

**TOWN OF EPSOM
BOARD OF SELECTMEN**
Monday, January 11, 2010

Bob _____
Joanne _____
Keith _____

Final _____
Accepted _____
Accepted as Amended _____

Present: Bob Blodgett, Chairman; Joanne Randall, Vice Chairman; Keith Cota; Darlene Phelps, Recording Secretary

Also in Attendance: Andrew Walton; Tom Langlais; Betsy Bosiak; Adam Towne; Mary Frambach; Nancy Wheeler; Barbara Clark; Dick Verville; Dave Fiorentino; Jay Hickey; Larry Caraway

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

6:30pm Staff Discussion: Barbara Clark requested that when Larry Caraway comes in tonight to discuss lease options, that he be reminded that the office window has about a 3” gap due to snow buildup, and cold air is blowing in. She spoke with Larry and he said he would be sending someone to take care of it, but it hasn’t been addressed yet. Also – the light bulb in the upper parking lot light has not been replaced yet.

Nancy said that she has a meeting on Wednesday to get the final questions answered regarding Direct Deposit. Once all of the questions have been answered, then TD Bank will begin getting everything ready and a test run should take place in the first week of February.

The Budget Committee has their public hearing on Thursday evening at 7:00 PM. Nancy said she has heard that there is a Warrant Article that will be presented that has money attached to it. The BOS will plan to meet at 6:30 PM on Thursday to discuss that Warrant Article if it is received prior to close of business on January 12.

6:45pm Adam Towne – Donation of 45 acres: Adam Towne provided the BOS with a copy of his subdivision plan that he began on Center Hill Road in 2003 is now being completed. There is a wooded area of the property that the main snowmobile trail goes through, and Alison Parodi from the Conservation Commission had expressed interest in having this property so the snowmobile trail would remain. The local snowmobile club maintains the trails. He said there is still over 200’ of frontage. He will continue to pay taxes on the property until the project is complete and would transfer the property at that time. The subdivision was designed in order to preserve the trail. Keith’s only concern is the process – and feels that a public hearing would be appropriate to let the voters and abutters express their opinion about accepting the property. He also thinks it would be appropriate to ask the snowmobile club if they are willing to maintain the trails on the property should the Conservation Commission elect not to. He wants to be sure the subdivision is accepted by the Planning Board. Adam said he has a meeting with the Planning Board on Wednesday night.

Adam said he is interested in providing a proposal for work to be done at the new Town Office complex property, along with a buy/lease option. Keith said he would be interested in hearing Adam’s proposal, and suggested he contact Debbie in the office and request to be placed on the Selectmen’s agenda for a future meeting.

7:15pm Dan & Karen Fredyma – 1133 Short Falls Road: Mr. Fredyma is here to discuss grant programs in which the government purchases homes that are located in flood

zones. Dick Verville explained that there are a couple of acquisition projects currently taking place in Allenstown, for properties that are considered in the flood plain. Mr. Fredyma said he has always had flood insurance until this year and it has not been renewed by his insurance agent. Dick said the Federal Government still has funds left from 2008 and the state has an allocation for 2009 money. Dick said because this property is considered a severe repetitive loss property – it would likely to be eligible for a 90% grant. Dick said the Town of Epsom has to be the applicant, and an agreement needs to be made between the Town & the home owner about where the match amount would come from. If an acquisition takes place, then the Town would then own the property and it must remain open space. Dick said he would be willing to work on the application if the BOS is agreeable to being the applicant.

Joanne asked if the home must meet all minimum code requirements before being eligible. Dick said he is not aware of non-compliance being a disqualifier.

Jay Hickey passed out copies of the property card and said during the past floods; assistance was given to this homeowner in that the building permit fee was waived. Jay said that he told Mr. Fredyma he would not issue a Certificate of Occupancy (C.O.) until the As-Built Elevation Certificate was received. This certification was not received until December 29. The As-Built Certificate shows that it does not meet the flood zone requirements because it was constructed at the improper flood elevations. Jay also noted that Mr. Fredyma appears to be living in the home, without a C.O. and the property owner has advised Jay to not to enter his property. Mr. Fredyma said that was not so – that issue was about a Right of Way to access some town property along the back section of his property. Jay agreed that was a separate issue. Jay stated that he cannot issue a CO when the structure is in noncompliant with the flood regulations and noted the homeowner will need to elevate the home above the flood zone. Mr. Fredyma said he is currently living in the home. He also stated that as part of the reconstruction of the home after the floods he brought in over 120 truckloads of dirt to raise the home as high as it is – and doesn't think it can be raised any more. Keith advised Mr. Fredyma that it is against Town Ordinance to bring fill into a flood plain.

