

**TOWN OF EPSOM
BOARD OF SELECTMEN
August 22, 2011**

Keith _____
Don _____
Bob _____

Final _____
Accepted _____
Accepted as Amended _____

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

Also in Attendance: Dave Fiorentino; Mary Frambach; Gordon Ellis; Rick Bilodeau; Hugh Curley; Glenn Horner; Stewart Yeaton; Nancy Wheeler; Debbie Tibbetts; Jay Hickey; Gary Perry; Wayne Preve; Rob Topik; Marylou Lafleur-Keane; Cec Curran; Dawn Blackwell

6:15pm Keith called the meeting to order and asked Don to lead us in the Pledge of Allegiance to the Flag.

6:30pm Department Heads Meet (Purchase Order Policy Feedback)

Fire Department: Chief Stewart Yeaton said there was a meeting with Concord Hospital last week with the Cardiac Department regarding new equipment to be used in certain cardiac emergencies, in place of the Automatic Defribulator. The Fire Department is looking to raise approximately \$6500 to purchase this equipment, (by soliciting local businesses) and Concord Hospital will be matching those funds. Concord Hospital will be helping with materials to solicit businesses with. Chief Yeaton explained that this equipment would automatically do chest compressions on a patient. Even though there are two ambulances, Chief Yeaton is focusing on raising enough money to purchase one unit at this time. The total cost for the device is \$12,000 with Concord Hospital covering \$6,500 of the first unit. If he is unable to raise all of the funds, he will consider using the Morrison Fund money as needed. The second unit would be at town’s full cost and could be budgeted in the next year’s equipment acquisition for the second ambulance.

Chief Preve said he received a call from the Lions Club last week offering to donate money to the PD as may be needed – the PD doesn’t need any equipment at this time, so he will contact the Lions Club and suggest they donate to the Fire Department for this equipment instead.

Chief Yeaton said they expect to receive the new fire truck on October 19th or 20th. He asked if the Fire Department can use the Fredyma property for training when the time comes. Jay Hickey said it would be ready to be utilized for training in late October or November.

The new Jaws of Life tool has been ordered, and is expect to be received within the next 30 days or so.

Re: Purchase Order Policy – Stewart said the new PO will be mostly used for large repairs and equipment, and he usually lets the BOS know before he orders equipment.

Emergency Management: Rick Bilodeau said he is considering asking for a Capital Reserve Fund for equipment replacement. The Town Emergency Operation Plan is due to be updated this year (every 5 years). He will be applying for an EMPG grant. He has spoken to Joanne Randall and the Hazard Mitigation Committee will begin meeting again for discussion. Keith noted that the Emergency Operation Plan should be reviewed each year by the Board and signed for concurrence. The plan is on the agenda for tonight’s Board action.

Town Office: the MS-1 is due September 1st. Debbie will be meeting with Loren Martin tomorrow to discuss the figures. Debbie will advise the BOS when it is ready for signature.

Nancy Wheeler provided copies of the full financial statement. New financial policies that should be developed to address the audit reporting were briefly discussed; a Capital Asset Policy, Investment Policy, Purchase Order Policy & Ambulance Write-off Policy.

The next payroll is in 2 weeks and seeing the Board will not be meeting until September 12, the BOS member will need to come in to sign the payroll and checks. Nancy said Budget Worksheets for 2012 would be distributed to all departments next week. She has passed out Expenditures Report to Date to all departments.

Nancy advised that Scott Temple has contacted her and explained that he will no longer be hosting our website as of the end of September. He provided a couple of suggestions of companies to do the hosting, but they both require a credit card for payment. She will provide more information to the BOS for review and a decision will need to be made before the end of September.

Town Clerk/Tax Collector: Dawn reported that 90% of taxes have been collected. She & Debbie attended a Registry of Deeds workshop. There are 1133 licensed dogs, and 22 unlicensed dogs – 13 have been served notices by the Police Department with 9 yet to be served; and 7 new unlicensed dogs.

Health Department: Cec Curran reported that Old Home Day operated smoothly and gave kudos to Gary & Georgia Perry. Keith will coordinate with Cec tomorrow to meet with the State to discuss the MOA that is still outstanding from the Department of H&HS.

Parks Department: Gary Perry said there are several PO's that need to be signed. The Friends of Webster Park also paid for several items and he will be asking for reimbursement. Bob congratulated Gary & his family for another successful Old Home Day celebration. He is waiting for the Fredyma buyout to take place so that the Parks Dept. might be able to take ownership of the garage and relocate it to the Webster Park for use with by the Parks Department.

