

**Town of Epsom  
Board of Selectmen Meeting  
Tuesday, September 14, 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; Dick Mary Frambach; State Representative Carole Brown; Betsy Bosiak; Dana Davidson; Craig Tufts (CNHRPC); Gordon Ellis; Tony Soltani; Eric Reeves; Kevin Reeves; Penny Graham; Tony Ceriello; David Goulet; Jeremy Owen; Celine Alley; Mr. & Mrs. Morency

**6:15 PM** Bob called the meeting to order and asked Mary Frambach to lead us in the Pledge of Allegiance.

**6:35 PM Staff Discussion**

**Barbara Clark** – The MS1 will be ready for signature next week. She sent out about 100 letters to property owners who were part of the cyclical reval.

**Nancy Wheeler** said the Auditor was here last Wed., and 2009 is looking good. She is waiting to hear from the Library for their comment to the Management letter. She is backing up the fund accounting & payroll to BMSI on a daily basis. Budget worksheets were distributed last week and she has asked all departments to return them to her by the 29<sup>th</sup> of September. She has also asked all departments to indicate if they have any Warrant Articles to propose.

**Nancy – Direct Deposits** – Nancy said the BOS will need to decide what employee types will be eligible for Direct Deposit. There are 3 or 4 different agreements that will need to be signed with the bank, should the BOS decide to offer Direct Deposit. The BOS cannot require all employees to participate. As long as the payday remains the same, there are no other requirements of the Dept. of Labor. Normal payroll is 33-35 individuals, including all staff, permanent part-time employees, selected elected officials, recording secretary & part-time FD employees. Nancy suggests that those people who are part of the regular payroll run should be included, and not include those who receive a check once a year, or periodically (stipends). Joanne wants to ensure that the Direct Deposit would be a 100% deposit – not a split between DD and check. Keith agreed that he'd like to offer DD to one account, in order to keep things simple within the office.

It was the consensus of the BOS to send a letter to those employees who are on our regular bi-weekly payroll to see if there is a big enough interest to move forward.

**6:45 PM Laurence Caraway – Town Office Building Lease** – The BOS is hoping a vote will pass in March to fund the building of a Town Office Building in the vicinity of the Town Meetinghouse. However if the vote does not pass, the BOS needs to know what our options are, as our lease expires in June 2010. Mr. Caraway said he has become aware of some minor issues with the building and he is willing to resolve those problems as he is made aware of them (electrical issues, heating). He said if we need more room, he can provide approximately 700 sq ft. available for the Town's use, by expanding this building. He would increase the rent approximately \$700 per month, based on the capitalization of this addition over the next 5 years (principle only - no interest). This would require a commitment from the BOS to a mandatory 5

year lease. Mr. Caraway also noted that the Town receives approximately 31% of the lease money for this building back in taxes.

Keith asked if Mr. Caraway would be willing to extend our current lease by one year, with just the space that we currently have – because if the vote passes, we would need time to have that building built. Mr. Caraway replied that he feels it would require a 2 year extension. He said if the Town entered into a 2 year lease with him and our new building were ready sooner, he'd be flexible in working out the remainder of the lease.

Keith suggested that Mr. Caraway meet with the BOS in late March / early April, when the result of the elections is known.

Keith asked Mr. Caraway if he will address the issues of ice falling off the roofs. He replied that he has given that some thought, but is not sure how to fix the problem on the garage, however he will address the issue of ice falling off the roof on this building.

**7:15 PM Craig Tufts, CNHRPC** – Craig presented a copy of the Rte 28 Corridor Study Safety Audit. CNHRPC and Lakes Planning Commission worked together on this study from Alton circle to Pembroke Town line. He indicated that many intersections were studied & the top 10 that needed to be fixed were identified. He stated that this document will help the Town to acquire funds if they become available. Keith asked if North Pembroke Road was included in this study, as it was specifically requested by the BOS that it be included. Betsy Bosiak was part of this team and she replied that this was not one of the locations that were included in the study. Craig requested that the BOS review the Corridor Study & consider adopting it. Joanne said it should take about 4 weeks for the BOS to review it.

