
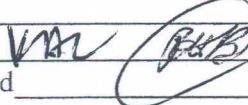


FINAL

Bob  
Joanne  
Keith  
\_Betsy

Draft  
Accepted   
Accepted as Amended 

TOWN OF EPSOM  
BOARD OF SELECTMEN MINUTES

JULY 28, 2008

Present: Bob Blodgett, Chairman; Joanne Randall, Vice-Chairman; Keith Cota

Other Attendees: Ralph Weeks; Stedman Holton; Attorney James Bianco; Attorney Anna Zimmennan; Paul Zamowski; Henry Gray; Charles Moody; Odie Champagne; Ronald C. Lavoie; John Hickey; Mary Frambach; Carolyn Stiles; Bruce Dyke; Tammy Croft; Melissa Briggs; Joni Kitson; Wayne Preve; Andrew Walton; Jacob Kitson; Dick Frambach; George Carlson; Carole Brown; Nancy Wheeler

Bob opened the meeting at 5:30 P.M., inviting Betsy Bosiak to lead the Pledge of Allegiance.

FOR SIGNATURE

1. Accounts Payable/Payroll- Was Processed
2. Manifest - Was Processed
4. One Intent to Cut - Was Processed
6. Appointment Papers - Was Processed

FOR DISCUSSION

A. Budget Expenditures YTD

Joanne has reviewed the budgets for the Departments she is liaison. Joanne noted the Board needs to have a discussion with the Departments to ask them to conserve money. Joanne asked if the Board wanted to review with the Department Heads as liaisons prior to the next meeting. Joanne noted while she has been a Selectman the Fire and Police Chiefs do not spend all their money until the end of the year. She wants the Department heads to make the decisions.

Keith noted they need a cooperative approach, needing to ask the Department heads to review their budgets for savings. Keith noted the town has 3 large Departments, Fire, Police and Roads. He suggested the donation from the Reid family could assist the Fire and Rescue in supplies and equipment that may be difficult in this year's budget once accepted after the public hearing.

Joanne noted the earliest the public hearing could be held was August 18th. Keith requested the Board meet August 4th and 18th as he will be unavailable on the 11th. There was a consensus to change the dates for the August meetings.

Keith noted the Road Department's budget status concerns him, as the budget is currently overspent for the sand and salt budget by 48%, he would like to have information from the Road Agent as to how he projects to plan for the coming winter. Other items that could be withheld from expenditure were also discussed such as Planning Board's engineering.

The Board agreed to have the Department Heads prepare a summary of their remaining budget as to projected expenditure and which accounts could be deferred from being used until the end of the fiscal year. The board will request reports from the Departments for presentation on the 18th.

#### B. Assistance/Rent Guidelines from State (to adopt)

The Welfare Officer has provided the Board with the current and proposed assistance rates she would like the Board to adopt. The increases are from the New Hampshire Department of Health & Human Services guidelines although the list had come from the City of Concord.

Keith questioned if the budget considered the proposed increases. Joanne noted no, it was up to the Board to decide on the increases. She noted if the increases were approved it would not mean the people would receive these amounts. Keith questioned if the increases are adopted would fewer people be served or would the budget be overspent. Joanne noted the last two years the Welfare budget has had money remaining.

Keith made a motion to accept New Hampshire Department of Health & Human Services guidelines for welfare assistance rates effective July 2008 with Joanne seconding the motion.

Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.

#### C. Request for Adopting Agenda Policy

Debbie Tibbetts has requested the Board consider a policy for the agenda. Bob had a policy adopted previously. At Debbie's suggestion the Board changed the time of the Department Head meeting to 6:45 P.M.

#### Chief Preve - Introducing New Employee

Chief Preve introduced Jacob Kitson as the new hire for the Police Department. Mr. Kitson has gone through the hiring process and has passed all the tests. Chief Preve hopes to have Mr. Kitson enrolled in the August class at the Police

Academy; otherwise it would be the November class. Mr. Kitson noted his experience and excitement for serving the Town of Epsom.

