

Bob _____
 Joanne _____
 Keith _____

Accepted _____
 Accepted as Amended _____

TOWN OF EPSOM
 BOARD OF SELECTMEN
 Monday, November 24, 2008

Present: Bob Blodgett, Chairman; Joanne Randall, Vice-Chairman; Keith Cota; Darlene McIntosh, Recording Secretary

Also in Attendance: Joni Kitson, Andrew Walton, Barbara Clark, Betsy Bosiak; Dave Fiorentino; Mary Frambach; Jackie Brown; Debbie Tooley

6:15 PM Bob Blodgett called the meeting to order & asked Dave Fiorentino to lead us in the Pledge of Allegiance.

For Signature:

1. **Manifest**
2. **Abatement**
3. **Request for Leave**
4. **Renewal Contracts for LGC**
5. **WC Contract for LGC (new)**
6. **Land Use Change Tax**

For Discussion:

- A. Generator Maintenance Agreement Proposal** – A proposal has been received by a company out of Amesbury, MA for generator maintenance. This proposal is for \$250/year for one generator, for 2 inspections and general maintenance, and repairs cost an additional amount. There was discussion about whether or not to gather pricing from other local companies. Barbara Clark said this proposal was unsolicited and has been passed along to the Police Department. The generator at the Town Office is not in service at this time. She believes Larry Barton has ordered a part for it. Bob said he would call Larry to see what the status of the repair is. Because it is under \$2000, it does not fall under the bid policy requirements. Bob will gather some information and report back at a later meeting. The Board has asked Debbie to contact a number of local businesses that may offer similar agreements to see if they would be interested in proposing something to the town for review.
- B. Lantern Lane** – Debbie has gathered information that pertains to this request by Joel Robinson to repair/replace the culvert at his property on Lantern Lane. Included in that file are RAC notes 8/06, BOS minutes 8/06, and minutes from our recent BOS meetings from 8/08 when we spoke with Mr. Robinson, the Road Agent, and others. Bob said he has done some research and according to the Constitution of the State of NH, public funds cannot be spent on private property, and this current board cannot be bound to a former board decision. Joanne expressed concern that the RAC was advisory only and had no authority beyond that, even though their recommendation to the Board of Selectmen was to repair the culvert at Town expense. Joanne stated that when the Board asked the Road Agent if replacing the culverts would help the problem, he had replied that the problem was in the placement of the lower culverts, not in the need to replace the existing culverts. She also reiterated Bob's statement that the Board was not bound by a previous Board's

decision, especially if they had agreed to expend town funds on private property. In addition, the previous Board's decision was based on adding funds to the following year's budget for the project, and that budget did not pass.

Keith stated that we would only be bound to the former board decision if it was a contractual decision. According to the previous BOS minutes, it was only agreed upon to replace the headers. Keith suggested that the Highway Department can do the repair, but the full cost needs to be borne by the homeowner.

It appears that by the larger culvert being installed by the Road Agent, it may have increased the water flow, which may indicate some responsibility on behalf of the town. Keith suggested that we ask Tony for advice. Joanne agreed that it would not hurt to have a written opinion by the Town Attorney and she would have the office forward the information to him. Keith also stated Mr. Robinson has been patiently waiting for a response from the BOS. A letter will be written to Mr. Robinson telling him that we are waiting for a response from our attorney. According to the Road Agent, Gordon Ellis, the cost of this repair is \$12K - \$15K.

- C. Meetinghouse 15-year Stewardship Agreement** – This agreement requires the formation of a Stewardship Committee in order to remain in standing with LCHIP. There is not a Stewardship Committee at this time. Once there is a committee formed then they will be responsible for ensuring that the Town of Epsom is meeting its obligations to the L-Chip grant. The committee must have at least 5 members and is to be appointed by the BOS. Joanne suggested that a request for assistance with this committee be publicized on the website, in the local paper, and on bulletin boards in town buildings.

The BOS has received a draft charter for the Stewardship Committee from the representative at L-Chip. The Board's policy is to send all contracts more than three pages to the Town Attorney for review so this draft will be sent to Tony.

Keith has two concerns with items that are restricted:

(Item C) Nothing shall be erected or allowed to grow that will obstruct the view at eye level.

(Item D) No other buildings or structures shall be erected or placed on the property.

The BOS wants to make sure that whatever Stewardship agreement we sign is not so restrictive that the Town is not able to use the building and property to its full potential.

