

**AGENDA**  
**SELECTMEN'S MEETING**  
Monday, March 2, 2009

**Bob** \_\_\_\_\_  
**Joanne** \_\_\_\_\_  
**Keith** \_\_\_\_\_

**Draft** \_\_\_\_\_  
**Accepted** \_\_\_\_\_  
**Accepted as Amended** \_\_\_\_\_

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

**Not Present:** Joanne Randall, Vice-Chairman

**Also in Attendance:** Nancy Heath, Joel Robinson, Barbara Clark, Mary Frambach, and Dave Fiorentino

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

**6:15pm**      **Lantern Lane – Attorney Soltani, Joel Robinson and Nancy Heath**

Mr. Joel Robinson stated he came before the board in September with his request for the Town of Epsom to handle the problem on his property. Joanne Randall told him he would receive a timely response. It has now been 6 months and the problem has not been addressed. Mr. Robinson stated that if he damaged Town property, he'd be held responsible to pay for it; however the Town has damaged his property and they are not paying for it. Attorney Soltani stated that the Town has sovereignty and immunity in some situations, and an individual is not on the same "ground" as the Town.

Mr. Robinson & Mrs. Heath stated that there are two culverts (a 29" diameter and a 31" diameter (inside dimensions)) on the Guimond which were installed by the town, are not installed properly, there is too much water flowing through, and is washing down the nit pack which has damaged their culverts. He stated through his research, a 60" culvert needs to be installed. Keith questioned the basis of the need for a 60 inch diameter culvert replacement as the size of culverts should be based upon the storm water flows, not the upstream culvert sizes. Mrs. Heath stated that they have no authority to do anything on the Guimond property, so they cannot do anything to resolve the property.

Mr. Robinson stated he is willing to do the work, but he wants the Town to provide the materials and the equipment to do the job. Mr. Robinson stated the Guimond property needs a headwall.

Mrs. Heath stated that by fixing this – she felt it will eliminate the town having to continue to pay to repair Lantern Lane every time it washes out.

Atty. Soltani stated that the Town is prohibited from spending public funds on private property. Keith stated that it is clearly written in the State Statutes that the culvert is the responsibility of the homeowner – not the Town. Bob also read a passage from the State Constitution stating these same facts.

Mr. Robinson stated he needs a decision from the BOS as to whether or not the Town will take responsibility for this damage, and he wants it in writing.

Bob stated that he is not in favor of the Town paying for this damage, as he feels the Town is not liable for this. Keith stated that he believes the town is not responsible for the damage as it appears to have been caused by excessive water runoff due to extreme flooding conditions, however, he would be in favor of asking Gordon what it would cost to remove the nit pack from their culverts and stream.

**6:45pm**      **Staff Discussion**

**FOR SIGNATURE**

1. **Accounts Payable** was signed.
2. **Manifest** was signed.
3. **Application for Current Use** was signed.
4. **Veteran's Exemption (3)** was signed
5. **Abatements (7)** was signed
6. **Request for Vacation time carry-over** was signed.

**FOR DISCUSSION**

**A. Silver Star Day – May 1<sup>st</sup>** - This is a request to acknowledge this day in honor of all wounded military members. This is sponsored by Silver Star Families, a non-profit organization. Keith suggested that Debbie make the appropriate changes to the draft Proclamation they have provided, place it on Town letterhead & present it at next week's meeting for further discussion.

**B. Application for License to Operate a Junkyard** – The BOS has received an application from Len Gilman for his 2009 Junkyard permit. Bob and Keith noted that Jay needs to schedule and complete an inspection the junkyard before the license can be issued. Keith stated that the inspection should consist of Junk Yard's Best Management Practices (guidance from NHDES), conditions imposed by the Zoning Board's Special Use Permit and the Non-residential Site Plan approval by the Planning Board.

**MINUTES FOR REVIEW AND DISCUSSION**

- **Draft – February 23, 2009** – The minutes of 2/23/09 were reviewed. Keith made a motion to accept the minutes as amended. Bob seconded the motion. All in favor.
- **Final – February 17, 2009** – Bob made a motion to approve the final minutes of 2/17/09. Keith seconded the motion. All in favor.
- **Final – February 9, 2009** – Keith made a motion to approve the final minutes of 2/9/09. Bob seconded the motion. All in favor.

**FOR YOUR INFORMATION ONLY (No action required)**

- a. **Griffin Road Bridge Inspection** – This has been inspected by the NHDOT and is considered to be complete, and ready for all reimbursements to be applied for.
- b. **Ransmeier & Spellman Letter** – Byron Bedard is our back-up Town Attorney, and has moved to this firm & they are requesting acknowledgement that Town does want Ransmeier & Spellman to respond to the audit request. Keith noted that the Town uses Atty. Bedard as our back-up Attorney and he should be responding on behalf of the attorney's office. The BOS stated they will have a response letter sent stating that they wish to have Atty. Bedard respond to the audit statement.
- c. **Judd Gregg** –Letter Letter in support of the FEMA application for Suncook River funding.
- d. **Senator Jack Barnes Letter**
- e. **Resource Conservation & Development**
- f. **American Red Cross**
- g. **Miscellaneous Folder**

**ANY OTHER BUSINESS BROUGHT BEFORE THE BOARD**

Keith said he provided copies of the applications for the River Avulsion as applied by NHDES on behalf of the town to Nancy today per her request. Keith does not have any word yet from Steve Couture on the disaster funds and/or application approval, but hopefully will have some news on that soon. He state that he has contacted Eric Williams as to the next process for the Moose Grant funding. Eric will be sending contract forms to the town within the month.

Keith said a meeting will likely be scheduled in March for with the Town Office Building Committee.

Keith said Election Day is next Tuesday, and he will be available for assistance during the day, but may not be able to assist with vote tabulation as he is running for one of the positions.

**7:45 PM Keith made a motion to adjourn. Bob seconded the motion. All in favor.**