

Selectmen's Meeting Minutes

Tuesday, September 6, 2005

Present: Selectman Kardaseski, Bowles, and Maxfield.

Also present: Planning Board Chairman Gary Tasker, Fire Chief Jeff Burr, Sr.,

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

- I. Chairman Kardaseski moved to approve the Selectmen's Meeting Minutes of Tuesday, August 23, 2005 as presented. Seconded by Selectman Bowles. Chairman Kardaseski stated Selectman Maxfield was not at that meeting and that is why it has taken this long for the Minutes to be approved. All in favor. Motion carried. Selectman Maxfield moved to approve the Selectmen's Meeting Minutes of Tuesday, August 30, 2005 as presented. Seconded by Selectman Bowles. All in favor. Motion carried. Chairman Kardaseski abstained, as she was not present at that meeting.
- II. The Board began their review of weekly correspondence.
 - a. Chairman Kardaseski stated she understood that Alvin (Chip) Davis has signed an agreement/letter regarding Open Space Land on the Kincaid Haven project that states his intent is to abide by the Conservation Commission's decision on the project. She stated it is her understanding once the Attorney reviews the letter, Gary Tasker would come in and sign the plans.
 - b. The Board received copies of a letter from Loudon Conservation Commission Chairman Julie Robinson to DES Wetlands Bureau regarding a compliance issue for the property owned by Peter and Gary LLC. Selectman Bowles stated when the site walk was done the property owners had a plan to take care of all of the wetland problems by October 15. He stated they have hired a company to perform all the work detailed on their plan.
 - c. The Board received copies of the weekly expenditure reports.
- III. The Board met with Alvin Davis to discuss his subdivision on Lovejoy Road.
 - a. Mr. Davis provided the Board with a copy of the agreement letter for the Open Space Land on his subdivision. Mr. Davis discussed the issue with the Planning Board imposing an additional condition on his subdivision at a different meeting. He stated the condition was not part of the initial decision by the Planning Board; however, he has

agreed to abide by the condition to meet with the Conservation Commission and deal with the Open Space Land deeded the way they want. Mr. Davis stated he is just trying to get on the 2007 Building Permit List and until Gary Tasker signs the plan, he cannot get on the list. Chairman Kardaseski asked Mr. Tasker if the Attorney OK'd the plan would he sign the plans. Mr. Tasker said if the Attorney said it was OK, and the Conservation Commission was on board, and the Selectmen and Planning Board were on board then he would sign the plan. Selectman Bowles said he agreed the Town needed to be sure things are handled in the Town's best interest. Mr. Davis discussed the confusion of the additional condition placed by the Planning Board. The Board discussed the issue of Mr. Davis wanting the Selectmen to put a hold on the Building Permit List for 2007 until this issue can be addressed. Mr. Tasker stated he would contact the Town Attorney first thing in the morning to get his recommendations on the agreement letter. The Board stated they were not comfortable placing a hold on the 2007 Building Permit List. Mr. Davis stated he had met all the conditions and while he has agreed to meet with the Conservation Commission, he has done what was required of him. Mr. Tasker stated that as long as the Attorney feels it is in the Town's best interest, he would sign the plan.

- IV. The Board met with Fire Chief Jeff Burr, Sr.
 - a. Selectman Maxfield discussed the Hazardous Mitigation Plan and stated the Committee is required to meet quarterly. He stated the Selectmen have reappointed Jim Tranfaglia to be on the Emergency Management Committee and asked if Chief Burr would try to get Mr. Tranfaglia more involved in the Hazard Mitigation Committee. Chief Burr discussed the issue of having a meeting with the Department Heads. Selectman Maxfield stated he would set up the meeting with the Department Heads.
 - b. Chairman Kardaseski asked if Chief Burr if he could get in touch with the two companies who submitted the bids for the insulation at the Safety Complex and set up a meeting with the Selectmen to go over the bids that were submitted.
 - c. Selectman Bowles stated he hoped that all departments would do what they can to conserve fuel and conserve any other line item as the budget is going to be strained by the end of the year with the increased costs in fuel.
 - d. Chairman Kardaseski asked if there has been a representative from the Fire Department assigned to attend all Planning and Zoning Meetings. Chief Burr stated, yes.
- V. The Board met with Zoning Board Chairman Roy Maxfield and Planning Board Chairman Gary Tasker.

