

**Town of Epsom
Board of Selectmen Meeting
Monday, August 24, 2009**

Bob _____
Joanne _____
Keith _____

Draft _____
Accepted _____
Accepted as Amended _____

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

Also In Attendance: Kathy Bailey; Ed & Glenna Nutter; Joni Kitson; Tony Soltani; Gordon Ellis; Betsy Bosiak; Richard & Mary Frambach; Dawn Blackwell; Nancy Wheeler; Barbara Clark; Jay Hickey; Stewart Yeaton; Wayne Preve; Eric Reeves; Kevin Reeves; Bruce Bly

6:15 PM Bob called the meeting to order and asked Tony Soltani to lead us in the Pledge of Allegiance.

6:15 PM Ed & Glenna Nutter and Attorney Soltani – Ed Nutter stated that there are 4 issues:

- Old Rocks disappeared
- Gaps (barways) access is blocked
- Part of the rock wall is buried
- Some of the large wall rocks have ended up in the brook under the bridge.

He proposes the following settlement to avoid going to court:

He has miles of stone wall on the interior of his property and would like the Town, at its expense to remove the small rocks from the wall in question & relocate the rocks from interior walls to build a new wall, so that it looks like his abutter, George Towle's wall, and also restore the access ways. He would also like culverts installed. If the BOS does not want to do this, then they are prepared to go to court for a resolution.

Keith asked if Mr. Nutter is sure that the rocks in the brook are from his wall or from the walls on the easterly side of the Little Suncook River – and Mr. Nutter said he is not certain, but he feels in all likelihood they did.

Joanne noted that as she mentioned at the last meeting, the Town is not allowed, according to the State Constitution to spend town funds on personal property, unless there was proof that the Town caused the damage to the wall. Whether or not the BOS wants to spend the money – the BOS is not allowed to spend Town money on private property.

Keith stated that the BOS has given them an additional 2 weeks to establish more evidence, but at this point, he doesn't see any substantive evidence that supports Mr. Nutter's position and request for the wall to be rebuilt by the town. He suggests that the BOS draft a letter that clearly outlines our understanding and decision to Mr. Nutter's request and since Mr. Nutter has threaten the possibility of court action, the letter will be cc'd to Tony Soltani for taking precautionary actions as may be necessary.

6:30 PM Public Hearing – Acceptance of Donations: Bob opened the public hearing. Dawn said TD Banknorth donated 7 stanchions & ropes, and a bulletin board, which will be used for all the employment papers. She estimates the value at \$2,000.

The following donations have been made to the Highway Department from RS Audley, Inc., and Gordon feels the value is much higher than what is stated (approx. \$11,000). Gordon said the State changed their specifications from class IV concrete pipe to class V, and instead of destroying the concrete pipes, Audley wanted to donate them for the town's use including the concrete barrier and office trailer;

180' barrier \$180.00

8' of 15" RCP (culvert pipe) \$27.00

224' of 18" RCP \$869.00

104' of 30" RCP \$957.00

Office Trailer \$800.00

Total Estimated Value \$2833.00 (by Audley)

The public hearing will remain open for a period of time for comment.

6:40 PM Staff Discussion:

Barbara asked if BOS is familiar with Marlow Decision Letter, and stated it is an update letter for current use properties, which requires them to tell the Town of any changes to the property.

Keith asked about Avitar doing re-evaluations. Barb said it is a 5 year cycle, and we are currently in year 4 of the cycle.

Dawn Blackwell said the new car registration increases have all been implemented. She said they did an unprecedented amount of registrations on July 30 & 31st in advance of the new State registration fee adjustment. There are 6 outstanding dog licenses that have not been paid. She believes that Wayne Preve would be issuing summons for those.

Nancy Wheeler said she is still working on gathering direct deposit information, and hopes to have more info by the next BOS meeting. She ran budget worksheets for each of the Department Heads. The heating oil for this season is 2.299 per gallon. July phone bills reflected the set up of the EOC. Joanne said the Emergency Management Department will be paying for those out of the equipment line, and she will verify with Rick how these bills are to be paid. Nancy said the Draft Financial statements are in & she is reviewing those.

6:40 – 6:50 PM Brief recess for Attorney/Client discussion

6:45 PM Department Head

Stewart Yeaton, Fire department: The health grant from the LGC is going along very well.

There have been 2 building fires in the past 5 days – one in Northwood, one in Chichester, and Epsom was the 2nd truck on the scene and responded very well. The one in Northwood was on the island – which was only accessible by boat. Keith asked if they had difficulty getting across the narrow roads, and Stewart said the difficulty was in getting to the island. He said the H1N1 Vaccination Point of Distribution is set to go on October 17. Set up is at 11:00 AM and training lasts about an hour. Vaccines will be administered between 2:00 PM – 6:00 PM. They are planning a second H1N1 vaccine in January since the vaccination requires two shots.

He also stated he sustained a personal injury when unloading hay on his farm, and will need surgery on September 4. He will be out for a period of time – and will be limited to what he can do. He noted that he will make arrangement with the Assistant Chiefs to take over his duties while recovering.

