

Selectmen's Meeting Minutes

Tuesday, December 19, 2006

Present: Selectman Bowles, Maxfield, and Ives.

Also present: Road Agent David Rice and Transfer Station Manager Steve Bennett.

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

- I. Selectman Ives moved to approve the Selectmen's Meeting Minutes of Tuesday, December 12, 2006 as presented. Seconded by Selectman Maxfield. All in favor. Motion carried.

- II. The Board met with Road Agent David Rice.
 - a. Mr. Rice advised the Board that the culvert on Berry Road has been replaced; they have graded Presby Lane, replaced the fuel tank in T-6, and started the cleanup of asphalt on the Thistle property, which should be finished on Wednesday. He also stated that patching of holes and screening of winter sand is ongoing.
 - b. Discussion ensued regarding potholes that need repair.
 - c. Discussion ensued regarding Ms. Maratea's property and the concerns for the road in the area of her property. The Board agreed that the engineers would need to look at this issue.
 - d. The Board discussed that they would only require Mr. Rice to attend two meetings per month and would contact him if they needed to have him attend extra meetings.

- III. The Board met with Transfer Station Manager Steve Bennett.
 - a. Mr. Bennett advised the Board that beginning July 1, 2007 there is a statewide ban on placing video display devices with a screen (such as TV's or computer monitors) in the incinerator or in the landfill. He stated that about half of the other communities in the State have a recycling program in place at this time. Mr. Bennett advised the Board that Northeast Resource Recovery Association has a program for recycling called "e-pod", which would be a rental charge of \$125.00 per month for the container, \$150.00 transportation charge, and \$0.12 per pound fee for disposal. Mr. Bennett said the cost per pound has dropped from \$0.15 per pound. He discussed the suggested charges and said that the suggestion is that the Town not charge too much as people tend to discard items improperly if the fee is too high. Discussion ensued regarding what happens if people try to dispose of the devices improperly. Both Mr. Rice and Mr. Bennett said that the load can be refused at the incinerator in Penacook then the Town would have to find an alternate place to take the trash. Mr. Bennett discussed the need to get the information out to the residents so that people are aware of what the regulations are. Discussion ensued regarding budgeting figures for this issue as well as possible locations for the placement

of the “e-pod”. The Board advised Mr. Bennett to move forward with getting the information out to the residents. Mr. Bennett said he felt that they would be ready to begin the recycling program in March. Mr. Bennett asked the Board if they wanted to go with the suggested fees. The Board agreed to start with the suggested fees and discussed the need to hold a public hearing.

- IV. The Board began their review of weekly correspondence.
 - a. The Board received copies of RSA 231:59-a Emergency Lanes.
 - b. The Board received revision #1 of the 2007 – 2008 proposed budget. Chairman Bowles stated the Board has met with department heads and are working on fine-tuning the numbers.
 - c. The Board received a notice from Planning/Zoning Secretary Donna White regarding the CIP.
 - d. The Board received a copy of the Revenue Sharing and Meals and Rooms Tax. Selectman Maxfield stated the amount received is \$213,714.84.
 - e. The Board received the Highway Block Grant number for 2007.
 - f. The Board received a memo from Engineer Jason Gallant regarding Cross Brook Road. Chairman Bowles stated that Cross Brook Road was reopened on Thursday, December 14, 2006.
 - g. The Board received an e-mail from Engineer Judy Houston regarding Berry Road.
 - h. The Board received the State Education Warrant amount for 2007. Selectman Maxfield said the amount is \$1,145,987.00.
 - i. The Board received a letter of protest from Elmer and Gloria Trombley. This information will be forwarded to Assessor Dave Wiley.
 - j. The Board received an invitation from the Loudon Conservation Commission to attend the January 10, 2007 presentation on Fish and Game Wildlife Action Plan Maps.

- V. Chairman Bowles reopened the Public Hearing on Greenview Drive to review the petition to accept the road as a Town Maintained Road.
 - a. Chairman Bowles read the original public notice for those in attendance. He stated that the Board has been in contact with Town Counsel and has provided him with the documentation of the construction of Greenview Drive. Chairman Bowles went on to say that, Attorney Mayer has advised the Board that his recommendation is that the Board should recess this portion of the meeting for approximately 30 days in order to have time to do the proper research. The Board members concurred with Attorney Mayer’s recommendations. Chairman Bowles advised those present that if there was anyone present that wanted to speak on this subject, they would be allowed to do so.
 - b. Marcia Campaniello asked the Board if any of the items that were discussed at last weeks meeting had been addressed. Chairman Bowles stated the issues with the liabilities of the Town if the road is accepted as a Town Road and the golf course is one of the main issues. He said there is also an issue with the corner pin of Mr. Roy’s property and Ms. Crowley obtaining an easement.