- a. Roy Maxfield stated he has been made aware that the Town was not going to pay the monthly Health Insurance premium for the Planning and Zoning Secretary for the month of September due to her hours being reduced to 20 per week, even though she is doing most of her essential duties. Chairman Kardaseski stated it is an issue with Insurance Company and the contract with them. Mr. Maxfield stated due to that fact, he would like to move some salaries from Planning and Zoning over to cover that expense for the month. He went on to say it was misconstrued to say that they wanted their check in hand and then turn the check over to Mrs. Davis. Mr. Maxfield stated what he and Mr. Tasker had in mind was to move the appropriate money over. He stated the names of the Planning and Zoning members willing to have their salary moved to cover the insurance premium for Mrs. Davis was Roy Maxfield from Zoning, Jon Huntington from Zoning, Gary Tasker from Planning, and Tom Dow from Planning. Mr. Maxfield stated that would be enough to cover the insurance premium for the month. He stated if the Town has the contractual obligation not to do something, they would step up and turn their salaries over. Mr. Maxfield stated without covering her medical insurance and having her do the essential work she will probably move on to something else and they are not in a position where they want to retrain someone else. Chairman Kardaseski stated her understanding is that it is illegal to reclassify salary lines; the money in there is payroll and has to stay as salary. Mr. Tasker said he would just write a check tonight if the Board would give him the amount, he would write a check right now. He said he did not want to let this go on like this. Mr. Maxfield stated he wanted the minutes to reflect, "A you can't pay and B you wouldn't allow us to do that." Selectman Bowles stated right along the Board has been trying to follow the laws and as the Select Board have to go by the law. If the insurance contract says if Mrs. Davis works under a certain amount of hours they no longer cover her, then the Board has to go with that policy. He stated, "The Board can not go to the Insurance Company and say you have to cover her because we have a Planning and Zoning Chairman coming after us, that's not going to get us anywhere. We have to follow policy." Selectman Bowles went on to say tonight is the first time he found out about not being able to move line items, he did not know anything about that. Mr. Maxfield said you are not technically moving line items if you are paying the members early and then in turn, turning that money over to another line item of her. Selectman Bowles stated no the Town was not paying them early. If we are paying them early then we are going to write you a check, you are going to go to the bank and cash them then do what ever you want to do with them. He stated since this is the first he has heard of the not being able to move the line item but if it cannot be done, then it cannot be done. Selectman Maxfield asked if Chairman Kardaseski felt it was the law as other line

items have been moved. Chairman Kardaseski stated it is just salary lines; there are different laws relative to salary lines. She stated Office Manager Jean Lee advised her salary lines cannot be reclassified to something else due to the laws pertaining to salaries. Chairman Kardaseski stated Mrs. Davis has been made aware of the cost of the insurance in writing and that she would be responsible for it. Twice on record, Mrs. Davis has stated money is not an issue and Chairman Kardaseski cannot understand why she is unable to do it. Mr. Maxfield stated he felt it was the way she was treated and the fact that we cannot cover her health benefits might affect the functions that she is performing and if it is a contractual issue then that is fine and let's figure out another way to cover it for a valuable employee. Selectman Bowles stated he didn't have a problem with it as long as it stays within the legal rights, as he does not want to end up with a legal issue. He went on to say we have other dependable people who he hopes knows the laws on this issue. Mr. Maxfield stated he wanted it on record "giving up that salary and asking for it to be transferred and that's what I want in the minutes." Chairman Kardaseski stated she agreed with Selectman Bowles that the only way it can be done is if the Town cut the checks to the individuals, they cash them and then what they choose to do with their money is up to them. If they want to turn around and give it to Mrs. Davis to pay the insurance that is fine. Selectman Maxfield said personally he felt if they agreed that would be a compassionate thing to do its like hurricane Katrina, but it is up to the individuals if they wanted to do it that way. He went on to say he didn't ever remember moving salary lines although the only thing the Selectmen are legally sworn to is the bottom line of the budget. Mr. Maxfield asked who Mrs. Davis needed to pay for the insurance. Chairman Kardaseski stated if Mrs. Davis works at least 15 hours per week she would pay the Town of Loudon for her insurance premium for the month of September. As long as Mrs. Davis comes back to work fulltime one day before October 1, the Town would pickup her insurance. If she didn't come back until October 2, the way our policy reads, and the way the contract reads with the insurance company you can't go back on the policy until one full month after you have been here. Chairman Kardaseski went on to say Mrs. Davis knows that information and has stated she is coming back on September 29 or 30. Chairman Kardaseski stated Mrs. Davis told her this evening that she hates working for the Town of Loudon, she hates everybody in the Office, and she hates coming to work. Chairman Kardaseski said do we want an employee like that to continue to work here. Mr. Maxfield said, "Who is to blame for all this?" Chairman Kardaseski said, "I have no idea." Mr. Maxfield said well you kind of assumed control over us so if you want to look for somebody else, train somebody else that would be fine with Gary and I. I don't think either one of us are prepared to go through that process again." Selectman Bowles