Dick stated that he would not qualify for the program unless he has flood insurance, and he cannot get flood insurance if the home is built too low. Mr. Fredyma said he will try to get that resolved.

Bob asked how we will address the occupancy without a permit. Joanne advised Mr. Fredyma that he will need to come into compliance in order to obtain an occupancy permit, and asked him to call the Town Office to advise the BOS whether he is able to secure insurance. Mr. Fredyma reiterated that Jay is welcome to inspect his property.

Keith expressed 4 primary concerns and issues:

- 1 – The building wasn't built according to the elevation requirements because Mr. Fredyma felt he was building it high enough.
- 2 – There is no flood insurance on the property.
- 3 – The property owner is living in a building in the flood risk zone without an occupancy permit which puts the town at enormous risk
- 4 – A large amount of fill was brought in to the flood plain, which is strictly prohibited.

Keith noted that there could be fines assessed for these violations. Keith feels that the property owner will need to prepare a topographic plan of the property for the "before and after" condition. Keith sees some serious violations that need to be addressed. He advised Mr. Fredyma to contact his insurance company tomorrow to try to secure flood insurance so he can be an applicant to the buy-out program.

Bob requested a written letter from the property owner that will give Jay permission to inspect his property. Bob is also requesting an additional letter to be provided to the BOS that gives the Town permission to pass through his property to access Town property. Mr. Fredyma agreed to provide this.

Keith asked Dick if he is able to obtain flood insurance, what the time frame would be for Mr. Fredyma to secure the funds for a buyout. Dick estimated around the end of the summer.

7:49pm Larry Caraway, Jr. – Lease Options Joanne explained that the BOS has requested a \$30K Warrant Article for architectural & engineering planning for design of the new Town Office facility. Whether or not those funds are approved at the election in March, we will need to extend our lease. Keith asked if when our lease is up in June, if he would be willing to enter into a shorter lease – perhaps 3 years. Larry replied that it would need to be a 3 year minimum, and he would only do minor improvements – new furnace and new front door system. If we entered into a 5 year lease, he would do more improvements, including expanding the space. Joanne stated that past conversations with the BOS have been that the town would probably not want the additional space. Either way there will be about a 3.5% increase in rent. He would be willing to enter into a 5 year lease without an expansion. Bob asked Larry about the window & the light. Larry said the light bulb is on order, and he has a contractor that will be coming to fix the window.

8:00pm Nancy Wheeler - Warrant Articles: Nancy provided a draft of the 2010 Warrant. She has sent it to Tony and attached his comments. The BOS can alter the order of the Articles, but the members do not wish to change the order.

Article 1 – The operating budget of \$2,710,458.00.

Article 2 – To raise \$150,000.00 to be added to the Capital Reserve Funds for improvements to town roads Bob called for a vote whether to recommend this Article. Bob, Keith & Joanne voted to recommend.

Article 3 – To raise \$26,037.00 for 6 months salary & benefits for a new police officer Bob called for a vote whether to recommend this Article. Bob, Keith & Joanne voted to recommend.

Article 4 – To raise \$30,000.00 for architectural & engineering planning for a new Town Office facility Bob called for a vote whether to recommend this Article. Bob, Keith & Joanne voted to recommend.

Article 5 – To vote to accept the Gossville Cemetery and raise \$2500.00 for routine maintenance. Upon discussion about the Warrant Articles, a question came about & a call was placed to Attorney Soltani for his opinion. The BOS voted to remove this Warrant Article.

Article 6 – To vote to accept the Gossville Cemetery

Article 7 – To vote to describe the estimated tax impact for each appropriation on the town ballot

Article 8 – To vote to approve a resolution to be forwarded to our State Representatives, our State Senator, the Speaker of the House, and the Senate President: The citizens of NH should be allowed to vote on an amendment to the NH Constitution that defines marriage.

Nancy Wheeler - Default Budget: Nancy said the amount of the Default Budget can be changed up until the printing of the ballot. No additional changes are anticipated. Joanne made a motion to accept the 2010 default budget in the amount of \$2,651,657.00. Keith seconded the motion. All in favor.

Andrew Walton asked about Article 7 – and Joanne explained that the LGC has advised that the Town does not have the authority to place that information on the ballot. She then read the abbreviated explanation from the LGC. Tom Langlais stated that last year the estimated tax impact was on a separate sheet, and he feels that if it can be printed on a separate sheet then it should just be on the ballot – and he feels even a rough estimate is better than no estimate. Joanne also stated that by placing that information on the ballot – it could be considered electioneering – because the information could sway a person to vote one way or the other.

The information is available at the Town Office, but the BOS has been counseled to not put the information on the ballot.

Nancy Wheeler – Encumbrances: Nancy provided a list of outstanding Purchase Orders that the BOS can decide to encumber the funds for. Keith made a motion to encumber the funds as noted in the memo dated January 11, 2010 in the amount of \$28,968.01. Keith seconded the motion. All in favor.

