

Selectmen's Meeting Minutes

Tuesday, October 25, 2005

Present: Selectman Maxfield, Bowles, and Little.

Also present: Road Agent David Rice, Fire Chief Jeff Burr, Police Chief, Compliance/Code Enforcement Officer Bob Fiske.

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

- I. Selectman Bowles moved to approve the Selectmen's Meeting Minutes of Tuesday, October 18, 2005 as presented. Seconded by Selectman Little. All in favor. Motion carried.

- II. The Board met with Road Agent David Rice.
 - a. Mr. Rice stated the Highway Crew has been working on dealing with road washouts and weather related issues, as well as screening the sand for winter. Mr. Rice stated the roads have to be graded again; however, with all the rain and issues they have been dealing with over the last few weeks he was not sure when he could get to them all. He stated there are six or seven culverts that need to be replaced due to the weather and they are waiting for more pipe to be delivered as they have used up all they had.
 - b. Chairman Maxfield asked about the culvert on School Street. Mr. Rice stated they have cleaned it out twice in the last few days and there is a screen in front of it. Mr. Rice stated Mr. Paradise will be putting his beaver traps out as soon as he can.
 - c. Mr. Rice stated he has received one quote on a waste oil heating system from Huckleberry Oil for \$5,000.00 and he has not heard from Clean Burn yet. Chairman Maxfield asked if this would be a Warrant Article. Mr. Rice stated he thought it would come from the building maintenance fund for the shop as he would like to get it in as soon as possible to help reduce the costs associated with the winter heating season.
 - d. Mr. Rice stated he has made changes to the Winter and Inclement Snow Policy and will have it for the Board's review next week.

- III. The Board met with Fire Chief Jeff Burr.
 - a. Chief Burr said the only thing he had for the Board was the memo regarding surplus equipment.

- b. Chairman Maxfield asked if the Fire Department had been pumping out many flooded cellars. Chief Burr stated they had helped out a few.
- IV. The Board met with Police Chief, Code Enforcement/Compliance Officer Bob Fiske.
- a. Chairman Maxfield stated for the record that one pistol permit was submitted for signature and approval.
 - b. Selectman Little discussed the Wellington Lane private road issue relative to Chief Burr contacting 911. Chief Burr stated he would contact 911 once he got the information from the Selectmen and Post Office. He also asked Chief Fiske if the C O was issued with the waiver. Chief Fiske stated it had. Selectman Little noted that the mail will not be delivered on Wellington Lane so the mailboxes would be placed on Chichester Road until such time as the Town accepts Wellington Lane as a Town Road. He asked if the property owner and developer were aware that the Town would not be maintaining the road this winter. Chief Fiske stated they were aware of this. Chairman Maxfield stated the Board needed to be cautious regarding naming roads in Town. Discussion ensued regarding the issue of naming roads. Chief Burr discussed a new road off of Clough Pond Road without a name. Chief Fiske stated there will be an issue with building permits for the properties on this unnamed road as driveway permits need to be issued and without a road name and requirements met for the driveway the Fire Chief and Road Agent will not issue the permits. It was stated approximately five building permits would be effected.
 - c. Chairman Maxfield discussed the compensation time issue for Chief Fiske. He stated the Police hours by law are 20 hours, no overtime or compensation time can be authorized. The hours for Building/Compliance/Code Enforcement/Health hours are hourly and can be subject to comp time or overtime, however, overtime is discouraged. Chairman Maxfield went on to say there is currently no overtime pay line for those positions in the budget. He advised Chief Fiske that the comp time needed to be set up in the computer system the same way as it is for the Road Agent with time earned, time taken.
- V. The Board met with Deb Kardaseski.
- a. Ms. Kardaseski stated one of the items she wanted to discuss was the issue of Bob Fiske's overtime. She stated the Selectmen attended meetings with various attorneys regarding Bob Fiske's exempt or nonexempt status. Ms. Kardaseski went on to say the Selectmen wrote a letter to Mr. Fiske and it was clearly stated by Federal Law the Board was required to pay overtime for any hours worked over 40-hours per week. She stated the reason she has brought it up is because of a conversation she had with Selectman Little regarding Mr. Fiske's overtime hours. Chairman Maxfield stated the Board had checked this

issue out with Office Manager Jean Lee and it is true that Mr. Fiske can either be paid overtime or receive comp time. Ms. Kardaseski stated the written correspondence from the Board does not address comp time. Chairman Maxfield stated the Selectmen could handle this situation. Ms. Kardaseski suggested the Board put it in writing.