Joanne asked about State fire inspections for the 2 junkyards in town. She asked him to look into doing these inspections and to get back to the BOS.

Chief Wayne Preve, Police Department: The 2009 cruiser is ready for the road. He asked if the BOS wants to put the 2006 Crown Victoria out front until the state auction. The BOS agreed that Wayne should determine an appropriate amount to ask for – minimum of \$3500.00. There will be a sobriety checkpoint in Epsom this weekend. He received a letter from Merrimack

County Attorneys today, which stated that they will be implementing a 3 year increase. He will get more information on this and will report to the BOS. On Oct 5 & 14 the Town of Epsom is scheduled for a sexual harassment class; which is mandatory. The department has been very busy. He received an invoice from Fairpoint and they are still being billed for the fax line that goes to the Fire Dept. Gail has called Fairpoint and is trying to get that resolved. Joanne said SVRTA is still talking about regionalizing some Police Department functions. Wayne said he did pass along some suggestions. A brief survey for each town's Police Department will be forthcoming.

Gordon Ellis, Highway Department: Gordon said they have been grading & graveling, and doing some ditch work. He said it was too dry to work last week, and he did not want to hire a water truck. He has been working with Keith to finalize the plans to install the box culvert on North Road at the end of September. The other 4 culverts should be installed this year.

Zoning Compliance Officer, Jay Hickey: Jay stated that there was a site visit with the Planning Board a couple of weeks ago and he noticed some violations, including a septic violation. He contacted Cec Curran and believes the problem will be taken care of. The junk yard inspections need to be done. Bob said that there are several properties with numerous unregistered vehicles on them. Jay reminded Bob that our zoning regulations say there can be 2 unregistered vehicles on the property, and farm equipment is exempt. Bob asked Jay to keep an eye out for violators of the zoning on this issue.

Keith asked about the property on Chestnut Pond Road, and he replied that the property owners have not responded to DES. Gordon has still had to do more work up there. Keith asked him to determine a value for the work he has done for possible invoicing to the property owner.

Meetinghouse Committee, Dick Frambach; Dick said they are still working on obtaining grants to do more work – electrical work, installing bathrooms, etc. In order to send Penny to the LCHIP grant workshop, a project must be in place – since we do not have a plan, she could not go. Bob asked the status of the invoice for the stained glass window. Dick said a check was sent to Bernier Studio by the Historical Association, for a partial payment

Not in Attendance:

Parks Committee, Gary Perry: There has been little done this month, due to Old Home Day. They will be working on the ditch & pipe at the corner of the property by the sign.

Planning Board, Dan McGuire: Dan provided a brief summary of applications that were before the Planning Board this past month, including the Lake View Road Association. He reported that they are still reviewing the phasing of the Bartlett Subdivision on Goboro Road.

Conservation Commission, Alison Parodi: Allison provided a report that the BOS has approved the transaction costs for conservation easements on Harkness & Carlson properties by Bear Paw. They have started establishing baseline data for "Adopt a Dam" Program. 43 students enrolled in American Red Cross Learn to Swim & Water Safety Program. There were 9 days of lessons. Students were issued certificates.

Keith said the Innovative Land Use Grant info has been forwarded to Conservation Commission for their input.

Welfare Department: Lee Bartlett said everything is going smoothly.

7:30 PM In regard to the Public Hearing that is still open; Bob asked if anyone has any comment about these donations. Keith expressed his appreciation for these donations.

7:35 PM Eric Reeves: Eric was issued a \$3750 fine for an illegal apartment located in his garage. This fine amount was calculated according to our Zoning Regulations which allows for \$1000 per day or 5 times the permit fee. He said he let a friend stay there when he needed a place to stay, it wasn't intended to be a residence – it was just a temporary situation; which ended up being from the beginning of summer 2008 – until spring 2009. He said in 1998 there was a permit issued to his grandmother to put a mobile home on that property and a 2 bedroom

septic was installed – everything was prepared for his grandmother to move there & then she was told the town (Zoning Compliance Officer) made a mistake by issuing the permit. At this time he feels perhaps if he made a mistake by letting a friend stay in his garage, then he should be even with the town. Jay briefly reviewed the history of this as well, which indicated that a Variance was denied by the ZBA because the land is large enough for a subdivision; which the applicant did not wish to pursue. Kevin Reeves stated that his mother went through a lot of expense and after she was living there, was told that her permit was issued in error. Keith has stated that what happened in 1998 is not relevant to this issue at hand.

Jay presented copies of the letters that were sent to Eric about his zoning violations. He stated that Eric did obtain after the fact a Variance from the ZBA, which required the Record of Decision be filed with the MCRD. After his friend moved out, Eric requested that compliance to the Record of Decision be dropped, until such time that he wishes to establish the apartment. By not following the Record of Decision, Jay feels he still has an illegal apartment, whether or not it is actively used, as his original permit is for a storage building only.