said, “Well I don’t know that I am either, I mean I’m hoping we can work this out but every time we seem to get to another step where we think we have moved forward we go three steps backwards. Now we are back to an issue that was brought up as Deb said at two meetings on record, money wasn’t an issue. Now all of a sudden money is an issue. I know that Tammy has known right along.” Mr. Maxfield stated, “She has not indicated to us that money is an issue, I think Gary and I are making it an issue. We don’t think she should have to come up with \$1,000.00 to pay her health benefits.” Chairman Kardaseski stated “Well I think the fact that her husband told you that if you guys didn’t pay it she wasn’t gonna come to work anymore that might have a little something to do with it.” Mr. Maxfield said, “That has nothing to do with it as far as we are concerned.” Chairman Kardaseski said, “I see.” Mr. Maxfield stated, “As far as we are concerned the reason we are no longer concerned is that you have taken responsibility of that office away from us and we have no...” Selectman Bowles said, “We haven’t taken the responsibility of that office. We are responsible for her as she is employed by us. The Town of Loudon and we oversee that. You guys as Chairmen are her supervisors, there’s a difference right there.” Mr. Maxfield said, “No there isn’t. You’ve taken the supervisory capacity away from us and in doing so you are responsible for not only being overseers but supervisors.” Selectman Bowles said, “Unfortunately we have to follow the law. You guys, the direction you were headed probably could have gotten us in a lot of trouble. By your actions of the last discussions, we’ve had with both of you. With the maternity leave and the whole nine yards, so I guess my thought is if you guys want us to pay you, we’ll pay you and you do what ever you want with your money. If Chairman Kardaseski is correct in that we can’t transfer a salary line ...then that’s my take.” Chairman Kardaseski stated, “Knowing Jean she is going to want a request in writing. I just know that’s how she operates, so if you just want to put something down on paper as to who you want the checks... who’s requesting their checks early then we’ll get them made out to you guys and take care of it.” Selectman Maxfield said, “Well I agree there Deb but I think we’re the ones that sign the voucher of the checks and maybe we make the statement that we are paying these folks early, either way... I don’t know but I know Jean wants to cover what actions she takes and I can understand that but we’re still the boss.” Selectman Bowles said “I don’t think its asking too much to just... each one that wants their check early just write us... what’s it gonna take a half of minute to write down and sign it and leave it at the office and its done. I know its on record... If its in writing its done.” Chairman Kardaseski said, “As long as Bonnie has it by I think Friday they start doing payroll and stuff on Monday so we’d sign the manifest next Tuesday night and the checks will be available then.” Selectman Maxfield said, “If the money is in your