- b. Ms. Kardaseski addressed the \$500.00 voted down by the Board for additional architectural services from Kurt Lauer. She stated she felt there was some misunderstanding regarding how the \$4,000.00 for architectural fees was approved. Ms. Kardaseski stated the money was authorized by the Selectmen, not by the Legislative Body at Town Meeting. She stated the money is in the Capital Reserve Fund for the Town Office Building and it is an expendable trust where the Selectmen can expend from it when they want. There have been no bids received on the project to date by the two contractors who received the bid information. Ms. Kardaseski stated it was not put out to bid publicly. She feels the voters wanted the existing site researched and the only way to bring real numbers to Town Meeting is to put the project out to bid which would cost an additional \$500.00. Chairman Maxfield discussed the two plans the Committee has come up with and stated he is planning on including in his report the options and the estimated costs for each plan. He stated he as Chairman of the Committee would not allow a private citizen to pay the \$500.00 as he feels the Town would not allow a private citizen to fund the project. Ms. Kardaseski stated she was not suggesting that as an option. She went on to say she felt it would be better if the Committee had firm figures to bring forward and she didn't think it was best to use estimated numbers.
- c. Selectman Little stated he was looking at the budget regarding the overtime account for Mr. Fiske relative to the Compliance/Health/Code Enforcement Office and he does not see a line in the budget for this. Ms. Kardaseski stated it appears that it was an oversight on the part of the Board. Selectman Little stated he felt that since there is no budget line for these departments, the Board needed to offer the comp time to Mr. Fiske. Ms. Kardaseski stated she hoped the Board would look into including this line in the next budget.

- VI. The Board met with Julie Emerson regarding land owned by the Town of Loudon in Canterbury.
 - a. Ms. Emerson discussed property owned by the Town of Loudon in Canterbury. She discussed her research on the property currently owned by Christine Come. Ms. Emerson stated she feels the property owned by Loudon in Canterbury actually belongs to Ms. Come. Chairman Maxfield stated he felt it was part of the Maxfield lot donated to the Town of Loudon many years ago. Ms. Emerson stated she has been asking for a copy of the deed for that parcel and neither Loudon nor Canterbury have been able to produce a deed. Chairman

Maxfield stated he felt a survey would need to be done. Ms. Emerson stated she had listed the Come property for sale but due to this issue she needs to have it resolved before it is sold. Chairman Maxfield stated he would try and find the deed and then consult with the Town's Attorney to see what he thinks the Town should do. Selectman Little asked which realty company Ms. Emerson worked for. She stated Samaha Realty. Discussion ensued regarding Ms. Emerson's theory of how this issue happened as well as her discussions with the Town of Canterbury. Selectman Little asked if this property was ever taken by either Town for taxes. Ms. Emerson stated the Loudon property had a tax lien but it was recovered in 1987. Selectman Little stated it sounded like a title search would need to be done. The Board suggested having Ms. Emerson talk with her client and suggest a title search. Chairman Maxfield asked for Ms. Emerson's office number and advised her he would contact her on Friday with his results.

