

**Town of Epsom
Board of Selectmen Meeting
Monday, August 10, 2009**

Bob _____
Joanne _____
Keith _____

Final _____
Accepted _____
Accepted as Amended _____

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

Also In Attendance: Kathy Bailey, Union Leader; Betsy Bosiak; Nancy Wheeler; Jay Hickey; Barbara Clark; Gordon Ellis; Susan & Dillon Banks, Adam Gelinis; Joni Kitson; Mr. & Mrs. Bill Clark; Todd Fahey; Ed & Glenna Nutter

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

6:15 PM Dillon Banks & Adam Gelinis approached the Board to say they would like to build a skate park someplace in town. They said they get kicked out of places where they are skating because there is no designated place. Joanne suggested that they contact Gary Perry at Webster Park for some input and possibly some assistance with that. The BOS stated that the young gentlemen would need to investigate fundraising, or donations, and suggested they do some research and to stay in touch periodically with their progress. The BOS wished them luck with their endeavor.

6:30pm **Staff Discussion**

Keith asked Barbara if the Planning Board had reviewed the Excavation Regulations at their last meeting. Barbara said she was in attendance at that meeting, however the board members had not reviewed the regulations and she advised the Planning Board that until they had reviewed and became familiar with them, they would not be able to discuss them.

Nancy Wheeler said the young gentlemen that were in attendance tonight about the skate park had called the office last week and she had directed them to come before the BOS.

She said the auditor was here last Wednesday and to do a quarterly review of the year end reports and made some adjustments, which will hopefully save some time at the end of the year. She said they reviewed the management letter and noted the departments that still needed to provide comments. She noted a few other items that needed to be addressed.

Nancy also said there will be a Public Hearing on 8/24/09 at 6:30 PM to accept donations by TD Banknorth - a Gift of Rope & Stanchion System for the town office and donation of culverts by a private contractor to the Highway Department.

She said she spoke to Tony about the solicitation letter but there is still a question about how donations would be solicited. Joanne said she also spoke to Tony and told him that the Website Committee wanted to solicit donations and the idea that perhaps it could generate revenue in future years. She still needs to have further discussion with him about this, but they have not been able to get together to discuss. Nancy stated there are still a lot of questions about how the donations are handled when they are received & dispersed.

Jay Hickey requested to be able to adjust his hours to add 3 hours a week until the first of the year. He is having trouble keeping up with Zoning Compliance issues. This will use about \$1300 of his budget but he will still be substantially within his budget. He said he is supposed to work 52 hours every 2 weeks, but he has not been able to get his work done in this amount of time due the increasing workload. He'd like to start this effective today. Jay wants to be sure the record reflects that this is not an increase in his hourly rate – but an increase in his hours.

Keith made a motion to increase Jay's hours by 3 hours per week until the final payroll of the year. Joanne seconded the motion. All in favor. Jay thanked the BOS for their support.

Jay said Lori Gosselin called and said she has an easement for a cistern on her property and either she didn't know, or was not aware that a contractor would be coming to her property to start digging up to install the cistern. Joanne said just now she has received an email from Lori stating that she spoke to Adam Towne and the issue has been resolved.

Keith asked about the construction inspection on the Gruette property. Jay said the review has not been done yet. Keith said he would address this at the next Planning Board meeting.