budget we have no problem writing your checks.” Mr. Tasker asked, “How much is the amount.” Chairman Kardaseski said, “I don’t know. Tammy should know she’s been given the information.” Selectman Maxfield said, “The Planning gets \$2,400.00 and the ZBA gets \$2,400.00 total.” Mr. Tasker said, “I’m looking for the insurance money.” Selectman Maxfield said, “I’ve heard \$1,000.00 but don’t quote me.” Selectman Bowles said, “It depends on if she carried the dental for the month. I think it’s \$1,100.00 – 1,200.00 somewhere in there.” Chairman Kardaseski said, “Tammy would know she has been given that number. I don’t have that number with me.” Mr. Tasker said “Somebody call me with the amount in the morning.” Chairman Kardaseski said, “Well she’s over in the office right now.” Mr. Tasker said “Who Bonnie?” Chairman Kardaseski said “Tammy.” Mr. Tasker said, “I need it from somebody... I need it from you so I don’t make any mistakes.” Chairman Kardaseski said “Alright fine.” Selectman Maxfield said, “I think the issue on the supervisory authority being wrestled from you... I know how you feel. I do. However, what the Selectmen do is provide the money for you to hire. To provide you with a secretary, the same as we do the Police Chief.” Mr. Tasker said, “Roger, you weren’t here. That’s not... I heard hire and fire. You weren’t here at that meeting. It was hire and fire. I was told very poignantly its hire and fire.” Selectman Maxfield said, “I wasn’t here and I end my statement.” Mr. Maxfield said, “Hire, fire, and train.” Chairman Kardaseski said, “I don’t recall that training was part of it. Evidently, it is now. Alright, we’ll get that for you tomorrow.” Tom Moore said “Excuse me; they don’t have provisions for quote reasonable accommodations?” Chairman Kardaseski said “No. Our personnel policy is not really all that great. By reasonable accommodations you mean us paying for her insurance in this situation?” Mr. Moore said “What I’m saying is there’s a hardship involved here this is temporary too if I understand it properly. I guess I just don’t understand why... if somebody is down and out just momentarily... gets this kind of treatment from the people they work with.” Chairman Kardaseski said, “Well Tom unfortunately you don’t know the whole story behind all of this and it’s a situation that could have easily been avoided.” Mr. Moore said “Yeah I think it could have been handled better, yes.” Selectman Maxfield said, “We have a situation Tom, in the Highway Department when a man has been hospitalized with operations and so forth and the other members of the Highway Department are donating their sick leave to him.” Mr. Moore asked if the Town does performance evaluations on their employees. Chairman Kardaseski said, “We do but their done sporadically. Unfortunately they are never done the way they should be.” Mr. Moore said, “So there is no case file saying this individual is doing an inferior performance. Worth giving up and worth risking the training of a new individual.” Selectman Maxfield said, “That’s not an

issue.” Chairman Kardaseski said, “The problem that we have Tom is the contract with the Insurance Company does not allow us to keep her on the policy if she is working less than 40 hours.” Mr. Moore said, “This policy as far as this Town covering it expired August 31.” Chairman Kardaseski said “Correct, but at this point she can go on COBRA and with COBRA you have six months to decide whether you want to take it or not and you can go back six months.” Mr. Moore said, “So her job is protected at least.” Chairman Kardaseski stated, “Her job was protected for about six weeks. She does not qualify for the Family Medical Leave she hasn’t worked for us long enough.” Mr. Moore said, “It has to be one year before...” Chairman Kardaseski said “One year and 1250 hours.” Mr. Moore said, “You got some value in what you have and I think if I understand the situation correctly it is temporary.” Selectman Bowles said, “I don’t know that any of us have a problem with that Tom, and I don’t...” Mr. Moore said, “Sometimes we have to reach in and do what we have to do.” Selectman Bowles said “But we also have a law that we have to follow.” Chairman Kardaseski said “We have a contract with the insurance company and at this point you gentlemen have decided to step forward and pay the policy and you’ve gone the extra mile and that is fine if that’s your choice to do that.” Mr. Moore said “And all she has to do is work an eight hour day before the end of this month and you will assume the full responsibility for the insurance for the following month.” Chairman Kardaseski said “Yes, she has to be back to work fulltime in the month of September.” Selectman Bowles said “Yeah she has to be back to work in the month of September.” Mr. Moore said, “It could be the last day of the month as long as she came back.” Both Chairman Kardaseski and Selectman Bowles said that was correct. Chairman Kardaseski said, “She knows that and I’m sure that’s exactly what she’s going to do. The thirtieth she’ll be back fulltime.” Selectman Maxfield said “For fulltime October.” Selectman Bowles said, “She has to be committed to fulltime in the month of September. So you know where we stand. One of us will call you in the morning with the figure and that will be done.” Mr. Tasker said, “I’ll drop off a check made out to the Town of Loudon to cover this.” Selectman Bowles said “And you guys will get letters and we will pay...” Mr. Tasker said, “What ever they want to do.” Chairman Kardaseski said, “We need something in writing from you requesting your pay early that’s all. Then we’ll make the checks out.” Mr. Maxfield said, “I’m not sure we’re prepared to do that.” Chairman Kardaseski said “Why not?” Mr. Maxfield said “...and you’re certainly in a position to authorize that being done and you don’t want to do it that’s fine.” Chairman Kardaseski said, “All we want is something in writing.” Mr. Maxfield said “I’ve never done it before and I’m not about to do it now.” Selectman Bowles said, “Have you asked for your checks... this is all new to me Roy... OK, I