Eric stated that the Record of Decision does not state it has to be filed in a certain amount of time. He also states it's not an apartment. Eric said the apartment has been removed.

And if he wishes to use it as an apartment, he will follow the Record of Decision requirements. Keith said because there is a kitchen, and bedrooms & closets – it is considered dwelling use; and suggested that Avitar go out and determine if it is living space. Eric has obtained ZBA approval for guest quarters, but he needs to comply with the conditions in order to maintain its rights for current or future use.

Keith recapped by saying that he feels there was a zoning violation, however Eric has stated he no longer wishes to use this as guest quarters, so Keith noted that he would be supportive of waiving the fines if Eric provides a written statement that he will not use this garage as guest quarters and provides the Board a letter that rescinds his rights to the Variance and for Jay to inspect the unit to confirm the use has been discontinued. Jay would prefer to have Avitar to do the inspection instead of him.

Joanne suggested that once all of these conditions have been met, Eric will come back to the BOS on 9/21/09 for another meeting to finalize the decision.

8:10 – 8:15 PM Break

8:15 PM Bob asked if anyone has any comments or questions on the donations. Keith expressed the Board's appreciation to the businesses for the donation to the town. Bob closed the Public Hearing. Joanne made a motion to accept the donations from TD Banknorth estimated value of \$2,000 and from Audley estimated value of \$2833.00. Keith seconded the motion. All in favor.

7:45 PM Fort Mountain Trail Winders: Bruce Bly came before the board requesting an extension of time to continue selling raffle tickets until September 24, at which time the drawing will be held. That is the date written on the ticket for the drawing. Joanne made a motion to extend their raffle to 9/24/09. Keith seconded the motion. All in favor.

FOR SIGNATURE

1. **Accounts Payable** has been signed.
2. **Manifest** has been signed.
3. **Payroll** has been signed.
4. **US Census Bureau** has been signed.

FOR DISCUSSION

- A. **Request for Waiver of Building Permit Fees:** Regarding the Elliott Application; Jay's estimate was \$827.09, and Barb's estimate was \$53.19. Total of \$880.28. Robert Elliott has asked to have his \$1500 permit fees refunded. Keith noted that the BOS is not obligated to refund these fees. Joanne feels that this case in particular was time consuming and the Town absorbed significant costs, probably closer to the \$1500, than \$880, and is not really in favor of returning the fees. Bob doesn't feel the fees should be refunded either. Keith stated the only hardship he sees is financial, and is also leaning toward not granting the waiver. Joanne made a motion to deny the request to waive the \$1500 in building permit fees for Lots U13-51 & 52. Keith seconded the motion. All in favor.
- B. **Request for "Slow Children Playing" sign on Lord's Mill Road:** Paul Osborne 164 Lords Mill Road has requested of the Road Agent that a sign be placed in the vicinity of his home. This is just an advisory sign. The BOS can make the recommendation, but this signage is placed at the discretion of the Road Agent. Keith suggested the Police Department & Road Agent be consulted for input.
- C. **Pittsfield Septage Non-Agreement:** Keith printed the Septic Disposal map for 2008 which shows where there are treatment facilities. It shows which towns are in compliance & which are not. Pittsfield is currently servicing 5 towns, so 5 towns will be looking for a new facility. This agreement is only in place in case the Town needs this service, however private septic disposal companies have their own agreements for disposal. Joanne will ask Deb to contact the towns that do have agreements.

MINUTES FOR REVIEW AND DISCUSSION

- **Draft – August 10, 2009:** Joanne made a motion to accept these minutes. Keith seconded the motion. All in favor.
- **Final – Non-Public August 10, 2009:** Joanne made a motion to accept these minutes. Keith seconded the motion. All in favor.
- **Final – August 1, 2009:** Joanne made a motion to accept these minutes. Keith seconded the motion. All in favor.
- **Final – July 27, 2009:** Joanne made a motion to accept these minutes. Keith seconded the motion. All in favor.

CONFIDENTIAL

Kings Towne
Divine, Millimet (2)
New Hampshire Local Government Center
The Munilaw Group

ANY OTHER BUSINESS BROUGHT FORWARD BY THE BOARD**Liaison Reports:**

Joanne went to the Web EOC meeting last week and she is registered to the Budget & Finance Workshop by the LGC in September. Rick Bilodeau is back in town from California where he assisted in fighting wildfires, and has passed in the completed NimCast paperwork.

Joanne said she would like the Board to meet with Larry Caraway, in order to have a plan B for signing a lease in case the voters do not approve funding for a new Town Office Building. The BOS agrees that he should be invited to a BOS meeting for some discussion.

9:00 PM Joanne left the meeting.

Keith said the Planning Board will hopefully be looking at excavation regulations at their next meeting. The Meetinghouse Committee will be having a meeting tomorrow night & he will be in attendance to gather more information.

The Town Office Building Committee is meeting on 8/27, and he will be going to that meeting as well.

9:01 PM Bob made a motion to adjourn. Keith seconded the motion. All in favor.