7:00 PM Bob called for recess for Attorney / Client Consultation

7:35 PM **Ed & Glenna Nutter - Center Hill Road & Sanborn Hill Road**

Mr. Nutter gave the BOS a copy of the Boston Globe which contained an article about rocks from stone walls being stolen. Joanne asked Mr. Nutter to briefly summarize what new evidence he has to present to the BOS. Mr. Nutter said last July he came to his property and saw that most of his rock wall was gone & he spoke to a foreman and also to Gordon Ellis and expressed his desire to have the wall rebuilt. A few days later the wall was rebuilt with smaller rocks – not anything like the original wall. He said he does not have any proof of who took them, and makes no allegation of who took them. Mr. Nutter & Attorney Fahey do not believe the wall was washed away. Attorney Fahey presented additional pictures, which he believes shows that the water was rushing on the opposite side of the road. Keith stated that with the amount of rushing water slapping up against the wall, it has the strength and velocity to move rocks and could be reasonably concluded in this situation. Atty. Fahey stated that the Nutters just want their iconic wall rebuilt, and the access to the property restored. Attorney Soltani pointed out that unless Mr. Nutter has proof of who, under the town's control removed the wall, the Town cannot spend public funds to rebuild it. Keith briefly recapped what the contractor & Road Agent stated at the on-site meeting on August 1. He noted that the town's agents held the stone wall as specific control and it was not intentionally disturbed.

Bill Clark, Epsom resident said the town didn't get an easement when the project was started. Keith stated that if the work is done in the Town's Right-of-Way, or if verbal permission is given by the property owner, then a formal easement is not always required. Mr. Nutter stated that he believes that Gordon violated the law when he covered the original larger stones with the smaller ones. Keith looked up the latest statute which states that you can't relocate a wall, and the wall was not relocated; the law does not prohibit stones being placed on top of others.

Joanne stated that until the Nutters can provide proof that the town or its agents are responsible for the removal of the wall, then the town cannot spend public funds on the repair or replacement of the wall.

Keith stated that tonight is the first time he has heard Mr. Nutter mention anything about not being able to access his property.

Attorney Fahey requested that the BOS not make a decision tonight & leave this open for them to obtain further proof. Attorney Soltani asked if they are making a claim so the Town can notify its insurance carrier. Mr. Fahey stated at this time there is no claim being made. Keith expressed his willingness to keep this item open for two weeks to allow Mr. & Mrs. Nutter to submit any further supportive facts. The remainder of the Board agreed by general consensus.

FOR SIGNATURE

1. **Accounts Payable has been signed.**
2. **Manifest has been signed.**
3. **Payroll has been signed.**
4. **MS-5** was signed with the condition that Nancy would review this before it is submitted.
5. **Intent to cut has been signed.**
6. **MS-1 Extension Request** – this is a request from Avitar due to the necessary updating of software for DRA.

8:30 PM - 8:35 PM Break

FOR DISCUSSION

- A. **Request for Waiver of Dog Fees** – The Longleys have requested that their fees of \$50 be waived. Bob stated that the Police Department has been called to this property many times for loose dogs, and this year has issued a summons to Mrs. Longley for her dog running loose – 3 miles away from their house and the dog was unregistered. They have two expired licenses. The consensus of the BOS is that waiting until now to ask for leniency is not appropriate, especially considering the activity and cost to the Police Department. By consensus, the Board will ask Deb to write a letter to Mrs. Longley advising her of the Board's decision to not grant them a waiver for the fines.
- B. **LCHIP "New" Grant Rounds** this is a required workshop – Joanne asked if it must be a Selectman, and was told no, but it must be someone who is involved in the process. Joanne asked George Carlson, but he is unavailable on that day. Joanne suggested asking Penny Graham, since she has been involved in the past.
- C. **Lake View Road Maintenance Association** The BOS has received the revised Road Maintenance Association documents. A copy has been sent to the Planning Board, and will require comment and / or approval from them before the BOS can approve it.
- D. **PSNH Rate Changes – Aug 1, 2009 – Dec 31, 2009**
Joanne said that the rates will be changing, and since the

Town buildings fall into the category of small public buildings it will likely decrease our rates through the end of this year. However, Liz LaRocca suggested that for budget purposes we should anticipate a 5% - 6% increase for the 2010 fiscal year.