FOR SIGNATURE

1. **Accounts Payable** was signed.
2. **Manifest** was signed.
3. **Payroll** was signed.
4. **Current Use Release** was signed.
5. **Request for Leave** was signed.
6. **Letter of Agreement for Capital Improvement Plan 2011 – 2016:** Joanne noted that the fee for this is \$500 due to a credit on our account for \$2500. Keith made a motion to enter into a contract with CNHRPC for the preparation of the CIP update to be completed in 2010. Joanne seconded the motion. All in favor.

FOR DISCUSSION

- A. **Website Link – Town Crier:** Joanne received a call from Terry Riel who is the correspondent at the Concord Monitor for the Town Crier. She requested that a link be placed on the website so people can click on it & email her any news or events. Joanne & Bob do not have an issue with it. Keith said he is in favor of open communication, but noted that any other similar requests will have to be given the same consideration in the future. The BOS is in favor of granting her request. Joanne then said she'd like to consult with Norm Gentry from the Website Committee before giving Terry a firm answer. Keith & Bob agreed.
- B. **Request to Waive Fee:** Charlene Caron has requested a permit for the Junior Girl Scout Troop #12711 to sell cookies at Care Pharmacy on February 1, and for the fee to be waived. Barbara said that she would need to apply for the permit, and then Jay could recommend whether to waive the fee. Barbara also said that she's not sure he'd charge a permit fee for a non-profit organization anyway. The BOS will ask Debbie to advise Charlene of the process.

MINUTES FOR REVIEW AND DISCUSSION

- **Draft – January 4, 2010:** Joanne made a motion to approve these minutes as amended. Keith seconded the motion. All in favor.

- **Final – December 28, 2009:** Joanne made a motion to approve these minutes as written. Keith seconded the motion. All in favor.

CONFIDENTIAL

- **RSA 91-A:3 II (e) – Litigation**

FOR YOUR INFORMATION (No action required)

- **Mailbox Destruction Complaint (North Pembroke Rd & Goboro Rd)** A letter was received from a resident on North Pembroke Road whose mailbox was hit by the Town's plow truck. Debbie advised her to ask the Post Office to hold her mail until the spring and copied the Highway Department. A letter was also received from a resident who lives on Goboro Road & her mailbox was damaged by a logging truck that is working on the Bartlett Property. A response will be sent to her advising her that she should address the mailbox issue with the Police Department and can voice her opinion about the development at the Planning Board.
- **All Unpaid Receivables Listed by Warrant**

ANY OTHER BUSINESS BROUGHT FORWARD BY THE BOARD

Board Member Liaison Reports:

Joanne said she doesn't have any liaison reports. She reminded the BOS that there will not be a meeting on the 18th due to the holiday, so it will be on the 19th. She will be leaving at 7:00 PM to attend the Stewardship Committee meeting. There is also a SVRTC meeting on Jan 21.

Bob said Gordon wants to put an ad in the paper for bids to blast & crush at the town shed. He is hopeful that whoever blasts will be able to crush on site & expects to save about 30% on gravel purchases by using the material that comes from the site.

Bob also went to the LCHIP meeting this morning and feels it went very well.

Keith had a conversation with Steve Landry, who asked about the status of the Town's Hazard Mitigation Plan. Keith told him that our Hazard Mitigation Plan has been approved by FEMA. He said he received an email communication from Dick Verville that stated the funds for the engineering and environmental permitting being held up at the state due to general budget overview. Dick said he understands this will be brought up at the next State Fiscal Committee meeting and does not anticipate any issue for approval of the funds. Dick said he thinks the RFP's have been drafted & they will be looking for input from the BOS, and will be put out as soon as the money is released. Joanne asked what the chances are of the money not being released. Dick said it is unlikely that the funds would not be released.

Joanne said she talked to Jay about Eric Reeves and Jay suggested that he has not heard from Eric and suggests that another letter be sent to Eric stating that the fines could be reassessed if he does not comply with the terms of his agreement with the BOS. The BOS agreed that a letter will be sent to him giving him a 30 day window to comply.

Joanne said that Debbie has sent a memo to all department heads advising that the deadline for Department reports for the Town Report are due next Friday. Joanne will write the report for the BOS.

9:10 PM Joanne made a motion to go into Non-Public Session under RSA RSA 91-A:3 II (e) – Litigation. Keith seconded the motion. All in favor.

The Board came out of Non Public Session at 9:21 PM Joanne motioned to seal the minutes from the non-public meeting. Keith seconded the motion. All in favor.

9:22 PM Joanne motioned to adjourn. Keith seconded the motion. All in favor.