Highway Department: Gordon Ellis said he is very supportive of road bonding for Class VI and Class V when weight limits are imposed. He said there are 11 different trash collection trucks on the town roads every week. He suggested either bonding the roads or enforce the RSA's. He noted that the trash collection trucks & oil trucks are not exempt from weight limitations imposed by the town. There are a couple of drainage issues on New Rye Road which he will be addressing this week. He indicated that he plans on submitting a Warrant Article next year for a new 1-Ton truck. He will be completing the base coat on Mountain Road this week. He expects to have all the concrete blocks to be installed for the Salt/Sand shed at the Highway facility off Rte 4.

Old Town Road will be grinded shortly after Labor Day, unless there are several days of rain prior to that.

Gordon said his overall budget is in good shape with some overruns of certain items.

Re: Purchase Order Policy: He has no problems with the PO policy, as long as the no-bid policy remains the same.

Zoning Compliance Officer: Jay Hickey provided some pictures he took of Poor Town Road showing the condition of the road, which is a concern for logging. Jay said he requested the owner flag the area where logging will begin & end. He said the road is no more than 10'-11' wide and is very primarily dirt surface and soft on both side. He noted that have a bond for heavy vehicles access the town Class VI roads would be a good approach.

He advised that several people have applied for building permits for sheds in the flood plain. He said that our ordinance is written in a way that makes it very difficult to get a permit without additional appeals through ZBA. He suggested a zoning ordinance change be written for this next year to permit this sheds to be built with compliance to certain flood conditions. There are several zoning compliance violations that he is addressing at this time and will be sending our letters.

Jay noted that he & Gary Perry met with FEMA at the Fredyma property and discussed what the town is able to remove. He's been busy answering questions about building permits and business permits.

Zoning Board of Adjustment: Glenn Horner thanked the BOS for establishing a Policy for Procedure and Access to Government Records, which he feels will be helpful to the ZBA. Keith said as soon as it has been signed, it will be put on the website. Debbie said she will work on getting it posted to the Town's website. Glenn said if an electronic copy could be sent to him, which would be helpful. Glenn said he received notification that the ZBA would be served with suit in regard to Case 2011-04, and expressed his willingness to meet with the BOS or with Town Counsel. Keith advised Glenn to schedule a meeting with Town Counsel and advise him, as his liaison to the Board as to the date/time. There is currently a case coming before the ZBA for rehearing. He reported that the ZBA budget is in good shape.

Police Department: Chief Wayne Preve reported that on 8/6 a deer ran into the 2009 cruiser and caused \$6400 in damage. On 8/13 the 2008 cruiser had an incident with a trolley car due to the trolley driver experiencing a medical condition. The trolley car rolled into the cruiser, but the cruiser is still operational. All repairs will be covered by insurance (minus the deductible). The 2007 cruiser will be sold at auction when the 2011 cruiser is on the road. Wayne said there are some interior items that

will not transfer from the 2007 to the 2011 cruiser (cage, console, etc.). The 2009 cruiser will become the K9 car.

On 9/10 they have set up another Sobriety Checkpoint and Wayne invited the BOS to attend and observe. The briefing is at 9:00 PM at the Police Department on Friday. The State's DWI van will be at the checkpoint. Seven towns will participate in the checkpoints.

The new officer is working out very well and is currently on road duty for final training. The department is fully staffed at this time.

Wayne reported that his fuel line is the only area of concern with his budget.

Trustee of Trust Funds: Marylou said she doesn't have anything to report. She noted that she has provided the up-to-date balance of the trust funds for the month.

Budget Committee: Marylou said the annual Budget Finance Workshop is September 13 and the cost is \$40 per person and the committee has asked if the Town will pay for members to attend. Marylou said there would be 2-4 people who want to attend and said it is a worthwhile training. Keith said the BOS budget has \$150 for training that has not been spent. Marylou said this would benefit all members, but especially new members. Keith asked Marylou to find out how many people are interested. Dave Fiorentino suggested that if the town paid for half, more members might attend. Nancy said if the town is going to pay for all or some, that all registrations be sent through the Town Office. The Board was in agreement to assist in the training thought the current budget. Marylou asked about the Budget Committee establishing its own budget. Nancy and Keith provided some information (publishing, books, and training). Nancy will send Marylou a Budget Worksheet so the committee can establish a budget similar to the Planning Board or ZBA.

