

**TOWN OF EPSOM  
BOARD OF SELECTMEN  
Tuesday, January 31, 2011**

**Bob** \_\_\_\_\_  
**Keith** \_\_\_\_\_  
**Don** \_\_\_\_\_

**Final** \_\_\_\_\_  
**Accepted** \_\_\_\_\_  
**Accepted as Amended** \_\_\_\_\_

**Present:** Bob Blodgett, Chairman; Keith Cota, Vice Chairman; Don Harty; Darlene Phelps, Recording Secretary

**Also in Attendance:** Sharon Gelinis; Dave Fiorentino; Andrew Walton; Mary Frambach; Barbara Clark; Dawn Blackwell; Nancy Wheeler; Jay Hickey; Rob Topik; Ken Brown; Betsy Bosiak

**6:15pm** Bob called the meeting to order and asked Dave to lead us in the Pledge of Allegiance.

**6:30pm Staff Discussion:** Barbara Clark reported that she spoke with CNHRPC and said that there may be some safety changes (access management) for the traffic circle that could be considered for Transportation Improvement Program 2013-2021. One recommendation is to change the driveway openings at Evans, at the Getty or in the front of Care Pharmacy. The project will cost approximately \$75K. Keith suspects that this type of change, which affects local business, will generate a lot of heated discussion, and being that this is a matching grant program, he's not sure the town should invest the money and the energy to take the lead on this type of project. Keith feels this is State property, and the responsibility for this lies within State. The BOS agreed. Barbara will not proceed with filling out the application for this grant program.

Barbara provided copies of the flood maps prepared by USGS completed under contract through FEMA. All corrections have been made, and they are now available for review.

Dawn Blackwell received a letter of resignation from Donna Kulacz effective 3/31/11, due to personal circumstances. Dawn has prepared an employment ad for the BOS review. The BOS agreed to have the ad posted right away. The BOS expressed their appreciation to Donna for her service and is sorry to see her leave, particularly under these circumstances.

Dawn provided a list of candidates for the Town Election. The candidates are listed in a particular order on the ballot per RSA.

Nancy said the MS7, Warrant & the default budget were posted today.

Nancy asked what the BOS would like for hand outs at the Deliberative Session. Keith's recommendation is to list the estimated tax impact on the list of Warrant Articles. On this same sheet will list the BOS and the Budget Committee's recommendations for each. Other hand outs are the MS7, the proposed budget, the pie chart. Nancy requested that any other requests for hand outs be given to her next Monday.

Nancy provided a copy of the page in the employee handbook regarding vacation carry-over. She suggested that if carry-over is going to be allowed, then perhaps the handbook should be revised.

Nancy provided copies of meeting minutes relative to the cemetery plot funds & fees for plot sales. The BOS acknowledged Nancy for all of the extra time spent getting the budget ready – it is greatly appreciated.

**FOR SIGNATURE**

1. **Accounts Payable** was signed.
2. **Manifests** were signed.
3. **Appointment Papers (2):** Keith made a motion to appoint George Carlson to the Epsom Historic Structures Stewardship Committee for a term to expire 12/31/11. Don seconded the motion. All in favor.  
Keith made a motion to appoint Peter MacCallum as the Deputy Boat Tax Collector with a term to expire 12/31/11. Don seconded the motion. All in favor.
4. **Warrant** was signed.

5. **Land Use Change Tax** for Cobblestone Development Corporation. The total tax due is \$9,120.00.
6. **Abatements** Keith made a motion to grant an abatement in the amount of \$60K for a new total assessed value of \$27,400 on Tax Map / Lot #U01-28 on Lake Road as recommended by Avitar. Don seconded the motion. All in favor.  
Keith made a motion to grant an abatement in the amount of \$3700 for a new total assessed value of \$67,100 on Tax Map / Lot # U10-94 on Rhodora Ave as recommended by Avitar. Don seconded the motion. All in favor.  
Keith made a motion to grant an abatement in the amount of \$56,800 for a new total assessed value of \$213K on Tax Map / Lot # U05-77 on Goboro Road as recommended by Avitar. Don seconded the motion. All in favor.

## FOR DISCUSSION

- A. **FEMA Acquisition: (Daniel Fredyma's property)** FEMA's portion of the acquisition is \$236,925. Fredyma's portion is \$73,725. The Town of Epsom's portion is \$5250 in-kind services (no cash). The Highway Department will be doing the site work clean up to achieve the \$5250 in-kind services. Keith made a motion to approve the acquisition through the Homeland Security Emergency Management of Daniel Fredyma's property with \$5250 in-kind services from the Town of Epsom, and Mr. Fredyma's contribution is \$73,725. Don seconded the motion. All in favor.
- B. **Request to Carry Over Vacation Time:** Scott Elliot (Highway Department) has requested vacation carryover from 2010 to be used at the end of March-early April (for maple sugaring season). He states that he has a total of 56 hours available, which he intends to use. Bob would like to wait until the date is closer so dates can be pinpointed and the number of hours. Scott has indicated that he would come to work in the event of a storm.

