

## Selectmen's Meeting Minutes

Tuesday, December 18, 2007

**Present: Selectman Maxfield, Ives, and Bowles.**

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

- I. Selectman Ives moved to approve the Selectmen's Meeting Minutes of Tuesday, December 11, 2007 as presented. Seconded by Selectman Bowles. All in favor. Motion carried. Selectman Bowles moved to approve the Budget Work Session Minutes of Friday, December 14, 2007 as presented. Seconded by Selectman Ives. All in favor. Motion carried.
- II. The Board reviewed the 2008 Paid Holiday Schedule. Chairman Maxfield stated that the paid holidays are the standard 10 holidays that the town has observed in the past. Selectman Ives moved to approve the 2008 Paid Holiday Schedule which includes New Year's Day, Martin Luther King, Jr. Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. Seconded by Selectman Bowles. All in favor. Motion carried.
- III. The Board began their review of weekly correspondence.
  - a. The Board thanked the Mulkhey Family for the donation of the lights and timers at the gazebo in memory of Bertha Mulkhey.
  - b. The Board received a memo from Planning/Zoning Secretary Donna White regarding the spreadsheets for budgeting purposes.
  - c. Selectman Ives moved to authorize the implementation of the new ambulance billing rate as of January 1, 2008 as presented by Fire Chief Jeff Burr. Seconded by Selectman Bowles. All in favor. Motion carried.
  - d. The Board received copies of an e-mail regarding the Sprint/Nextel phones for emergency personnel. The Board will take this under advisement at this time.
  - e. The Board received a copy of the State Rooms and Meals Tax revenue sharing in the amount of \$232,293.00.
  - f. The Board received a copy of a memo from Fire chief Jeff Burr to Code Enforcement Officer Bob Fiske regarding the cistern on Memory Lane.
  - g. The Board received information from Town Council regarding the SDS litigation.
  - h. Selectman Ives moved to forward past due ambulance bills account #37583 in the amount of \$510.10, account #790 in the amount of \$101.88, account #36032 in the amount of \$552.60, and account

#16358 in the amount of \$51.01 to collections. Seconded by Selectman Bowles. All in favor. Motion carried.

- i. The Board received a request for the town to participate in the NH Public Works Academy with annual dues of \$150.00. The Board agreed that this would be taken under advisement at this time.

IV. The Board met with Bill Leombruno, owner of The Ledges Golf Course, and his Attorney, Stephen Nix. Chairman Maxfield stated the Board is meeting with Mr. Leombruno and Attorney Nix to discuss Mr. Leombruno's issues and there will be no public input.

- a. Attorney Nix stated that he and Mr. Leombruno were here to discuss the possibility of reclassifying Voted Road from a Class VI road to a Class V road. He said that they wanted to be clear that this is discussion only, and anything discussed is non-binding. Attorney Nix stated the issues pertain to the Golf Course, Greenview Drive, and the residential development that has occurred. He proceeded to review the area and discuss the phases of development. Attorney Nix discussed concerns with the increase in traffic on Greenview Drive. He stated that Mr. Leombruno owns approximately 100 feet of Greenview Drive with an easement that was obtained by William Crowley for the access road. Attorney Nix stated they believe that the easement rights were not sufficient to support Phase II and Phase III of the development as Mr. Crowley did not own the property at that time. He said the golf course recognizes the need to take some action regarding traffic on Greenview Drive. Mr. Nix stated that Mr. Leombruno is planning to install some type of traffic control devices on the portion of the road that he owns to calm and slow people down. Mr. Nix stated that from a legal standpoint they do not feel the houses on Phase II and Phase III have the legal right to cross over the 100-foot section of the road. He said Mr. Leombruno recognizes the need for the owners to be able to access their properties and Mr. Leombruno has authorized Mr. Nix to grant revocable permission to all of landowners in Phase II and Phase III to continue to drive over that portion of the road with the intent that an alternative access will be worked on so they have legal access to their lots. Mr. Nix stated that Mr. Leombruno received a letter from Claire Crowley today, which states, that Ms. Crowley clearly indicated that she exerts her control over the remaining portions of Greenview Drive as the successor/developer. Mr. Nix said that he and Mr. Leombruno are looking to the Selectmen for their opinions regarding the upgrade of Voted Road. He went on to say that an engineer has reviewed the site and feels that upgrade to Voted Road would be very close to the current town regulations. Mr. Nix said that there is a steep portion that is in the 12% range, but the engineer feels it is possible to upgrade. He went on to discuss RSA 231:28, which allows the Selectmen to reclassify a Class VI road to a Class V road. Mr. Nix stated that there is a portion of the RSA, which allows for a betterment