- VII. The Board began their review of weekly correspondence.
- a. Selectman Little asked about advising Jean Lee to include the overtime accounts for the budget. Chairman Maxfield stated he had already discussed it with Mrs. Lee.
 - b. Chairman Maxfield stated he had spoken with Lee Eddins regarding the Tax Map updates and electronic data. Mr. Eddins stated the Board would have the completed work the week of October 31, 2005.
 - c. The Board reviewed a memo from Bob Fiske to Jeff Burr and David Rice regarding driveway permits.
 - d. The Board reviewed a memo from Jeff Burr regarding a driveway permit for Tax Map #58, Lot #10.
 - e. Selectman Little asked Mr. Fiske if he had gotten a waiver from the property owner of the house on Wellington Lane. Mr. Fiske stated the waiver was for the driveway apron only. He stated he understood that since the road was named it was no longer an issue to have a waiver for anything other than the apron. Selectman Bowles asked if the property owner signed the same type of road waiver as those owners on Greenview Drive. He stated he felt the Town needed to be sure the owners were aware that the Town was not responsible for maintaining the road until such time as the Town accepts the road. Mr. Fiske stated the property owners on Greenview Drive did not have the requirement of signing the Class VI Road Waiver. Mr. Bouchard was the only one who needed to sign the waiver as his access was off Voted Road which is subject to gates and bars. Selectman Bowles stated he was under the understanding they were required to sign a waiver.
 - f. The Board received a memo from Chief Jeff Burr regarding surplus property. The memo asks the Board to allow Chief Burr to donate the surplus property (air packs, spare bottles and twenty sets of protective gear from the 1980's) to Mutual Aid America for donation to Fire Departments in South America. Selectman Little moved to approve

the Fire Chief's request to donate the outdated and no longer usable within the USA due to NFPA Standards equipment to Mutual Aid for the Americas. Seconded by Selectman Bowles. Selectman Little explained that due to the changes in Fire Standards this equipment cannot be used within the USA and therefore many departments in the area have donated their outdated equipment to this project. Roy Merrill asked if the new ones were not voted in last year how would these have been used now. Selectman Little stated as long as they are kept in service they could be used. Mr. Merrill asked what was wrong with keeping them for extras. Selectman Little stated sufficient air packs and bottles have been purchased and the certification dates for the surplus equipment has passed. Mr. Merrill stated if the new equipment hadn't gotten voted in last year than the now surplus equipment would still be used and they would be perfectly fine. Selectman Little stated they would be the best we had. Majority vote in favor. Motion carried.

- g. The Board received certification from Police Standards and Training for Bob Fiske and Janice Morin for Isolation and Quarantine.
- h. The Board received the certified 2005 Tax Rate from DRA. Chairman Maxfield stated the new rate for 2005 is \$20.67 per \$1,000.00 value. He stated this is up \$1.52 over last year's tax rate. The Town portion is \$3.61, the Local School portion is \$11.78, the State Education portion is \$2.86, and the County portion is \$2.42 for a total of \$20.67. Chairman Maxfield stated the Selectmen voted to use \$200,000.00 from the unreserved fund balance to reduce taxes by a vote of two to one.
- i. The Board received the Bonded Debt for Merrimack Valley School District for both the Penacook Elementary and the bond issue past last March.
- j. The Board discussed a request from the Capitol Region Habitat for Humanity requesting the criteria for a "hardship building permit". Mr. Fiske stated he had talked with Ms. Southwick and advised her of the building requirements in Loudon. The Board discussed the issue of there being no guarantee that the home would be built for a Loudon resident. Julie Emerson stated the requirements are a moderate lot that cannot be subdivided along with a moderate house to fit the needs of the family. She went on to say that they are also required to follow the existing requirements established by the Town. Ms. Emerson stated she was under the impression that there was no money currently available for this program unless this project was approved a long time ago. Chairman Maxfield stated his opinion is that due to the limited number of building permits for Loudon residents he feels the Town would not want to participate in this program. Selectman Bowles stated he felt the request was for the criteria for a hardship building permit which would be what the Zoning Ordinance says. Mr. Fiske stated based on his conversation with Ms. Southwick they are asking

for a building permit now. Mr. Fiske stated he had already advised Ms. Southwick there were no building permits available. Chairman Maxfield asked that Mr. Fiske and Mrs. Lee get together and forward a letter to Ms. Southwick advising her there are no building permits available until 2008.