#### Police Cruiser Bids (4)

The Board discussed the 2004 and 2005 cruisers and their sale. Keith asked about transferring the 2005 cruiser to the Fire Department as their vehicle is older. Chief Preve will talk with the Fire Department as to their interest in the unused police vehicle.

#### Request for Adopting Agenda Policy

The Board returned to discussion of this item. Items to be included at the last minute were discussed. The Board reviewed the existing policy and recommended adjustments from Debbie and Joanne. Several adjustments were discussed and agreed to be incorporated into a draft policy for final review and adoption including at the discretion of the staff and after confirmation by the Chairman or Vice-Chairman.

#### George Carlson - LCHIP

##### LCillP Project Agreement (5 under For Signature)

George Carlson noted the Board had the LCHIP agreement, requesting they sign it so he could return it. The town could receive half the money in about two weeks.

##### F. George Carlson Re-enact New Town Office Building Committee (Under For Discussion)

Bob asked George about this item with George indicating several members of the past committee would like to revive the committee. Keith asked if George still had connections at the UNH Engineering Department, George has some connections and felt confident the prior student may be interested in continuing the volunteer work with the town committee.

Discussion ensued as to how to advertise for members. Keith said whatever the committee pulls forward would have to be paid for with donations, he is willing to serve as the Board's representative.

Returning to the LCHIP agreement Joanne noted Attorney Soltani has reviewed the document with no issues.

Joanne made a motion to allow the Chairman to sign the LCHIP Grant #2007-R7-10 with Keith seconding the motion.

Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.

George noted that as part of the Stewardship Plan, a committee needs to be created for its oversight and suggested the building committee may be able to serve as a joint committee including building and stewardship.

#### FOR SIGNATURE

##### 7. CDFA - Family Estates Cooperative Application Granted

The grants applied for have been approved. Previously the Board had agreed Joanne could execute the documents which she did.

##### 8. Change Order No.2 - Center Hill Road

The change order is requesting the bridge contract be extended from to September *lih*. The reasons are due to DES pennit delays, structure delays and the tornado. They had to open the bridge for the health and safety of the people on Center Hill Road. The extension will also include a intennediate opening of Center Hill Road by August 15th.

Keith noted they could not disagree with the reasons for the bridge contract extension. Keith asked if Echo Valley Road had been paved. Bob responded that it was completed just before the stonn hit.

Joanne made a motion to accept and sign the request change order for the newly constructed bridge to be opened for traffic on or before August 15, 2008 with rmal completion of September 12, 2008 with Keith seconding the motion.

##### 3. PSNH Pole License # 41-0207

The additional infonnation for this item was reviewed. Keith asked if the infonnation came from the utility company or the Road Agent. Bob explained he would have to check with Barbara. Joanne noted they could approve it and request a final copy or request a final official copy. The photocopies that described the offsets were partially unreadable.

Keith made a motion to approve the Petition for the following Pole Licenses: for pole license #38/168, set at a minimum offset of 12 feet from the travel way, pole license 38/168Y, set at a minimum offset of 7 feet from the travel way and pole license 38/169 set at a minimum of 5 feet from the travel way with Joanne seconding the motion.

Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.

#### Staff Discussion

Nancy Wheeler noted the Board members had received expenditures as of June 30th, asking ifthey had any questions. Joanne said they had no questions and had decided to speak with Department Heads as to where expenditures could be pulled

back and have a regular Department Head meeting on August 18th. Nancy will contact the Department Heads about the meeting.

Keith noted they would like to schedule the public hearing to accept the Reid donation on August 18th.

Nancy Wheeler asked when the Selectmen anticipated putting out for bids for heating oil as the current contract ends August 31<sup>st</sup>. It was discussed this would be the first year the town has put heating oil out to bid. The Board determined what information to include in the newspaper ads and which papers to advertise in. Keith suggested additional information be available to fax to companies if requested such as number of tanks, volume of the tanks, projected yearly use based upon historic data, etc. Nancy agreed to develop a posting and review it with the Board's liaison for posting by mid-August.