assessment, which can be paid over a ten-year period for the properties seeing the benefit of the upgrade. He went on to say that it is also their opinion that Ms. Crowley shares some of the responsibility regarding this issue and would be liable for some of the costs in providing legal access to the lots as successor/developer. Chairman Maxfield asked if any cost estimates had been obtained for the upgrade of Voted Road. Mr. Nix said they felt one way to approach it was to see if the Road Agent would review the site. Chairman Maxfield stated that while he understands the dilemma that Mr. Leombruno is in, the Selectmen have to look at the costs associated with the upgrade. He said that anytime the Town accepts a new road or a road is upgraded, it costs the Town additional funds for general maintenance and upkeep. Mr. Nix explained that the betterment assessment would be an additional tax that would be collected by the Town for the properties benefiting from the road upgrade and could be collected over a ten-year period so that the property owner would not have to deal with the full impact of the costs associated with the upgrade all at once. He said the Selectmen would have to determine which properties would be responsible for paying the betterment tax. Selectman Ives said the Board would need to research this idea and discuss it with the landowners on Greenview Drive prior to any decision. He said that he would be opposed to upgrading this road at a cost to the rest of the taxpayers in Loudon, as they have nothing to do with this issue. Selectman Ives said he felt that while upgrading Voted Road could be a solution to some of the issues, he is not sure that it is the only solution. Chairman Maxfield discussed the drainage issues relative to Greenview Drive. Mr. Nix asked if the Road Agent could gather some costs estimates for the upgrade of Voted Road. Selectman Bowles said he felt that even if Voted Road were to be upgraded there would still be some issues with Greenview Drive that need to be addressed. He said Mr. Leombruno has been working diligently to address all of the issues; however, some of the issues are still there. Selectman Bowles said he felt there would need to be a lot of research done on this issue and felt that an engineer would need to be the one to develop the cost estimates. Mr. Nix said that Mr. Leombruno is trying to find a solution to a problem that is not really his problem. Selectman Ives asked for clarification of the revocable permission that Mr. Leombruno is willing to grant the property owners. Mr. Nix stated there were no conditions, but that Mr. Leombruno planned to place some type of calming devices on his portion of Greenview Drive for safety purposes. Selectman Ives asked about the letter Mr. Leombruno received from Ms. Crowley regarding her ownership of the road. Mr. Nix stated that the letter clearly indicated that Ms. Crowley acknowledges she owns the road and that she is in control of it. Chairman Maxfield stated he felt the biggest issue is the funding of Voted Road upgrades. Selectman Bowles said he felt that there were

more issues than just the funding that must be addressed. Mr. Nix asked that the Board review the information and get back to him. Selectman Bowles said that there are other issues within the town relative to road structures that need to be addressed. He said that regardless of the betterment assessment the Town would have to front the money, if they agreed to perform the upgrades, and collect the tax from those landowners over a ten-year period. Selectman Bowles went on to say that Loudon has tried to stay away from bonding as much as possible and work within the budget. He said a project like this could require bonding. Discussion ensued regarding roads and maintenance. Mr. Nix asked about the Board's opinion of the betterment assessment. Chairman Maxfield stated that the Board would need to review this issue with Town Counsel. The Board agreed that they would research this issue and get back to Mr. Leombruno and Mr. Nix.

Selectman Bowles moved to adjourn the meeting at 7:30 PM. Seconded by Selectman Ives. All in favor. Meeting adjourned.

#### THE LOUDON BOARD OF SELECTMEN

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Roger A. Maxfield, Chairman

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Steven R. Ives, Selectman

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Dustin J. Bowles, Selectman