Chairman Bowles said that the Board has asked for an as built plan of the road with any changes that may have been made to show the actual layout of the road. He went on to say that, Ms. Crowley has dropped off information to the Selectmen's Office for review. Chairman Bowles said that the Town Engineer stated it appears that the road was not exactly put in according to the way it was originally presented. Mrs. Campaniello asked if the road could be staked out to the original plan so that the residents of Greenview Drive could see what the road was suppose to be. Chairman Bowles said that he felt asking Ms. Crowley to stake out the road to the original plan should wait until the research is done to find out if there are issues that cannot be resolved. He went on to say that, he believed there was an ordinance where the Town can request that the road have meets and bounds setup so that they would be aware of where the right-of-way lies. Selectman Maxfield discussed the liability issues with the golf carts crossing the road and said that the Board was looking for some definitive answers from the research gathered regarding this road. Until Town Counsel has had time to research the issues, they would not be making any decision. Selectman Ives said that the Engineer has advised the Board that structurally the road is fine; the concerns are relative to the easements and liabilities.

- c. Roy Merrill asked if there has been any research into the maintenance bond for this road. Chairman Bowles said that this information is with Town Counsel and being researched.
- d. Mrs. Campaniello asked if the Board could give her a list of the exact questions that were given to Town Counsel. Chairman Bowles said he didn't have an exact list, but the items were things like golf carts, crossings, signage, easement, etc., he said the Board does not want to put demands on things they do not have authority over. They want to have everything in place should the Town accept the road so there will not be any liability issues. Mrs. Campaniello asked if Town Counsel attended Selectmen's Meetings in case there were further questions that needed to be answered. Selectman Maxfield stated there have been instances in the past where Town Counsel had attended meetings at the request of the Board, but is was not often. Dan Geiger of the Conservation Commission said he felt it was appropriate to request that Town Counsel be present at the next meeting.
- e. Alan Gray asked if the only issues were with Phase I of the road. Chairman Bowles stated what the Town considers Phase I is where they currently see the issues; however, during the research other items may come up on other phases of the construction.
- f. Chairman Bowles stated that the Board is looking into RSA 231:59-a, relative to Emergency Lanes. He said it would allow the Town to maintain the road under emergency situations, if there were a fire or emergency, where Municipal services would have a difficult time gaining access to a property on Greenview Drive. Chairman Bowles said in order to move forward with the Emergency Lane, a public hearing has to be held, and with the requirement for proper notice, the Board will hold the public hearing on January 9, 2007. He said that the Board felt this would be something that would show the residents

on Greenview Drive that the Town is doing what they can to work with them as well as protect the Town from any liability issues. Selectman Maxfield referenced a portion of the RSA that states, "The emergency lane may not be declared if permission is denied by any person with a legal right to deny such permission". He said he thought Town Counsel would need to address that. Chairman Bowles said that Town Counsel suggested the Board look into this option. He went on to say that, the Town has every intention to provide services to everyone in Town.

- g. Bob Bollinger asked if it were possible for the Town to maintain the plowing/sanding of the road during the thirty days while the research is being done as the residents on Greenview Drive pay their taxes. Chairman Bowles stated the Town could not do that due to the laws in place. Selectman Ives said that the Board is trying to protect the Town from any liability and they do not want to infringe on Mr. Leombruno's business, they are trying to do what is right for the Town.
- h. Maryanne Adams thanked the Board for their efforts in this situation. She went on to ask what would happen if the current plow contractor was not able to plow the road during an emergency, would the Town plow the road for the emergency. The Board said that is why they are looking at the Emergency Lane. Selectman Ives reminded those present that the Town has never plowed this road and there has not really been a change for five years. Ms. Adams agreed. She went on to say that, she hoped that the integrity of the golf course is maintained if the Town takes over the road. Roger Gayer said the only thing that has changed in the plowing is that Ms. Crowley has sent all the residents a letter advising them she was not going to take care of it any longer. Selectman Ives said his comment was relative to if the contractor was unable to plow the road during an emergency.
- i. Ray Cummings said he did not think that Ms. Crowley had the right to back out of maintaining the road. He said that is why the bonds are in place. Chairman Bowles said the bonds are in place in case the road fails, not for plowing maintenance. Mr. Cummings said that the bond he is talking about is the construction bond. Selectman Maxfield said he did not think this situation was the type of situation that the bond would cover. Chairman Bowles said Ms. Crowley has the responsibility and liability because it is her road at this point. Mr. Cummings asked if the Board has advised Ms. Crowley in writing that the road is her responsibility for maintenance. The Board said they have discussed this with Ms. Crowley.
- j. Bill Leombruno said for the record that he had contacted Ms. Crowley and offered any cooperation to settle any matters, if there were any, to expedite the proceedings. He said Ms. Crowley felt it was best to wait to see how the Selectmen voted on the subject. Mr. Leombruno went on to say he contacted Town Counsel and asked if there was anything he could do to expedite the matter. He said if the Selectmen have any questions he hopes they contact him so he can help resolve any issues.
- k. Mrs. Campaniello asked if the Board would have an answer for the residents of Greenview Drive at the January meeting. The Board said that is their hope,