G. Correspondence from Devine & Millimet (Privileged & Confidential) No discussion was required of this item.

H. Water Street Lot 51 and Water Street Lot 52 v. Town No discussion was required of this item.

#### CONFIDENTIAL

A. Welfare Concern/Lee Margosian-Bartlett

Board members reviewed this item individually. No action required.

B. Devine Millimet

Board members reviewed this item individually. No action required at this time.

#### CONFIDENTIAL FOLLOW-UP

1. Letters from Town Counsel

The item was previously discussed, is an FYI only. No action required.

#### FOR YOUR INFORMATION ONLY (No Action Required)

i. BCEP Extended Hours

Betsy Bosiak asked what this item was. The BCEP has extended its hours through August 3rd from 7:00 A.M. to 8:00 P.M to accept brush from tornado damage. The Board requested this notice to be posted for public information.

Attorney Zimmerman and Stedman Holton

Re: Kingstowne Mobile Home Park

Attorney James Bianco also attended to represent Kingstowne. He had a letter for the board's review with attachments. He noted they represent Mr. Hynes who owns the park. Mr. Hynes has requested the attorneys meet with the town to discuss the replacement of the homes damaged by the previous floods. They are trying to work with the town officials for the siting of the replacement homes.

A plan has been put together showing seven additional lots and seven replacement lots. Attorney Soltani suggested they meet with the Board due to a legal glitch from the 1970's that limit the number of homes in the park to 133 units. The court order would have to be amended with his understanding the Board had the authority to amend the agreement. Attorney Bianco noted it would be a win for the town with an increase of \$5,000.00 to \$7,000.00 in real estate taxes. It would be a win for Mr. Hynes as it costs him about \$22,000.00 per lot to develop lots for access, sewer and water connections and he has lost \$70,000.00 in rents over the last 15 to 16 months. Attorney Bianco noted it was fair for Mr. Hynes to recoup these costs from the additional lots.

Attorney Bianco explained the club house lot would be divided to create two lots, the water system would be repaired and upgraded and roads would be repaved. Attorney Zimmerman explained the plan, noting the lots to be replaced and the new locations of the replacement lots and additional lots. She also noted the homes discussed with the Fire and Police Chiefs that had flooding but would not have to be removed or replaced. The tenants preferred to not have the club house moved to the river area as originally planned, the new club house will remain in its current area. All the lots will be a minimum of 10,000 square feet and all prescribed setbacks would be met.

Attorney Bianco reviewed the floor plans in the packet provided. Two homes will share a single septic system as permitted by the State.

Attorney Zimmerman noted the abutter to the area of the new lots, Mr. Griggs, has expressed no objections to the plan.

Attorney Bianco noted they have discussed with the Fire Chief as to Mr. Hynes purchasing a boat, to be stored in the park area in case there are future problems. Attorney Bianco noted it has been 15 months and felt they have been working with the town on this matter. They have met with the Planning Board, but felt the first step was to seek an understanding from the Selectmen as to amending the court order. He asked if the Board had questions, noting members of the tenants association were present also.

Keith noted the last remaining home along the river edge on Site 13 on the plan was not a unit to be removed and inquired as to why this unit was not being considered. Attorney Zimmerman indicated that current home did not flood. The tenant does not want to move, the water did get up to the home. Bob stated the water did reach the floor of that home. Mr. Holton said the water got to the heating duct. Attorney Bianco explained they have spoke with the tenant and reiterated the tenant is not inclined to move. Keith felt common sense for removal of all the units surrounding it puts greater risk to the tenant if left in place on this lot. Attorney Zimmerman noted the hard part was the home has been in place so long and would be difficult to move without the home being destroyed. He also noted that resale of the older unit would not be profitable for the owner as

no one would want to buy it and pay the expense to move it to another lot. However, Attorney Bianco indicated they would talk to the tenant again as to the possibility of removing it from the river edge.

Keith noted the replacement homes in the information packet appear to be mostly doublewides, asking if they wanted to replace all the units with doublewides? Mr. Holton noted the lots would be sized for doublewides. Attorney Bianco said the intent was to put on singlewide homes with the option if the person wants them a doublewide could be installed.