No reports from the following departments:

Library

Welfare Department

Planning Board

Cemetery Trustees

7:50 PM Gordon Ellis - Salt Shed Capital Reserve --: Gordon presented an estimate to finish the Salt Shed. The total cost is \$27,275. The shed would last a number of years (ten to fifteen or more). He will be using steel beams that were initially intended for Cass Road Bridge, but were never used; 2' thick concrete walls, brand new lumber, new roof, all the joints will be sealed to prevent frost damage. The balance in the Capital Reserve Fund is \$44,484.00.

Gordon said he has already put under contract \$9775 for pavement and \$1200 on blocks – spent during the past month but not yet invoiced. \$4K has been budgeted for metal roofing in the operation budget for 2011. The BOS agreed that the cost of the metal roof should be from the operational budget and the remaining cost could be from the capital reserve account.

Nancy said this will be a capital asset, and a value and life expectancy will need to be determined. She stated that all invoices relating to this building would need to be presented to her for capitalizing this building.

Don asked what surrounding towns have paid for their salt sheds. Gordon said Pittsfield paid about \$250K, Chichester paid about \$80K (it looks nice, but is poorly set up); Allenstown, Pembroke & Deerfield all have open-faced sheds.

Don made a motion to withdraw \$23,275 from the Capital Reserve Fund for the construction of the permanent Salt Shed. Bob seconded the motion. All in favor. Keith reminded Gordon to get all receipts to Nancy. Nancy asked if she could expect to see a warrant article presented to close the Capital Reserve Fund once the project has been completed; Keith said that will be addressed during budget and warrant development time.

7:30pm

John Hickey - Flood Acquisition Grant Administrator Contract

FOR SIGNATURE

1. **Manifests** were signed.
2. **Payroll** was signed.

3. **Accounts Payable** was signed.
4. **Appointment Form PIO (Public Information Officer) for EOC:** Bob made a motion to appoint Joanne Randall as the BOS's Public Information Officer for the EOC through 8/31/12. Don seconded the motion. All in favor. Appointment form was signed.
5. **Intent to Cut R01-29:** Debbie stated that in the August 8th meeting minutes it was noted that there were outstanding taxes on the property; that was an error. The taxes are paid to date. Debbie said that the application was dated July 28th, and should be signed by August 28th. The application for intent to cut cannot be held up in accordance to her discussion with the State Board of Forestry. Keith said that the applicant had originally intended to access both sides of Poor Town Road (which includes traveling through Pembroke). Seeking input from our neighboring town as to their policy for access to town roads is appropriate pre-action by the Board. Since Pembroke requires bonding, it appears that they have decided to travel solely through Epsom. Keith suggested that some type of security and/or bond should be required to protect this Class VI road. Chief Yeaton asked to be notified if logging is going to begin so the Fire Ranger can inspect the area before the logging event and after. Keith asked Gordon Ellis if the bridge on Drolet Road has been rated for certified trucks. Gordon said he doesn't believe so. In that case, it would require them to travel all along Jug City Road, which Gordon noted that he would not be in favor of. Gordon said he has asked the forester who the logger is and has been refused that information. Gordon is very supportive of requiring a bond. Keith summarized that the private forester needs to coordinate with the Fire Department, the Fire Ranger and the Road Agent, and needs to identify the logger. Nancy and Debbie cautioned that the BOS cannot impose conditions on an Intent to Cut. Keith acknowledged that, but said that the Town needs to exercise due diligence to take measures to protect the Town's roads as permitted under other State Statutes.
Don suggested that a policy for access to town roads by logger's needs to be established. This will be put on a future agenda for discussion.
Don made a motion to approve the Intent to Cut, with the stipulation that they provide minimum 30 days notice to Fire Chief, Road Agent & identify the logger to be used. Bob seconded the motion. All in favor.
6. **Veteran's Exemption:** Bob made a motion to grant the Veterans Exemption to Robert Garon. Don seconded the motion. All in favor. Exemption request was signed.
7. **Flood Acquisition Grant Administrator Contract (2):** Jay reviewed some details about the Fredyma property. Keith noted that based upon some previous discussion, the driveway was not in good shape entering this property from Short Falls Road. Keith suggested that some of the fill that needs to be removed on that property be used to build a driveway platform and correct the driveway so that the town is able to access the property. Jay said there would be a property inspection every 3 years by FEMA. Gordon will work on a drawing to redesign the driveway approach.
Jay said there is a small cottage on an adjoining piece of property and he suggests that be burned by the Fire Department as well.
Bob made a motion to enter into this contract with Jane Hubbard of Hubbard Consulting – for a fee of up to \$5000, which is all reimbursable through the FEMA program, for work on the Fredyma buyout. Don seconded the motion. All in favor.
8. **Alternate Appointment:** Bob made a motion to appoint Leigh English as Alternate to Library Trustees until 8/31/12. Don seconded the motion. All in favor. Appointment paper was signed.
9. **Health Officer Nomination Form:** This will be completed and put in the Signature File for our September 12 meeting.
10. **Request for Leave:** for Debbie Tibbetts was signed.