C. **Suncook River Flood Maps from CNHRPC:** Keith reported on the River Avulsion Meeting held on January 16<sup>th</sup> at the Epsom Fire Department. He explained that the new flood maps prepared by USGS have identified several new properties that are now located within the flood plain. Keith said he spoke with FEMA representatives and inquired about FEMA changing their flood maps to reflect the "new" river pattern. Keith said that eventually FEMA will update their maps, but it is a very slow process. Keith noted that BOS may want to investigate an executive order to adopt the revised maps until FEMA completes the official map revisions. The revised maps can be used by the Town of Epsom for the process of planning and zoning enforcement of the flood ordinance.

Keith said that in a typical day, the equivalent of more than two truckloads of sand moves down the river. Quite a bit of sediment comes from between Short Falls Road and the Route 28 Bridge. Based upon the settlement transport study prepared by USGS, most of the sediment is stopping before the dam. A study by NHDES Dam Bureau is being done to determine if the dam is removed, how that would affect the movement of sediment. An Inundation study is being done from Chichester river gauge to the Merrimack River. This study will allow for our first responders to assess how high the river will raise under predicted storm events. This study should be completed by the summer. Keith said the state has been actively encouraging buy-outs for properties along the river. Allentown has been very active in this regards and has a lot of experience. Keith noted that Epsom Committee representatives noted several areas of concern in the Epsom river corridor; the highest priority concern the village well district, the second is Round Pond, the third is the river debris (trees falling into river channel) and the fourth being the continuous damage to the athletic fields every time they flood.

Keith said that if the village well district is destroyed, the replacement of that well would be incredibly expensive to replace under the current regulatory requirements of NHDES. Keith noted that in a subsequent conversation with Chris Pope, Mr. Pope is willing to work through Department of Safety and perhaps submit a grant application to complete work to protect the village well district area.

With these new flood maps, there is a list of properties that are now identified to be within the flood plain. The River Planning Committee is looking to set up a joint public information meeting in late March with a local town meeting following in early April to go over the new flood maps, status of river funding, and consideration of the buyout program. Keith explained that homes that are now located in the flood plain could possibly qualify for a tax abatement, because of decreased value. However, homes no longer in the floodplain will be re-evaluated when the updates are done.

Keith noted that there are two State budget actions currently happening at the same time: Capital Budget request to include approximately \$2M (Governor's submission to Legislature) and House Bill 287 (sponsored by State Representative Giuda) that requests \$7M from the general fund to study the feasibility of putting the river back in the original location and/or stabilize it in its current location.

Keith noted that in his opinion, the Capital Budget has the most realistic chance of being funded. He noted that he had a conversation with Selectmen representatives from Pembroke, Allenstown and Chichester and it was agreed that collectively we should support one of the options. Considering no revenue funds accompany HB 287, the likelihood it being passed is slim and may require several years to be able to pass it and we cannot wait any longer. The consensus of the Epsom BOS is to put their support behind the Capital Budget request.

**D. Request for 50 / 50 Raffle:** On behalf of the Epsom Central School Class of 2012, Sharon Gelinis is requesting permission to sell 50/50 raffle tickets on Monday 2/21/11 during staff/student basketball game to benefit the 8<sup>th</sup> grade class trip to Washington DC. Keith made a motion to authorize this 50/50 raffle. Don seconded the motion. All in favor.

**E. LGC Response to Resident:** Andrew said that after last week's BOS meeting, Bob requested that Andrew put in writing his issues so Bob can ask the LGC for guidance. Andrew provided a letter to Bob, which Bob received a response from the LGC, but Andrew doesn't believe that they have adequately responded to requests and he doesn't understand the responses given. The LGC's opinion is that this is a personal issue between two residents. Andrew does not want to take this to the next level; he wants to be heard in a non-public session. He alleged that his reputation is being damaged & if he speaks about this issue in a public session, he will damage someone else's reputation. Keith feels that this is a civil matter and it is not an official matter for the BOS' business. Andrew said that an attorney who works for the Town of Epsom called him to discuss matters that were relative to the town, and this attorney has accused Andrew of making accusations about him in a prior public meeting, and demanding a public apology. Andrew said that this person has called other town residents too. Keith noted that the attorney discussion he had was not sanctioned or order by the BOS and, as such, the attorney was not officially representing the town during this personal discussion. Keith wants Andrew to be very specific about how this affects the administrative functions of the BOS and why this is a "matter" for the BOS. Andrew said he is not writing any more letters. Andrew requested that the BOS write him a letter saying that he is not eligible for a non-public session. Keith said he will not support writing a letter to Andrew. He noted that Andrew needs to clearly explain why this is a matter to the BOS instead of being a personal issue between two townspeople. The BOS members are not in favor of writing a letter to Andrew.