Keith noted there are approximately 40 units in the 100 year flood zone risk area. Attorney Zimmerman said the people own those homes. In talking with the Fire and Police Department Chiefs the main concerns with safety was with the units along the river area, these homes are in a more of a passive flood area. Keith inquires as to Attorney Bianco's opinion that this Board could preempt the court order. Attorney Bianco explained the parties to a court order could return to the court with reasons to amend the court order with a joint filing. Attorney Zimmerman discussed their understanding of the filing of the original court case and its decision. She noted they would also have to visit the ZBA.

Keith noted the Town's ordinances have a moratorium on mobile home permits. He indicated replacing the seven homes in kind was acceptable. He asked how replacing more than the seven would fit with the moratorium. Attorney Bianco explained they would have to apply to the ZBA for a variance to put in the additional homes. Attorney Bianco explained they would have to start with the court order to amend it and then file for the variance.

Keith asked how Mr. Hynes had financial losses of \$70,000.00. Attorney Zimmerman noted upon the floods Mr. Hynes stopped charging rents, not all of his costs were included in the \$70,000.00. Ultimately the homes were purchased by the park and removed, with some of those costs not being included. Keith asked if Mr. Hynes had insurance for this coverage, Attorney Bianco said no. He discussed the costs of developing new lots at \$22,000.00 per lot. Attorney Zimmerman noted that would include the costs for the road, septic, utility connections, etc. which would not be required with the current lots that already have these items.

Keith asked how firm they were on 14 lots, it seems to be a 100% increase for the ones damaged, and appears to be slightly excessive. Keith discussed the loading demands on small lots and overall parcel of land, the need for upgrading the water system and upgrading septic systems once in a while due to failures. It is a lot of demand on a small area of land. Attorney Bianco said the lots are spread out, not all in the one area. Paul Zamowski explained the soil types, the number of lots and the overall size of the property that could be installed based upon DES regulations. Keith asked if Mr. Zamowski, as a professional, if he felt it may lead to overloading the lot. Mr. Zamowski explained it was a lot for the property, but

given the type of community wells they have, and that they intend to use the enviro septic systems, he felt it was acceptable.

Keith noted his concerns with doubling the number of units. Bob said it sounded like they were trying to recoup for the seven lots lost by adding seven, Joanne agreed. Keith noted from a business sense adding additional units would assist in recovering their expenses faster. It would mean more profit down the road after the initial financial impact has been paid for. It helps with the costs of the upgrades and installation of new utilities.

Bob asked if the septic systems at the end would be removed. Attorney Zimmerman explained the seven lots had been feeding into common fields that are still being used by other units.

Attorney Bianco said they are trying to recoup their financial losses. There is a benefit to the town as there would be no children, he thinks everyone would win. The road now is not neat and putting in the homes would be a benefit.

Joanne noted the costs to the town for additional lots do not include just the school, but fire, police and emergency personnel also. Joanne commented on the offer of the boat Mr. Hynes would purchase. She appreciates his offer but she did not see this Board including this as part of any agreement.

Jay Hickey noted the size of the individual home to be replaced would have to be looked at; if they were over a 25% increase over the pre-existing units, a ZBA approval would be required. He felt the area of the replacement lots would be a positive as the tenants would not need expensive flood insurance. The area where the new homes are to go in is a mess; the park has been requested to clean it up as it is a designated green area.

Jay Hickey predicted that they will have a hard time justifying seven new units at the ZBA; he felt it would be wiser to go in with a more reasonable number. He thinks it would be a middle ground that would benefit Mr. Hynes and the town.

Keith had two questions, one being the new community building being a 40 X 60 structure, what type of septic system would be installed and can the small lot accommodate the loading. Mr. Zamowski said it would be designed as a 300/gallon a day system and be able to accommodate 60 people a day, however the lot could support a larger system. He did not know how many people could be in the room.

