

**TOWN OF EPSOM
BOARD OF SELECTMEN
APRIL 25, 2011**

Keith _____
Don _____
Bob _____

Final _____
Accepted _____
Accepted as Amended _____

Present: Keith Cota, Chairman; Bob Blodgett; Darlene Phelps, Recording Secretary
Not in Attendance: Don Harty, Vice Chairman

Also in Attendance: Mr. & Mrs. Bill Clark; Andrew Walton; Nancy Wheeler; Barbara Clark; Dave Fiorentino; Gordon Ellis; Jay Hickey; Len Gilman; Mary Frambach; Carol Brown; Ken Brown; Stewart Thompson

6:15PM Keith called the meeting to order and asked Jay to lead the Pledge of Allegiance.

6:15PM Nancy St. Laurent – NH Department of Safety – Two Grants:
Keith made a motion to accept the FEMA grant agreement in the amount of \$263,925.00 for the acquisition and demolition of 1133 Short Falls Road (Fredyma). Bob seconded the motion. All in favor. The grant agreement was signed.
Keith made a motion to accept the Hazard Mitigation Grant agreement in the amount of \$92,730 to improve Center Hill Road culvert. Bob seconded the motion. All in favor. The grant agreement was signed.

Staff Discussion Barb briefly reviewed the Reports of Cut.

6:30 PM Gordon Ellis – Highway Department
Gordon has quotes for paving New Rye, Mount Delight & Center Hill Road (Section 4 Mountain Road to McClary Home) from Pike Paving, Advanced Excavation & Brox Construction Company. The members of the BOS requested the Board wait until Don is here next week to make a recommendation; Gordon said that is fine.

Gordon said during the first 3 years he was Road Agent, the BOS at that time required that the Highway Department install some driveway culverts. He said he noticed that several have “humped up” and he may need to go look at. He feels that since the town installed these, there may be some responsibility on behalf of the town to fix them. Keith said the responsibility of maintenance ends after a number of years after their installation.

Gordon stated that the Highway Department has been cutting several trees on New Rye Road and he will begin the underdrains. They have been cutting the tops of some trees on Mount Delight Road, and will continue later in the week. They’ve filled a few potholes and plans to do some road grading soon. Some brush cutting is taking place, such as, on North Pembroke Road. There was a brief discussion about the stone wall work that needs to be done on the Nutter property, per the agreement that was reached. Gordon has been in communication with the land owner as to timing for stone removals. He noted that he will be seeking some clarification as to the scope of the driveway work before he initiates it. There was also a brief discussion about the fill will need to be removed from the Fredyma property once the buyout transaction is complete. Gordon notes the amount of material may required contract assistance. Keith asked Gordon about the amount of salt that he plans to pre-buy and noted that a resident had raised

the issue of it being an excessive amount. Gordon said the amount of salt being used fluctuates from year to year, and he maintains that he does not use too much salt. There are 35-36 miles of paved roads to be salted in Epsom, resulting in 70 plus lane miles. He has a sheet showing the comparison of salt usage in Epsom compared to surrounding towns that he will provide to the BOS. Gordon said the Prison Work Release Program doesn't have as many workers to send this year to do work.

For Signature:

1. **Accounts payable** has been signed.
2. **Manifests** have been signed.
3. **Mortgage Research letter** has been signed.
4. **MS-60A= Auditor Option** Keith made a motion to approve the Roberts, Greene and Drolet Audit contract dated April 15, 2011. Bob seconded the motion. All in favor. The MS-60 A was then executed.
5. **Disabled Exemption** has been signed.
6. **Reports of Cut** have been signed.
7. **MS-5** Keith made a motion to approve the MS-5 form for signature. Bob seconded the motion. All in favor.
8. **Highway Safety Grant – Police Department** Keith made a motion to sign the application for Highway Safety Project for Alcohol safety & drunk driving prevention program \$5,062.50. Bob seconded the motion. All in favor.

For Discussion

- A. **Review of Properties for Deeding:** Barb said these properties need to be reviewed for deeding. Keith and Bob agreed to put this off to next week when there is a full Board of Selectmen for discussion.

7:00 PM Keith recognized that several Cemetery Trustees are in attendance, so the Board acknowledged them for discussion. Ken Brown said it was the Cemetery Trustees who made the decision to put the mowing out to bid, but they erred in preparing the bid requests. At this point, they would like to reject all bids and proceed with the former company who maintained the cemeteries. Ken said that it is the Cemetery Trustees responsibility to have the cemeteries maintained, so he doesn't know why this is an issue. Keith stated that the BOS is the only entity that has the authorization to enter into a contract as the Town's Governing Body, although the Cemetery Trustees have the responsibility to oversee the cemeteries. There was a disagreement between the Cemetery Trustee member Ken Brown and the BOS over who the "Governing Body" is, as referenced in the RSA. The Trustees maintain that they sign all cemetery deeds, and Keith advised them that is may be improper and those deeds should be coming before the BOS for signature.

Ken said he will not dispute who should sign the contract, however he feels the Cemetery Trustees should be able to recommend a particular contractor to enter into a contract with. Keith said it is the BOS that will have to answer to taxpayers for bids that were received and rejected with the BOS entering into a contract with the highest bidder. This is not the approach Keith supports as Selectman member.

Keith said that to assist the Cemetery Trustees, the BOS developed a more detailed solicitation and sent it to all 6 interested parties who initially responded to the bid request and asked for a response by May 2nd, in time to have the cemeteries prepared for

Memorial Day. Keith feels that the BOS has gone above & beyond its responsibilities by sending this clarification letter to the 6 contractors and taking a corrective action to address the initial shortcomings.