- k. The Board received another letter from Polly Touzin regarding continued drainage issues on Berry Road. Chairman Maxfield stated the Road Agent has been working on this issue. Selectman Little stated he had spoken with Ms. Touzin and she showed him the drainage issues with the area of the right-of-way. Discussion ensued.
- l. The Board discussed the recommendation by Assessor Dave Wiley to consider a total review and update of current use properties for tax year 2006 as well as a sales ratio study and statistical update. Discussion ensued regarding the re-measuring and re-listing that takes place in 1/6 of the Town each year. Roy Merrill suggested the Town do an across the board 10% increase instead of paying the Assessors to review each parcel. The Board stated they wanted to meet with the Assessors to discuss this issue.
- m. The Board received a copy of a letter sent to the Planning Board regarding assessment of open space or common land for tax purposes.
- n. The Board received the 3rd Quarter 2005 Host Community Fee calculations from ESMI.
- o. Selectman Little moved to forward past due ambulance bill account #6505 for \$355.00 to collection. Seconded by Selectman Bowles. All in favor. Motion carried.
- p. The Board received an e-mail regarding using vehicle registration fees for municipal recycling. Chairman Maxfield stated a Capital Reserve Fund would need to be set up.
- q. The Board received the 2005-2006 fixed price information from Keyspan Energy Delivery for natural gas. Discussion ensued regarding if there was a current contract with Keyspan.
- r. Chairman Maxfield read the following oath into the record: "We, the Selectmen and Assessors of the Town of Loudon NH, do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due for a solvent debtor. So help us God." He went on to read: "To Helen L. McNeil, Collector of Taxes for Loudon, NH in said County. In the name of the State you are hereby directed to collect the property taxes in the list herewith committed to you, amounting to the sum of Four Million Three Hundred Ninety Four Thousand Three Hundred Twenty Three Dollars and with interest at twelve percent per annum from December 1, 2005 thereafter, on all sums not paid on or before that day. And we further order you to pay all monies collected to the Treasurer of said Town at least on a weekly basis when receipts exceed Five Hundred Dollars or more often when directed by the

Commissioner of Revenue Administration. Given under our hands at Loudon, NH, this Twenty Fifth day of October in 2005. Roger A. Maxfield, Chairman, Dustin J. Bowles, Selectman, and David M. Little, Selectman, Town of Loudon.”

- s. Selectman Little discussed the EEE, West Nile issues. He stated based on the State website he has learned the State is looking for assistance on the local level with things like eliminating standing water, ground spraying, etc. Mr. Fiske stated he will be meeting with a representative of the Health Department to get some information on ways of mitigating the problem. He stated the next issue will be in the Fall of next year. Mr. Fiske stated they are working on getting some cost figures for the budget.
- t. The Board received a veteran’s credit application.
- u. Chairman Maxfield stated Mrs. Lee advised the Board they had signed the contract with Keyspan Energy last year. The Board reviewed the proposed contract for fixed rate of natural gas. Selectman Bowles moved to authorize the Chairman to sign the contract with Keyspan Energy Delivery for a fixed rate of \$1.3192 per therm for the 2005 – 2006 heating season. Seconded by Selectman Little. All in favor. Motion carried.
- v. Chairman Maxfield advised Ms. Emerson he had spoken with Mrs. Lee regarding the deed research for the property Ms. Emerson is questioning and stated Mrs. Lee and the Tax Collector had been researching this issue and at this point they have not been able to come up with any additional information. Chairman Maxfield stated at this point it is up to Ms. Emerson to have a survey done. Ms. Emerson asked the Board if she were to prove that this land does not belong to the Town and it belongs to her clients, were they willing to sign a deed returning the land to them. Selectman Bowles stated that the Board would need to address that issue with Town Counsel.

Selectman Little moved to adjourn at 8:27 PM. Seconded by Selectman Bowles. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Roger A. Maxfield, Chairman

Dustin J. Bowles, Selectman

David M. Little, Selectman