don't know..." Chairman Kardaseski said, "The checks are normally issued in December." Selectman Bowles said, "I know when they're issued because I've been issued them before..." Chairman Kardaseski said "And the Chairman of each Board gives us a list as to who is paid what so we do get something in writing. I don't think it's too much to ask if the checks are paid other than when they normally are... just something in writing so that if the IRS or somebody questions why did these people get paid in September when the rest of the Board members didn't get paid until December, I don't think wanting something in writing is unreasonable. When you are dealing with payroll issues of any kind you've got to have a paper trail." Selectman Bowles said, "I absolutely agree with that. I absolutely agree you should have something on record, I don't know if the minutes cover it. I don't know enough about that stuff..." Chairman Kardaseski said, "I don't understand your reluctance to just say ya know I hereby request my Zoning Board check as of what ever date. I don't understand the problem with that." Selectman Bowles said "What's your take on that Gary?..." Inaudible from the audience. Chairman Kardaseski said, "Jean told me we can not reclassify salary money to any other line in the budget." Mr. Moore said "...another source to see if that is a fact." Chairman Kardaseski said, "I don't know why she would lie about it." Mr. Moore said "Well just to cover all bases." Chairman Kardaseski said, "Is it so difficult to just give us a letter asking for your check early. That's all we want. We will give you you're check next week. I don't understand why that's a problem. I really don't. Can you explain to me why that's a problem. What's the reason that it's a problem. I guess it isn't. So unless we're notified in writing that you want the checks early in December." Mr. Tasker said, "Call me in the morning, someone from your office." Discussion ensued. Tom McCue asked if he could get his Trustee of the Trust Funds salary early. Chairman Kardaseski said, "Give it to us in writing."

- VI. The Board met with Steve Fifield to discuss the Town Hall/Freewill Baptist Church.
 - a. Mr. Fifield stated he feels the Town should consult with a Structural Engineer on the building reconstruction as it is a public building and he is not comfortable with the liability issues due to the extensive fire damage to the roof. Discussion ensued regarding the need to have a quote for structural engineering fees as well as possible companies to provide the quotes. Chairman Kardaseski will contact Mitch from Foley and Buell and ask for their quote. Chairman Kardaseski stated the Trustees of the Church contacted her asking how long it would be before a contract would be signed to begin work on the building. The Board asked Mr. Fifield if he felt comfortable removing the steeple at this point. He said he would. Discussion ensued regarding moving forward.

- VII. The Board continued their review of weekly correspondence.
- a. The Board received a letter from Insurance Adjuster Dan Flynn regarding the Town Hall/Freewill Baptist Church. Discussion ensued regarding contacting Susan Sprague of NHMA regarding safety concerns.
 - b. The Board received a sealed bid for cemetery maintenance. Since the Board has not officially gone out to bid at this point, this bid will remain sealed until a further date.
 - c. The Board received a bill from Lauer Architects, PA for services in the amount of \$3,779.20 for drawings of the proposed Town Office Building. Selectman Maxfield stated Mr. Lauer would be meeting with the Building Committee on Wednesday to go over the revised plans. Chairman Kardaseski stated the Committee needs to be aware of the amount spent to date.
 - d. The Board received a letter from Speedway Sports Park regarding overnight parking.
 - e. The Board received copies of letters from Compliance Officer Bob Fiske to Currier Road Holdings and David Moody regarding the failure to file Intent to Excavate Permits.
 - f. The Board received Household Hazardous Grant information.
 - g. Selectman Maxfield stated he had received a call from Mrs. Curtis Darling on Berry Road regarding the entrance of Clough Pond Road to Berry Road current construction on D. Marateas property as well as noise disturbance issues at that location. Selectman Bowles was also contacted regarding this issue. Selectman Maxfield advised Mrs. Darling she should document this information in writing and either forward it to the Selectmen's Office or arrange to meet with the Selectmen. Selectman Maxfield stated Mrs. Darling is the President of Clough Pond Association.
 - h. Selectman Maxfield stated the Veteran's Memorial at the Maxfield Public Library is almost complete. He advised the Board if they hear of anyone who is not on the Memorial and had Loudon as their home of record at the time of entry into the Service, they need to let him know. If the person did not have Loudon as their home of record at that time, they will not be included on the Memorial. He stated there have been some complaints regarding people not being included; however, it is due to the fact that the person was not a Loudon resident at the time of entry.
 - i. Chairman Kardaseski stated she had a couple of projects that she did not have time for right now and asked Selectman Maxfield to take over the file for Jim Leonard wanting to close his road. She asked Selectman Bowles to put together bid specs for the cemetery maintenance as well as Levi Ladds proposal for giving the Town some land. Chairman Kardaseski stated Selectman Bowles needs to look at the costs involved with road engineering, surveying, topo, deed