Andrew Walton asked if the bid request states that the Town is soliciting for the “lowest” bid, or just a “bid”. Keith replied that it states bid request – and the goal is to receive the best contractor at the lowest price.

Len Gilman asked for clarification that the bids were addressed to the Board of Selectmen or the Cemetery Trustees, and the answer is the Board of Selectmen.

Keith closed the discussion by saying that the new bids will be received by next Monday’s meeting and the BOS hopes to be able to enter into a contract by the following week. The Cemetery Trustees request that legal counsel be consulted for a determination of who the “Governing Body” is, when referred to in the RSA. [Subsequent to the meeting, Ken called Bob Blodgett and requested the legal review not be acted upon.]

Minutes for Review and Discussion

- **Draft – April 18, 2011:** Keith made a motion to accept these minutes as amended. Bob seconded the motion. All in favor.
- **Final – April 11:** Postponed to next meeting

Policy Review

- **Copy Fee Policy:** Debbie has prepared a fee structure for all fees, including Planning Board & Zoning Board fees.
- **Electronic Data Transmittal Proposal:** This proposal is for requests for data to be sent electronically. This also will be discussed further next week when Don is back.

Confidential:

Letter from Resident

For Your Information: (no action required)

- **Population Estimate:** According to 4/1/10 Census Epsom’s Population is 4,566, a slight drop from prior census
- **2010 MetroCast System Performance:** Annual Report of MetroCast System Performance in Epsom.
- **ZCO Correspondence:** A homeowner needs a demo permit to demolish a garage in order to install a septic system.
- **SB156 – Tilton Selectman Katherine D. Dawson:** SB156 will permit the issuance of registrations at the dealership where the vehicle is purchased and the fees will be sent to the Town that the vehicle is registered in. The Tilton Selectman feels this will be detrimental to the Towns in NH. Keith noted that this may require additional auditing of the dealerships books by town auditors to be sure that the registration fees that are received are accurate and correct. He noted that no funds are outlined to cover this potential cost
- **Town Building Inspections:** Old Library – all functioning, no issues. Old Town Hall- all functioning, no issues. Old Meetinghouse – no power, cold, no issues.

- **Northern Pass Info Release** – General information noting no support by other agency and land owners.

7:20 PM Public Comment: Dave asked about the electronic transmission of draft minutes that have not been posted on the website yet. There was a brief discussion about whether the draft minutes are available to the public before the 144 hour period has expired. Keith explained that during this time the minutes are considered a working document, under review by the Board of Selectmen and are not available for public release. This remains the Town of Epsom policy for release of draft minutes, which allows the Board to review the minutes for accuracy. Andrew said that Hooksett recently had a case where minutes were being reviewed and corrected outside of public session. Mary thought that this policy was for the posting of minutes on the website, not that they wouldn't be available for the public to come in and obtain a copy from the office. Keith stated that when a draft document is a working document, it is exempted from public access under the State's Right to Know law. Draft minutes are available after the 144 hour period in compliance with the Statute.

Len Gilman commented about Gordon's statement regarding salt application. Len strongly urges the Board of Selectmen to review the amount of salt that Gordon is using. Keith said the Board will be reviewing the comparison sheet that Gordon will be providing.

Len also asked if the BOS has taken any action in trying to bring business into town. Keith and Bob said the BOS has not taken any direct action to date. Keith said the thought of the Board was to ask local business owners for some input on how to encourage business to come to Epsom. Len asked if the Board is more interested in small business versus big business. Bob said although he feels that all businesses will help, his focus is on large business, such a supermarket. Keith recalls that Don's input on this BOS goal (along with himself) is to be open to all ranges of business – large & small.

Len asked Keith his personal opinion about the regulatory process in Epsom. Keith feels the regulatory process is adequate in Epsom, however taking into consideration the lack of municipal services (water, septic, etc.), it limits the active commercial develop potential for the town. Len said Epsom doesn't have a village center, however, it does have Route 4 & Route 28 that doesn't cost the Town any money and businesses should be encouraged on these roads.

Len feels that SB156 could benefit Epsom because it will cut down on manpower to process the registrations – he agrees that it could be a double-edged sword.

Andrew said he doesn't think it's wise to ask business owners about bringing business to Epsom, as small businesses are not likely to encourage competition to come to Epsom.

Any Other Business Brought Before the Board

Board Member Liaison Reports

Bob said Gary Perry wants some of the fill from the Meetinghouse for the Webster Park parking lot, to fill in out back. Keith noted that the BOS awaits the grading plans from the Meeting House Committee and George Carlson to determine how much fill is need on site before any excess can be moved to the Park.

Keith attended the River Meeting last Thursday. All high risk properties along the river corridor were invited, including 6 from the Town of Epsom. He feels the meeting was well attended, with about a dozen residents in attendance. The next step for Epsom is to hold a town informational meeting on May 17th in Epsom, to meet with the 6 residents and State DES and Dept of Safety to get further answers and clarifications on the process and application. Chris Pope, called Keith and advised him that the Senate Committee expressed concern with the \$2M Capital Budget Request as added by the NH House; one concern was appropriation of funds where no actual grants have been approved to date. Keith plans to attend the Senate Hearing to defend this \$2M request. May 5th the Senate Committee is holding a Capital Budget Hearing (starting at 3:00 PM).

Planning Board meeting will be held on Wednesday, April 27th. Zoning Board will hear two cases on May 18th.

8:00 PM Keith made a motion to adjourn. Bob seconded the motion. All in favor.