Keith inquired as to the term of the lease arrangement for the tenant for site 13. Mr. Holton said there is no set lease time period. Keith was aware there were different rules for mobile home parks versus apartments and inquired if the Park could move this tenant to a new lot. Mr. Holton said the lease does not specify specific time period and allows people to stay as long as they want provided they

did not break the Park's rules. Attorney Zimmerman noted part of the problem was the home could not be moved. Keith noted that he would hate to see the river take the home to force a move when the opportunities exist now to shift the unit to a more secure lot. Attorney Zimmerman noted they had the option, could not force the tenant to move.

Keith suggested the Board could agree to an increase in the number of units over the replacement units with a condition that once that resident moves the unit would be removed. Attorney Bianco discussed the resident owns the home so it would hurt the resident as no one would purchase the home if it has to be moved. Keith said the park would have the option of purchasing the home. Attorney Bianco discussed the financial difficulty of the park purchasing the home and its limited ability to re-use the unit. Attorney Zimmerman said it would depend upon the overall package for Mr. Hynes.

Keith asked what input they received when they met with the Planning Board. Attorney Bianco said it was just discussions similar to tonight. Attorney Zimmerman noted the discussions centered on not rebuilding against the river and the relocation of the club house.

Keith asked if the lots at the river edge would become the green area. Attorney Bianco explained at one point they had discussed with the Planning Board the use of that area as RV sites. It is just a concept Mr. Hynes discussed, they have no further plans at this time for the area. Attorney Zimmerman noted they did not want to mislead anyone regarding the use of that area.

Keith asked Jay Hickey if the additional units were approved, would it fall under the growth ordinance. Jay thought it would, Attorney Zimmerman noted they were aware of this ordinance and wanted to discuss with Jay further at a later time.

Keith asked what they wanted for the Board. Attorney Bianco thought the Board may to talk with their counsel about the existing court order. They just wanted to open up dialog with the Board and to see if the board is receptive to the approaches for shifting the river lots. They could return to discuss further. Keith noted that he would be looking to the Planning Board and the ZBA for determination of acceptable lots as to whether 14 units is too much or is something less acceptable. Attorney Bianco wanted to see if the Board was amenable to amend the order and have further discussions with the Town Boards as to the number of units, they could move forward on.

Keith felt from his perspective removing the units from the river was positive. He thought something less than 14 units would be acceptable. He felt they need to maintain a designated green area in the expanded lots area; he would be willing to look at the court agreement as long as the Planning Board and the ZBA are agreeable to the increased density.

Attorney Bianco noted they were looking for some consensus as to what would be acceptable. They will make an appointment with the ZBA and the Planning Board after hearing back from the Selectmen.

Joanne asked Keith if he had a number in mind. Keith understood the financial return; he felt the proposed new lots would be more marketable. He thought a total of between 7 and 10 units would be more acceptable.

Joanne asked if they had fewer units on larger lots with the ability to put in doublewides could the rent be more on those lots. Attorney Bianco noted the lot rents would be the same. Joanne and Keith noted there was a consensus of the Board to discuss this further with Attorney Soltani as to amending the court agreement. Bob would like to hear from the Planning Board and ZBA. Keith noted this Board would need to convey to the ZBA that they are willing to consider expanding the maximum number of units for the mobile home park based upon their review of the CUITent conditions.

Attorney Bianco requested they will schedule a meeting meet with Attorney Soltani and they will move on to the next stage. He thanked them for having this discussion.

The Board took a break from 7:57 P.M. to 8:05 P.M.

#### **Bruce Dyke & Tammy Croft (LGC)**

Melissa Briggs of the LCG also joined the discussion. Bruce Dyke noted in conversations with Joanne that the Board had concerns they wished to have addressed with the Suncook Valley Town Regional Association and the group insurance proposal. All the towns interested have received rate quotes. Joanne noted the town's CUITent agreements renew the health insurance annually with the workers comp and property liability insurances renewing for a three year period. Miss Briggs said the discussion is cUITently only looking at the health insurance policy. She said the town would have the same plan options as it has now. The town will be getting revised rates as Strafford has asked to join the group so their information has to be added.

Keith expressed concern with the risk involved if someone in the group has major medical costs to increase the rates of the group towns. Miss Briggs agreed that a major medical for a member could affect the overall rates and any Towns could drop the LGC insurance at any time and go to another carrier; they would have to wait two years before returning to the LGC in accordance to the LGC's policies.