however, they cannot guarantee all the issues will be resolved at that time. Chairman Bowles said that the Town has been trying to get the developer to complete the two fire ponds for about two years and they have just been completed. He said that there are other issues that need to be addressed and they should be the responsibility of the developer, not the Town. Chairman Bowles went on to say that it is a bit frustrating to now have the request to accept the road, without all the research being completed prior to the request, and have a road full of residents wanting an answer immediately. He said that when all the other requests to accept a road as a Town Road come in, all the research has been done, there are typically no easements or boundary issues, and it is usually clear as to what the Town is accepting. Mrs. Campaniello said the residents do appreciate the Selectmen's efforts.

- l. Mr. Merrill suggested the Board find out if the legal costs to the Town could be taken out of the maintenance bond. Chairman Bowles said they will check into this and the issue of if Ms. Crowley received written correspondence from the Town acknowledging Ms. Crowley as being responsible and liable for Greenview Drive at this time.
- m. Joe Campaniello asked if the Board had the date and time for the next meeting. The Board advised those present that the meeting is scheduled for January 23, 2007 at 7:00 PM.
- n. Chairman Bowles advised those present that a notice would be included with the notice relative to the public hearing for the Emergency Lane, reminding the residents of the January 23, 2007 meeting.

Selectman Maxfield moved to recess the public hearing in reference to accepting Greenview Drive as a Town Maintained Road to January 23, 2007 at 7:00 PM. Seconded by Selectman Ives. All in favor. Motion carried.

Chairman Bowles reconvened the Selectmen's Meeting.

- VI. The Board continued their review of weekly correspondence.
 - a. The Board received the November ESMI compliance report.
 - b. The Board received information on the NH Public Works Academy.
 - c. The Board received notice that Dan Plourde contacted the Selectmen's Office regarding rumors going around about the sand being tracked out of his property prior to the paving. Mr. Plourde provided the Board with his phone number so that if there are ever any issues or concerns they can contact him directly. The Board said that they are very happy with the paving and that they think it will be better than it has ever been.
 - d. The Board received notice that a resident of Bumfagon Road called regarding safety concerns with a deep ditch on the road. The Highway Department has placed a delineator post at the location; however, the gentleman is still very concerned for safety issues. The Board will look at the location.
 - e. The Board received a letter from DOT regarding the turn pocket at Staniels Road.
 - f. The Board received copies of the 2006 – 2007 Building Permit List.

- g. Chairman Bowles stated the Town had gone out to bid for the 2007 Annual Town Report and had received three sealed bids as follows:
1. Evans Printing: \$5,692.00 total cost of the project
 2. Town and Country Reprographics Inc.: \$5,915.00
 3. Bridge and Byron Printers Inc.: \$1,500/100 + cover, \$9,284.31
- Selectman Ives moved to accept the bid from Evans Printing for 1500 copies, four-color cover, and black text, in the amount of \$5,692.00. Seconded by Selectman Maxfield. Selectman Ives stated that at one time his family held stock in Evan's Printing; however, they have not held stock in the company for over eleven years. All in favor. Motion carried.
- h. Selectman Ives thanked Jim McNeil and all those who participated in the fundraiser for the Parr Family of Loudon. The Fire Department has raised over \$5,000.00 for the Parr Family so far. The Board agreed that Loudon is fortunate to have a community that steps up and helps families in their time of need.
- i. Chairman Bowles thanked Wade Holling and Dan Bowles for their assistance with the John O. Cate Memorial Van Building last weekend.
- j. Chairman Bowles thanked the residents for being as patient as they could be during the road closures and bridge projects.
- Selectman Maxfield moved to adjourn the meeting at 8:17 PM. Seconded by Selectman Ives. All in favor. Meeting adjourned.

THE LOUDON BOARD OF SELECTMEN

Dustin J. Bowles, Chairman

Roger A. Maxfield, Selectman

Steven R. Ives, Selectman