**7:20 PM Gordon Ellis – North Road Contract Bid Opening** – Keith asked Gordon how the pre-bid meeting went. Gordon said it went well; 5 contractors were there and 4 placed bids – there were few questions. The bids were opened:

Advanced Excavating & Paving, Suncook, NH \$68, 865.20 (ledge removed \$200 per cubic yard)

North East Earth Mechanics, Pittsfield, NH \$96,360.00 (ledge removed \$250 per cubic yard)

DBU Construction, Epsom, NH \$57,655.00 (ledge removed \$200 per cubic yard)

Merrill Construction, Pembroke, NH \$58,500.00 (ledge removed \$100 per cubic yard)

Tony & Gordon reviewed the two lowest bids – DBU & Merrill, which has a large difference in the cost for ledge removal per cubic yard. Keith indicated that this area appears to be mostly fill, and would not likely encounter ledge. Both bids meet the RFP requirements; however Keith noted that DBU provided additional detail on the bid. Keith reiterated the bid is based upon finished project and requested a bid price for ledge if encountered.

Eric Reeves said he did a job about 800' away from this location last year & hit a large amount of ledge.

Keith stated this is a low-bid process based upon the bid price presented, and as such, made a motion to accept the bid from DBU Construction for \$57,655.00 for the North Road Culvert Replacement for Little Bear Brook. Joanne seconded the motion. All in favor.

Bob told Tony to call him when the contract is ready to be signed and he will come sign it.

Keith told Gordon that at the Planning Board meeting last Wednesday it was decided that he should identify the trees on Sanborn Hill Road that he would like to remove in red ribbon and trim in blue ribbon so the Board members can observe the extent of the work before the continued Public Hearing on October 28.

**7:45 PM – 7:50 PM Break**

**7:50 PM Whitehouse Acres Association** – Dave Goulet approached the BOS and thanked them for allowing them to come forward tonight but expressed disappointment that all

homeowners in the development were not notified by certified mail about this meeting. Dave provided a map of the area, which indicates the common land. Eight of the 9 homeowners in the development have signed their proposed By-Laws of the Whitehouse Acres Association, and the members of the Association have indicated in the 1<sup>st</sup> paragraph that each homeowner is to be billed 1/9 of the taxes for the common land; as this will allow the Town to be responsible for collecting the taxes on the property, instead of the Association.

Tony provided a previous review of the Association Agreement for Whitehouse Acres and stated that this property (common land) must be conveyed to one sole owner, and must be taxed as such. Dana Davidson asked if this agreement that Tony provided is the same for all cluster subdivisions in Epsom. Chris Morency said their By-Laws will account for all land management, but asked why the taxes cannot be divided evenly among the nine property-owners. Tony replied that the Town of Epsom cannot tax a 3<sup>rd</sup> person entity. Chris then referenced RSA 80:35 and asked if that applies. Tony replied the answer is no – because each homeowner is an equal owner, not a shareholder; Whitehouse Acres owns the common land. Chris asked for an RSA that states it's illegal for each homeowner to be billed individually. Mrs. Morency said previously they were billed individually and Tony apologized & said that was an error on the Town's behalf. Mrs. Morency asked how mobile home owners are taxed individually – and Tony replied there is a specific law that applies to mobile homes.

Celine Alley stated that they were told that all homeowners must be part of the Association, or they are out of compliance, and if they are out of compliance, their home is worthless... however homes are being sold in that development – so they do still have value. Tony said the Town can and will actively enforce the Zoning Ordinances and will take issue with the homeowner(s) who is not part of the Association.

Tony also indicated that the Association can also place larger sanctions on a non-paying homeowner than the town can. Dave Goulet said their Association will not exercise its rights to enforce sanctions; they intend to notify the Town of what lot numbers did not pay their share of the taxes, and asked Tony what steps the Town will take. Tony replied that there are a number of options: a letter, issuance of fines, court action, collection of attorney fees, or destruction of the property. He strongly encouraged the Association to offer incentives to people who pay, and penalties for those who don't.