11. **Appointment Form for Suncook Nomination Committee:** Keith nominated Eric Orff to Suncook River Nominating Committee through to 8/31/11. Bob seconded the motion. All in favor. Appointment form was signed.

12. NH COOP Pole Location Plan – Old Turnpike Road: Gordon Ellis said he met with NHEC and requested the pole be moved closer to the Right of Way. Bob made a motion to approve the pole location plan as noted in the plan dated 8/22/11. Don seconded the motion. All in favor. Pole location plan form was signed.

FOR DISCUSSION

a. Heating Oil Bids (2): 9 letters went out and 2 bids were received. An additional bid was attempted to be delivered after the 3:00 PM deadline, but Debbie refused to accept it. The bids are:

- Davis Fuels of Epsom: \$3.45 per gallon from 9/1/11 – 8/31/12
- Fred Fuller Fuels: \$3.245 per gallon from 9/1/11 – 4/30/12

Fuller also offered a Rack Price for the time after 4/30/12 of \$.1675 over the Portsmouth low. Nancy said that Paul Davis indicated to her that in his opinion, the Rack Price was the better option this year. When Davis Fuels quoted a Rack Price, it was \$.25 over the cost. Keith opened the discussion to the public and recognized Rob Topik. Rob suggested that if the BOS wants to do a Rack Price option instead of fixed price, then prices should be checked every time a delivery is needed and purchase from the least expensive option. Rob Topik then suggested that the BOS should ask for a new bid of Rack Price from the same 9 oil companies.

There was a brief conversation about how proper it would be to ask for new bid for a Rack Price since the bids we have received so far are now part of the public record.

Bob made a motion to accept Fred Fuller's fixed price of \$3.245 per gallon from 9/1/11 – 4/30/12. Don seconded the motion. All in favor.

b. Resident Request for Access to Public / Government Records: Attorney Soltani mailed a response on 8/19/11 denying Mr. Topik's request and suggested that perhaps this request be addressed by an impartial judicial officer. August invoicing for legal fees relative to this topic is \$288.

c. Letter from Resident: A letter was received from Sarah Harkness on Sanborn Hill Road with photos showing the damages that were done to her property by the Highway Department along with an invoice for repairs totaling \$525.00. Keith will ask Debbie to pull out the last letter that was sent to Sarah Harkness for the BOS review and also to send a letter to Sarah indicating this will be discussed at the next meeting of the BOS.

d. CNHRP – Requesting Two Nomination Committee Representatives: Eric Orff was nominated earlier in the BOS discussion and Keith Cota will be the liaison for this committee.

e. Electric Rates: Don said the town would save a negligible amount by changing to Glacial Energy over Unitil.

f. CNHRPC – Seeking Interest for Park & Ride: Keith spoke to Nicholas Coates at CNHRPC and advised that there is CMAQ grant money available to build Park & Ride locations in various locations in NH. The BOS will request that the CNHRPC come to our 9/12 meeting and provide additional information.

g. Rent Old Town Hall? Keith noted the town has received a phone call request from Marn Cahill Yeaton and would like to rent the Old Town Hall for an Obama Campaign Committee meeting for 30 people, no alcohol will be served. Joanne Randall has requested rental use of The Old Town Hall as well. The Town Policy is to rent the Old Town Hall at a rate \$50 per day/use, with a \$100 Security Deposit. Keith will ask Debbie to respond to the requisitioners.

h. Cable Committee Update: Hugh Curley said he did some research with the LGC and consulted with an attorney specializing in cable agreements and presented some information to the BOS in regard to the cable contract – the contract duration can be negotiated, public access can be requested, the suggestion to gain input from the school, library, emergency departments for input about cable needs; there has been a change in the Right-of-Way taxation law for all utilities (cable, electric, phone) and the town needs to be aware of these changes. Keith suggested asking for phone service through the cable for the Emergency Department. The deadline was originally set at 9/12/11, at which time the committee is set to operate until. Hugh noted that this deadline will need to be

extended. Hugh presented two options for legal assistance in negotiating this contract. Keith said some of the items that this legal firm could offer may be something our town attorney can do. Don will set up an appointment with Attorney Soltani to discuss this.