Bruce noted the initial agreement is for two years. Epsom has a 20% decrease for year one and would need a 40% increase for year two contract to start paying more than doing it alone. Miss Briggs discussed features LGC does to stabilize rates. Bruce noted other pools do exist.

Joanne asked if the LGC offered wellness programs. Miss Briggs said they did and also reimburses for certain other health programs.

Joni Kitson asked if in two years the town decided to not belong to the pool if they could remain with the LGC, Miss Briggs notes that after the two year agreement the town would be able to remain with the LGC insurance or seek a different carrier.

Keith asked about the regional oversight and joint efforts. Bruce Dyke said no further initiatives are underway, he thought the towns would look at and perhaps also do further agreements. Keith viewed this as similar to the SAD and its joint insurance. He commended Bruce for the initiative taken. Keith noted the town has been happy with its carrier and felt this should be pursued. The Board expressed its general consensus to proceed with the multi-year joint agreement and will make a final decision once the additional data is obtained

Joanne noted this would be returned to the agenda next week once the town received its final rate.

#### **MINUTES FOR REVIEW AND DISCUSSION**

##### **Multiple Non-Public Minutes for Release (5)**

**Joanne made a motion to unseal the non-public session # 1 of the July 23, 2007 minutes with Keith seconding the motion.**

**Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.**

**Joanne made a motion to unseal the non-public session # 3 of the August 6, 2007 minutes with Keith seconding the motion.**

**Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.**

**Joanne made a motion to unseal the non-public session # 4 of the August 6, 2007 minutes with Keith seconding the motion.**

**Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.**

**Joanne made a motion to unseal the non-public session # 1 of the August 6, 2007 minutes with Keith seconding the motion.**

Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.

Joanne made a motion to unseal the non-public session # 1 of the August 13, 2007 minutes with Keith seconding the motion.

Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.

Addendum to June 16, 2008 Minutes

The Board signed the addendum to be attached to the June 16, 2008 minutes.

Draft Minutes of July 23, 2008

The Board reviewed and amended the minutes.

Joanne made a motion to accept the draft minutes of July 23, 2008 as amended with Keith seconding the motion.

Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.

Final Minutes of June 30, 2008

Joanne made a motion to accept the final minutes of June 30, 2008 with Keith seconding the motion.

Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.

Draft Minutes of July 14, 2008

The Board reviewed and amended these minutes.

Joanne made a motion to accept the draft minutes of July 14, 2008 as amended with Keith seconding the motion.

Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.

## LIAISON REPORTS

Bob did not have any reports.

Keith noted "a" under FYI was to clarify the Department of Transportation was receiving concerns from contractors as the State contracts include adjustments, i.e. fuel costs. The letter is suggesting an adjustment contingency be added to municipal contracts also.

Keith has been reviewing the history for Whitehouse Acres. There was a clear understanding with the documents during the public hearing. The process was to require management of the common land through a homeowners association. This was also referenced in a number of the deeds to the owners to the covenants to address this management. It is clear to Keith as to what needs to be done. He indicated they need to invite the residents to a meeting for discussions.

Jay has requested the Board waive the fees for permits for reconstruction of the damaged properties. Jay also requested the Board waive the fees for the temporary directional signs by Ponderosa. The signs are directing people to the site as Ponderosa is accepting brush debris. The Board concurred to waive the fees for building permits on the reconstruction and to waive the temporary sign fees for the disposal of brush debris to Ponderosa.

Keith noted Jay Hickey gave him a list of people to commend for their assistance during the tornado event last week. They included SFC Engineering, Town of Pembroke Building Inspector Everett Hodge, Ken Walsh, State Fire Marshall's Office and David Smith.

Keith noted the Suncook River task meeting will be held from 2:00 P.M. to 4:00 P.M. on Wednesday at the LOB, it was organized by Steve Couture. Keith will be attending the meeting.

Joni Kitson suggested the town send letters to the people who donated their time and others who assisted the town during last week's event.

