and for everyone to be held accountable for their actions. Ms. Darling expressed concerns for the safety of people traveling in this area of Berry Road. Chairman Bowles stated the issues that have come up with Berry Road are things that the Board members do not usually deal with on a daily basis and they are trying to work through it the best way they can and are trying to make a compromise. Mrs. Darling said she believes the Board is trying to deal with this situation but asked for a timeframe for completion. Ms. Touzin asked what happens if the work is not completed. The Board discussed several options available for the work to be completed and stated the money would be from the bond that is in place. Discussion ensued regarding timeframes and accountability. Chairman Bowles stated the Board would try to meet with Ms. Maratea next week if possible to discuss the issues. Mrs. Darling asked if the Board was aware, that Ms. Maratea did not live in Town during the winter and there is no maintenance in that area of the road. Chairman Bowles stated the Board does know that Ms. Maratea does not live in Town in the winter. Mrs. Darling discussed the snow buildup along the fence on Ms. Maratea's property. Ms. Touzin discussed the driveway issues again. Chairman Bowles stated the ordinance regulations for this driveway are under the old ordinance, not the new regulations and people need to remember that. He stated that the Board has to look at Ms. Maratea's rights as a property owner as well. Mrs. Darling asked if the agreement and bond for Ms. Maratea are public information. The Board will check into that.
- e. Mr. Page asked about the Range Road Extension relative to runoff. Chairman Bowles stated the Board is working with DES and the Engineers on the drainage.

- f. Mrs. Darling asked that the Board consider the thirty or so people on Berry Road that are affected by Ms. Maratea's project. Ms. Touzin stated it was her hope that the Board would set a deadline for completion, and stick to the date. Selectman Maxfield discussed the change from having the drainage pipes run along the length of the road to having the Engineer come up with a revised plan. The Board agreed they would be working on setting the deadline.
- g. Roy Merrill was recognized from the audience. Mr. Merrill stated he felt that all of the property owners on Berry Road were responsible for 1/30 of the traffic on the road and they needed to realize it is a narrow road and they have chosen to live on this road. The residents on Berry Road said things have changed because of this building project.

Selectman Ives moved to adjourn the meeting at 8:35 PM. Seconded by Selectman Maxfield. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Dustin J. Bowles, Chairman

Roger A. Maxfield, Selectman

Steven R. Ives, Selectman