research, subdivision, road costs, level, and build recreation fields. She stated this might be a moot point if the only way Mr. Ladd will give the Town the land is if the Town gives him two building permits. The Selectmen have agreed they would not give up the two building permits.

- j. Chairman Kardaseski stated Jobie Chase has contacted her regarding the well monitoring at the Transfer Station.
- k. Chairman Kardaseski stated the Board needed to meet with Fire Chief Jeff Burr to discuss the Hazardous Materials pay.
- l. Chairman Kardaseski stated she had received information regarding Michael Harris's lead level issues. She stated Mr. Harris had sent a letter to the Town advising that lead had been detected in his soil and his neighbor's soil as well in his twin boys. Mr. Harris has asked the Town for an abatement on his property for this reason. Chairman Kardaseski stated between his complaints of noise levels and the lead issue possibly the Town should condemn his property. She stated she had called Health and Human Services, as all positive lead testing in children have to be reported to them. Chairman Kardaseski spoke with the Nurse at Health and Human Services who could not give exact numbers due to confidentiality issues but she did say the numbers were too low to take action on. The Nurse advised Chairman Kardaseski a level of ten is of concern, a level of five or less they say its less than five due because the test is not that accurate. She went on to say that lead is present in the soil every where in New Hampshire and that the vast majority of children if they were tested for lead right now would probably test at the same level as Mr. Harris's twins. Selectman Bowles said lead is everywhere. Chairman Kardaseski stated at the Federal Government allows lead levels at 1200 parts per million in all areas except play areas. Play areas can only be 400 parts per million. Mr. Harris had his garden tested, not a play area. Chairman Kardaseski went on to say if the house was built before 1950, it almost certainly has lead paint in it. If it were built between 1950 and 1978 there is an excellent possibility there is lead paint in it. Chairman Kardaseski stated she does not feel the Board needs to write a letter back to Mr. Harris. Chairman Kardaseski said Mr. Harris has also requested the Town to refund his \$65.00 BTLA fee since he has settled with the Town. The Board agreed no refund would be granted, as it was Mr. Harris's choice to appeal to BTLA as well as to settle with the Town. The Town does not ask taxpayers to refund their expenses and costs to defend their positions when they win an appeal and feel there is no basis for the refund.
- m. Chairman Kardaseski stated she feels the Town should put the Town owned land on Foster Road up for auction. Selectman Maxfield stated if that land were sold then the money should be placed in the Town Office Building Capital Reserve Fund. Chairman Kardaseski stated that would be a good idea.

- n. Chairman Kardaseski stated Attorney John Teague has been instructed to write a letter to Lee Eddins as Mr. Eddins has not returned any phone calls, updated the tax maps, or turned over the cd with the maps on it to Cartographics. Since Cartographics has not received this information, they cannot start updating the Towns tax maps. Now the Town will have to proceed with legal action.
- o. Chairman Kardaseski asked Selectman Bowles to contact Mr. Tasker with the insurance figures in the morning.

Selectman Maxfield moved to adjourn the meeting at 8:01 PM. Seconded by Selectman Bowles. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Deborah A. Kardaseski, Chairman

Dustin J. Bowles, Selectman

Roger A. Maxfield, Selectman