Andrew requested that the BOS contact the attorney and ask him to come to a BOS meeting. Keith said if the attorney is requested to come to a meeting, the town will be billed for it. Andrew said if the attorney bills the town, he will pay for it. Keith said this would put the BOS in the middle of this issue that does not appear to be a matter of the Selectmen. The BOS did agree that it may be beneficial to have a discussion with the attorney to be sure that he is not acting inappropriately by giving the appearance that he is conducting town business when making personal phone calls. Keith suggested that perhaps a conflict resolution meeting take place between Andrew, the attorney and one Selectman. Don volunteered to spearhead this effort and will call the attorney and determine if the allegations may or may not be true, and whether he would be willing to sit with Andrew & a member of the BOS for a discussion. Keith noted that if Don determines the matter requires a full Board meeting, then he can bring it back to make such a request.

Rob Topik indicated his frustration that the BOS will not grant Andrew a non-public session.

**F. Scope of Services Meetinghouse / Town Office:** Keith prepared a short scope of services to look at the primary objectives for the evaluation of the Meetinghouse. Keith said there will be 2 short-term goals and 1 long-term goal:

\*Obtaining the occupancy permit for the 1<sup>st</sup> floor Meetinghouse Room (short-term).

\*Evaluation of the 1<sup>st</sup> floor for use as a meetinghouse & the lower floor for use as town offices (short-term) if the lower floor is not found to be adequate for Town Offices, then evaluate the old Town Hall for use as town offices.

\*Occupancy permit for long-term town office needs as outlined by prior Building Need Committee Reports (long-term).

The end product would be the preparation of an engineering assessment of short and long-term financial needs / grant funds, etc.

Don is planning to work with Barb to get with some feedback from engineering firms in regard to the cost for this scope of work. Though it is unlikely that any firm numbers will be available by Deliberative Session, some verbal communication with engineering firms may be helpful in preparing support and for presentation to the public. The BOS is supportive of Don proceeding with contacting engineering firms.

## MINUTES FOR REVIEW AND DISCUSSION

1. **Draft – January 24, 2011:** Keith made a motion to approve these minutes as amended. Don seconded the motion. All in favor.
2. **Final – January 18, 2011:** Keith made a motion to approve these minutes as presented. Don seconded the motion. All in favor.

## CONFIDENTIAL

- Letter from Attorney

## FOR YOUR INFORMATION (No action required)

- **Correspondence:** A thank you note from Dawn for flowers
- **NH Dept of Labor Business Outreach Session:** February 11 at 7:30 AM at Grappone Hall
- **Letter from ZCO:** to Mr. & Mrs. Estabrook indicating that the BOS had agreed to waive the \$1500 fine with the agreement that life safety improvements be made. The deadline given was 1/21/11. Jay has asked the Estabrooks for a date to perform an inspection. Betsy advised the BOS that Mrs. Estabrooks father passed away.
- **Metrocast Email Service Outage Notification:** Wednesday, February 2<sup>nd</sup> 12 AM – 4 AM there will be no email service for updates.

## ANY OTHER BUSINESS BROUGHT FORWARD BY THE BOARD

It was decided that when an item is listed in the FYI portion of the agenda, a very brief description of the item be given.

### Board Member Liaison Reports

Bob reported that the Highway Department has been cleaning up the roads and now they are preparing for another storm this week.

### Public Discussion

Ken Brown indicated that in the January 10 minutes it says that Ken Brown & Carol McGuire authorized the payment to have the water shut off. Ken said he doesn't know how he could authorize any payments because he didn't have any authority over the Goboro Road cemetery. He said that neither he nor Carol signed the invoice. It was suggested that Ken ask Nancy to show him the invoice with the signatures.

Keith will not be in attendance at next week's meeting.

Rob Topik asked if the BOS read the letter he provided. Bob replied that he did, and his opinion is that the BOS should not seek any appeal through the ZBA and Rob must address this issue with the ZBA.

Don said he will not support the BOS getting involved in the ZBA business. Don said his personal opinion – not as a Selectman – but as a resident, is that this is a personal grudge between Rob & the person who was granted a building permit.

Rob asked if the BOS is aware of the personal business advertising by the ZBA Vice Chair that indicates Zoning Laws Violated, Master Trouble Maker. He surmised that clearly the Vice Chair does not respect zoning. Rob feels this is inappropriate and since the BOS appoints the members of the ZBA, it reflects poorly on the BOS.

Keith asked specifically what Rob is asking the BOS to do. Rob said that the BOS should ask the Vice Chair to stop that advertising or perhaps resign.

Keith said he is not aware of any incidents that show that this person has acted in bad faith or not performed his duties to the board as a result of this personal business advertisement.

Dave Fiorentino feels that the advertising by the ZBA Vice Chair is inappropriate, and is hypocritical for a ZBA member. Dave thinks this affects the town's integrity & credibility.

Dave said there are zoning violations at the ZBA Vice Chair's property, which are being overlooked by the ZCO. Keith stated that if Dave feels certain zoning violations taking place, he needs to put it in writing and the BOS will have it investigated. He noted the BOS will not accept verbal accusations; it needs to be in writing for the BOS to act officially.

**9:30 PM** Keith made a motion to adjourn. Don seconded the motion. All in favor.