Hugh asked if Avitar can be contacted to ask what the value of the Right of Way utility value for tax purposes is. He was advised to contact the office staff first.

i. Meetinghouse Committee Request: The Meetinghouse Committee would like to proceed with the fire safety study as previously discussed. The money would be taken from the Trust Fund which is all collected from donations, no tax dollars. There is \$1400 in the Trust Fund and the estimate is for \$750 - \$900 for the study. Don made a motion to authorize the expense of up to \$900 out of the Meetinghouse Trust Fund for the Fire Protection Engineering Review for the Historic Meetinghouse, as outlined in the quote that was received. Bob seconded the motion. All in favor.

They would also like to do some ground work and Keith advised Don that the committee will need to get 3 estimates for the work to be done and put in a purchase order.

j. Pittsfield Joint Loss Mgmt Committee & LHLGC Invitation: This is a wellness workshop to be held on 9/14 at the Pittsfield Town Hall from 10-2. The BOS will acknowledge that they'd like to offer this to town employees, so that information can be distributed.

k. Town's Emergency Operations Plan Annual Review: There must be annual concurrence on the existing plan. Rick Bilodeau stated earlier that he will begin working on an updated plan, but the current plan must be voted on at this time. Bob made a motion to reach concurrence with the town's Emergency Operation Plan from 2006. Don seconded the motion. All in favor.

MINUTES FOR REVIEW AND DISCUSSION

- **Draft – August 8, 2011:** Don made a motion to approve these minutes as amended. Bob seconded the motion. All in favor.
- **Final – July 25, 2011:** Bob made a motion to approve these minutes as presented. Don seconded the motion. All in favor.

POLICY REVIEW

- **Purchase Order Policy:** Don made a motion to approve the Purchase Order Policy as presented – with the revision to add a signature block. Bob seconded the motion. This policy will supersede all previous purchasing policies. All in favor.
- **Key Policy**
 - Town Office**
 - Town Hall**
 - Meeting House**

Don made a motion to approve this policy as presented. Bob seconded the motion. All in favor.

- **Flood Acquisition Salvage Policy:** This was presented by Jay Hickey. This came about as a result of the Fredyma property buyout. This will be reviewed and discussed at the September 12 meeting.

CONFIDENTIAL

Letter from The Munilaw Group

FOR YOUR INFORMATION (*No action required*)

- **PSNH Environmental Grants-** this does not appear to be of any use to Epsom
- **Roberts, Greene & Drolet, PLLC Audit Letter** – Suggesting certain policies that need to be reviewed/created
- **Financial Report Year Ending 2010**
- **ZCO Correspondences-** various zoning violations
- **LGC Annual Info on CD**

- **LGC Fact Book**
- **NH Dept of Safety – Center Hill Road Culvert Project Approved**
- **Letter from Epsom HealthCare Center** – a letter of thanks to the Fire & Police Departments (a copy will be sent to both departments, and posted on the website)
- **Letter from Town of Tilton** – regarding the proposed DOT winter maintenance cutbacks
- **Executive Councilor Report**
- **Town Building Inspection Reports** – Old Library inspected 8/16, Old Town Hall inspected 8/16, both buildings ok – no concerns. Historic Meetinghouse inspected 8/16: basement door found unlocked. No other concerns.

Public Comment:

Rob Topik wants to provide input on a court case that has recently been filed against the Town of Epsom (Zoning Board of Adjustment). He also wonders if he is being treated fairly by Tony Soltani due to a previous personal disagreement. Rob requested that the legal fees being expended in regard to his continuous Right-to-Know requests not be announced at every meeting. He feels this is a collateral attack.

ANY OTHER BUSINESS BROUGHT FORWARD BY THE BOARD

Board Member Liaison Reports

Keith said there is a Planning Board meeting on Wednesday night.

10:30 PM Bob made a motion to adjourn. Don seconded the motion. All in favor.