- E. Septic Receiving at Pittsfield WWTF** Bob said that when he went to the SVRTA meeting, Ed Vien stated that Pittsfield WWTF would no longer be accepting septic. Joanne said that the RSA states that we are required to offer that service to town residents. She has emailed Ed Vien to see what provisions will be made. The letter says they are not renewing their contract with Septic Disposal Solutions as of 12/31/09– so perhaps they will be signing a new contract with someone new. A letter will need to be sent to Pittsfield asking for clarification.
- F. Request for Waiver of Building Permit Fees** - Jay said he did some calculations of what expense the Robert Elliot case cost the town for his time and permits, etc. He also noted that the permit has a disclaimer that states permits requiring additional time may incur additional fees. Jay's conservative estimate for his time is \$827.09. This is for both properties. Jay also stated that this does not include any attorney fees or the time that Barbara put into this case. As an aside, Barbara said she received new deeds today and Robert Elliot has sold those two lots back to the bank and has purchased a lot on Black Hall Road. This lot is also in the Cutter subdivision. Betsy Bosiak stated that Mr. Elliot intends to bring an application before the Planning Board to subdivide that 4 acre lot. The Board asked Barbara to calculate how much time she has invested in the Robert Elliot case so the BOS can make a decision about whether to refund his Building Permit Fees.
- G. MASON + RICH Management Letter & Significant Deficiencies Report** was reviewed.

MINUTES FOR REVIEW AND DISCUSSION

- **Draft – August 1, 2009** Keith made a motion to approve these minutes as amended. Bob seconded the motion. Keith & Bob in favor. Joanne abstained as she was not in attendance.
- **Draft – July 27, 2009** Joanne made a motion to approve these minutes as amended. Keith seconded the motion. All in favor.
- **Final – July 13, 2009** Joanne made a motion to approve these minutes. Keith seconded the motion. All in favor.
- **Final – June 29, 2009** Joanne made a motion to approve these minutes. Keith seconded the motion. All in favor.

- **Final – Non Public July 27, 2009** Joanne made a motion to approve these minutes. Keith seconded the motion. All in favor.

CONFIDENTIAL

Kings Towne
Divine, Millimet (2)

Last Item on Agenda RSA 91-A:3 II (c) Reputation

ANY OTHER BUSINESS BROUGHT FORWARD BY THE BOARD

Liaison Reports:

Bob Blodgett:

Bob reported that Gordon is still working with the prisoners to get the work finished on Lockes Hill Road for the pending culvert replacement.

Bob would like to commend Dick Verville & Gary Perry on a fine job with Epsom Old Home Day. He also would like to recognize Herb Bartlett as being selected Citizen of the Year. Joanne has pictures of all vehicles that were in the parade & with the BOS support is going to ask Norm to post them on the website & also a picture of Herb.

Joanne Randall:

Joanne still has not heard back from FEMA on the Hazard Mitigation Plan update. They did have their first quarterly meeting & determined some updates that need to be done. There is a required Benefit Cost Analysis training that is September 16 – 17 all day. Joanne is not able to attend this training. Bob & Keith will check their calendars to see if one of them is able.

Joanne is also still working on the policy book.

Rick Bilodeau is in California fighting wildfires. He has been working on NIMCAST paperwork. Joanne is attending a Web EOC training this week.

The next Website Committee meeting is next week. Next Budget Committee meeting is on September 17. There is also a SVRTA meeting on September 17 – Bob will go to this.

Joanne has a form about the Police regionalization that was discussed previously.

Keith Cota:

Keith said there is a meeting on 8/25 with the Town Office Building Committee to start working on concepts / parking, etc. Keith stated locations for the new town office have been discussed at past Town Meetings and the conclusion has been made to build up by the Library.

The Planning Board is beginning to get very aggressive with the Bartlett subdivision request.

There is another meeting on Wednesday and off-site improvements will be discussed. He is still working with Steve Landry on the NIMCAST paperwork for application on grant funds.

9:30 PM Joanne made a motion to go into Non-Public RSA 91-A:3 II (c) Keith seconded the motion. All in favor.

9:35 PM The Board came out of non-public session.

Joanne made a motion to unseal the minutes as discussed during the non-public meeting. Keith seconded. All in favor.

The BOS will contact Gordon Ellis to review remaining redacted minutes for consideration of release and to obtain his approval to release.

9:45 PM Joanne made a motion to adjourn. Keith seconded. All in favor.