Joanne noted tomOITOW night there is a debriefing for the tornado. The meeting will be non-public as names and addresses of the people rescued could be discussed. Rick Bilodeau will be facilitating the meeting. She said there was minimal town damage from the tornado.

The Budget Committee will be meeting on September 18th and the Website committee on August 5th.

Joanne noted the Board had to decide about the relicensing of HER & W. The Zoning Compliance Officer did not reinspect last Friday as planned. Jay informed Joanne that Mr. Gilman told Jay the two attorneys had spoken and it was okay to do the inspection on a different day. Attorney Soltani told Joanne no such conversation had taken place. Joanne explained that Jay told Mr. Gilman until he heard differently from the Board the inspection would take place tomOITOW at 4:00 P.M. Joanne had spoken with Attorney Soltani prior to today's

meeting; they discussed the Board's options which include renew the license, revoke the license or have a follow-up inspection. It was suggested the Board consider renewing Mr. Gilman's license until next year based upon the inspection completed by Mr. Wakefield and the representation from Mr. Gilman's attorney that the owner has addressed the issues with the town reserving the right to reinspect as needed per the zoning regulations to follow up on the items that did not pass the inspection the first time. The zoning ordinance states inspection is required on an annual basis or as deemed necessary.

Joanne recommended this approach as Mr. Gilman would have to apply for a renewal within the next 7 to 8 months. At that time he would be required to have a full inspection per the regulations which now requires junkyards to meet Best Management Practices and to be done by the town's delegated inspector. They have the option to renew the license reserving the right to reinspect at anytime. For re-inspection, Mr. Gilman would receive a five day advance notice from the inspector and the inspector would move on from there without further discussions with the attorneys.

Joanne noted for the long term she thought this might be in the best interest of the town. She asked suggestions from the other Board members.

Keith agrees the business the Board needs to deal with remains a higher priority. Keith is frustrated that the business owner does not give this a high priority for his business to comply with the town ordinances. He felt prior decisions were made under the directions of prior Selectboards that caused difficulties for this Board on a number of issues and direction. Keith looked at the report for the inspection, but felt it did not address the full inspection; it should have to include compliance to site plan approval and zoning appeal conditions. He agrees the Board should move on; issue the license reserving the rights under Article III, Section D, 4 d for a reinspection in the fall at a time suitable for the Town's inspector. Mr. Gilman will still need to apply for renewal in April and have a reinspection at that time. Should any environmental damage occur due to his operation, DES would come in to address.

Bob did not like it as he felt they had bent over backwards for Mr. Gilman, he did not want to see anyone go out of business. They do have a lot of time sensitive business to deal with; he would have to go along with the consensus of the Board and agrees with Keith's suggestion.

Joanne will request the office put the license application on the agenda for next week. Keith suggested a follow-up letter explaining the conditions of the license being reissued that the Board reserves the right of reinspection.

Carolyn Stiles asked what if something happens. Keith noted they have documentation in the Board's minutes from Mr. Gilman's attorney that the environmental items have been addressed. If there is an incident that causes

environmental hann, the owner would have to report it to DES and address the issue at the State's time schedule.

Dick Frambach stated that it sounded like at the discretion of the board you could inspect as many times as you want. Keith confirmed they could do this with a five day notice. Keith noted as the town did not follow through with a follow-up inspection to ask Jay to do the reinspection when he is able to. It is not like they are going to inspect every five days. The Town should still follow through with an inspection.

Joanne reiterated the board's consensus is the license will be in the "For Signature" file next week. She will let Attorney Soltani know of the Board's decision and any further correspondence would be coming from the Board.

Keith advised that he received a telephone call from a Northwood property owner complaining about the Epsom Police Department. Keith has forwarded the complaint to the Police Chief. He advised the person what the procedure would be if they wish to send the complaint in writing to the Board

Joanne made a motion to adjourn with Keith seconding the motion.

Bob asked if there was any discussion on the motion. There being no discussion on the motion, Bob called for a vote. The motion passed unanimously.

Bob adjourned the meeting at 9:57 P.M.

Respectfully submitted,

Betsy Bosiak  
Recording Secretary