Chris asked what it will cost the Association to take ownership of the property. Tony first indicated that he has not been paid by the town or the Association for his work so far in working on this issue, and also stated that the Town charges \$150.00 to prepare the deed and \$35.00 to record it. As for the cost of the land itself, Keith said the BOS needs to review the amount of back taxes owed on the property, and in his opinion would be willing to waive penalties. There was a discussion about why these property owners are responsible for the back taxes. Chris stated that the tax card says the value of the land is \$443.00. Tony said that must be an error on the tax card.

Tony reviewed other portions of the By-Laws with the homeowners in attendance so they can be revised. Dave said they will rewrite the By-Laws and in the meantime requested that the BOS notify them in writing the amount of the back taxes, the amount of drafting the deed, and recording the deed and also provide a letter stating the ramifications the Town will take against a homeowner who does not participate in the Association.

**9:15 PM Penny Graham – LCHIP Grant Update** – Penny went to the LCHIP Grant Writing Workshop last week and reported on the highlights of the requirements. There was some discussion about establishing a fund or budget line for matching grant funds. Penny asked about the checking account that was established for “Relocation and Preservation of the Meetinghouse”, and suggested asking the office staff if the account is still open. There was also a discussion about a Warrant Article to allow an account to be established to accept donations.

Penny said with the BOS approval, she will rework the project to reach the minimum \$20,000 project amount. Of that \$20,000 – we must have \$5,000 cash & \$5,000 in in-kind services. Keith asked if Joanne & Bob are supportive of establishing a line item of \$5,000 for maintenance of the building, which will be the match funds of this grant. Joanne said that the townspeople have been under the general impression that all of these Meetinghouse costs will be at no cost to the town. Keith stated he would feel comfortable explaining the \$5,000 investment will pay for a \$20,000 project.

The deadline for this grant application is October 16, 2009. There will be more grant money available in July 2009.

#### FOR SIGNATURE

1. **Accounts Payable** – has been signed.
2. **Manifest** - has been signed.
3. **Town of Allenstown - Acceptance of Domestic Septage Letter & Application** – Joanne made a motion to accept and sign this 5 year no-fee Septage Acceptance agreement between the Town of Epsom & the Town of Allenstown. Keith seconded the motion. All in favor.

#### FOR DISCUSSION

##### A. **KingsTowne Mobile Home Park Replacement**

**Authorization** – Keith said he met with Tony Soltani and Glenn Horner & Ricky Belanger (ZBA Reps). They have discussed a tentative agreement for moving the mobile homes off the lots that were flooded. However, Tony has requested the BOS extend KingsTowne’s rights until December, to build on the lots of the homes that were lost. Otherwise, their agreement expires today, and they would lose their Grandfathered rights. Tony Soltani advised Keith that the BOS should agree to extend this deadline to 12/16/09. Joanne made a motion to sign this agreement to extend the timeline to move those mobile homes until 12/16/09. Keith seconded the motion. All in favor.

#### MINUTES FOR REVIEW AND DISCUSSION

- **Draft – September 8, 2009** – Joanne made a motion to accept these minutes as amended. Keith seconded the motion. All in favor.
- **Draft – Non-public September 8, 2009** – Joanne made a motion to approve these minutes as written.
- **Final – August 24, 2009** – Joanne made a motion to approve these minutes as written.

#### FOR INFORMATION ONLY (No action required)

- 4 Letters from Zoning Compliance

**ANY OTHER BUSINESS BROUGHT FORWARD BY THE BOARD**

Joanne asked Tony about Soliciting donations for the website committee and asked Tony if these donations result in a profit to the town, does the money need to be handled differently. Tony replied no.

Liaison Reports:

Bob said Gordon is grading River Road and will be paving on Thursday or Friday. He will be cutting some trees on Echo Valley Farm Road.

Keith asked if Gordon could provide a YTD projection of projects, since there are still 66% of funds left in the highway budget.

Bob has not heard anything from the Parks & Recreation Department.

Joanne there is a Website Committee meeting tomorrow night. There is also a Budget Committee meeting & SVRTA meeting on Thursday night. There is a Unutil Storm Drill on Friday, and they will test opening the State EOC.

Keith said he's been emailing Steve Landry from DES regarding the status of the Dept. Safety grant which covers the permit fees for the river avulsion. He has been on vacation so Keith hasn't been able to reach him.

Keith will not be in attendance next Monday night as he will be travelling to a work related safety conference in another State.

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