Keith said there are a number of committees that are in need of members and perhaps the BOS should advertise for all of these committees at the same time. Joanne said she will work with Barbara and come up with a complete list of active and inactive committees that are in need of members and will report back next Monday.

- D. Charter for Epsom Town Office Building Committee** – Keith has prepared a draft charter. Joanne read the charter aloud. The lease on this office building expires in June 2010. Joanne made a motion to accept this charter. Keith seconded the motion. All in favor. Keith will forward the final draft to the office.
- E. Harris v. Town of Epsom** – Barbara Clark stated the court decision has been passed down. She has included a copy of the decision in the BOS file. Deidre Davis has requested to meet with the appropriate Board to discuss how they plan to proceed. Barbara wondered if it is the Planning Board or the BOS. Keith said that upon a brief reading, it appears that the court has decided that Ms. Davis has the right to appeal to the Superior Court, so this will proceed through the Superior Court. Keith asked Barbara to pass along the decision to Tony Soltani and ask him to respond to Deidre.

6:30 PM Staff Discussion

Barbara Clark - Dick Verville called to ask which Selectman will be in attendance at the Eagle Scout ceremony on Saturday at 1:00. Joanne said she will be there.

The office will be closed on Tuesday at 3 PM and will reopen on Saturday morning.

Minutes for Review & Discussion

- **Draft – November 17, 2008** – Joanne made a motion to accept the draft minutes of 11/17/08 as amended. Keith seconded the motion. Keith & Joanne in favor. Bob abstained as he was absent.
- **Final – November 10, 2008** – Joanne made a motion to accept the final minutes of 11/10/08. Keith seconded the motion. All in favor.
- **Final – November 3, 2008** – Joanne made a motion to accept the final minutes of 11/3/08. Keith seconded the motion. All in favor.

Confidential

- **Legal Correspondence** – was reviewed

For your Information Only (no action required)

- **Primex – Awareness in Action Booklet & CD**
- **Bear-Paw Regional Greenways**
- **Letter from resident** – cc of a letter from Todd Flanagan (regarding an ongoing ZBA appeal).
- **Planning Board resignation** – James Bowen is moving to southern MA at the end of December. His last meeting that he will preside over will be December 10.
- **Legal – Notices**
- **Misc. Folder**

Liaison Reports:

Bob reported that the Prison workers have been working on Sanborn Hill Road and cleaned the brush & ditches from top to bottom. Since we are expecting poor weather, they will begin next week on Echo Valley Farm Road and the Railroad bed.

Joni asked if the box culvert was replaced on Griffin Road – yes it has been.

Keith asked if the BOS would like him to remain the primary contact on the Suncook River Avulsion, and the consensus is yes.

The Superior Court hearing for Water Street Lot 51 & 52 is scheduled for December 15.

Lakes Region Planning has requested committee members for the Route 28 study.

Keith said they still need to discuss the year end stipend for the Police Department.

Joanne said the Board has already come to a consensus that it was a good idea to ask the Fire Department Chief if he would also like to offer his full-time employees an end-of-year stipend similar to the Police Department. Stewart had agreed that he would like to do this, so she has asked Nancy to work with Stewart to get a stipend for the Fire Department employees as well. Joanne asked the EM Director to meet with Cornerstone Christian Academy to be sure their Emergency Plan is coordinated with the Town's Emergency Plan. Betsy asked if Pathfinder

Academy is included in the Town Emergency Plan as well. Joanne said she believes they are, but she will double-check.

Joanne said there will be a Public Hearing on December 8 to accept any grants or donations. The Department heads have already been asked to provide Nancy with any pertinent information for this hearing.

Joanne asked Barb to pull out any information including the current contract with MetroCast, to see what kind of questions had been asked the last time the Town prepared to sign a contract for cable service. Bob suggested that at some point we ask a representative from MetroCast to speak with the Board once we have been able to review the information

Joanne said she is getting the impression from the Budget Committee that they feel it is the BOS sole responsibility to communicate to the townspeople about the budget. Joanne suggested to Marylou Keane that they have a liaison work with the Website Committee to be sure the appropriate information is included on the website. The Board agreed it is a team effort which is necessary to present a united front to voters.

There was a brief discussion about a pie chart being prepared for display at the Deliberative Session. Andrew Walton would like to see more details on the pie chart so the townspeople are better informed of where the tax money will be spent.

8:00 PM Joanne made a motion to adjourn. Keith seconded the motion. All in favor.

FINAL