

Bob _____
 Joanne _____
 Keith _____

Accepted _____
 Accepted as Amended _____

**TOWN OF EPSOM
 BOARD OF SELECTMEN
 Monday, December 8, 2008**

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

Also in Attendance: Andrew Walton, Dave Fiorentino; Mary Frambach; Nancy Wheeler; Barbara Clark; Rick Bilodeau; Stewart Yeaton; Gordon Ellis; David Gruette; Mike Gruette; Herb & Lee Bartlett; Tony Soltani; Celine Bernier-Allen; Diane Hartford; Tony & Teri Ceriello; Christopher & Micheline Morency; Tom Malafronte; Stephen Allard; David Goulet

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

Bob Elliot – Dry Cleaning Business – Mr. Elliot approached the BOS and stated that he has been assessed a penalty for failure to obtain the proper business & signage permits for his dry cleaning business and he is requesting that this board waive those fees as it was an unintentional oversight.

Jay stated that Mr. Elliot is operating his business without the proper permits. He stated that he had prior conversations with Mr. Elliot, and provided copies of correspondence related to this case to the BOS.

Mr. Elliot stated he did not know he had to have those permits in hand before opening the doors of his business.

Jay stated that Mr. Elliot can be assessed the maximum penalty of \$1000 per day or 5 times the permit fee (which is what he has charged in the past). Assuming he would assess the fine at the rate of 5 times the permit fee, the balance of the penalties is \$460.

After a brief discussion, Mr. Elliot stated he would be willing to pay the penalties. It is the consensus of the BOS that these fees should not be waived.

Mr. Tony Soltani stated that the Town of Epsom usually assesses the minimum penalties – not the maximum of \$1000 per day.

6:40pm Public Hearing to Accept and Expend FEMA Monies

Bob called the public hearing to order. Joanne stated that per RSA 31:95b we need to hold a public hearing in order to accept donations and grants. These include the following;

- Moose Plate Grant \$10K – specifically for repair of the stained glass at the Meetinghouse.
- FEMA \$16,316 – specifically for July tornado re-imburement of expenses: Highway Dept (culvert replacement), Police Dept. (cruiser tires & uniforms), Fire Dept. (repair engine 2) Keith indicated his money is reimbursement for budget money that the Town of Epsom spent to address this event.

Bob asked if there is any public input. Bob gave notice the Hearing will be kept open for additional comments.

6:40pm David Gruette – Planning Board Decision – David & Mike Gruette co-owners of 2008 Dover Road, property adjacent to Concord Hospital project, approached the BOS and stated that they have been trying to get all permitting to build a 5000 SF building on this piece of commercial property since April. He has been to the ZBA, the Planning

Board, and Jay Hickey. He said he received an email from James Bowen on November 25 saying that his building permit can be issued at any time, yet Jay Hickey will not issue the permit. Most recently the Planning Board has indicated a need to have engineering oversight. He states that the estimate from SFC for engineering oversight started at \$10K and has come down to \$2600+ plus expenses.

Mr. Gruette stated that the lot line issue with Concord Hospital has not yet been resolved, and the developers are excavating onto Mr. Gruette's property, along with installing catch basins, yet SFC is providing oversight for the Concord Hospital project as well. He wants Concord Hospital issued a cease & desist, and he wants the ability to hire his own engineering firm if the BOS stands behind the Planning Board requirement to obtain engineering oversight.

Mr. Gruette requests that the building permit be issued tomorrow. He requested the definition of a "unit", as he is being issued permit fees based on 3 units. Keith indicated that that interpretation is to be made by Jay Hickey. Jay stated he is willing to assess the fee for one building permit, but he will need to obtain 3 separate Occupancy Permits (one for each business), if the BOS gives their approval.

Jay Hickey responded that on Dec 4 he received an email from James Bowen saying that the escrow money for engineering oversight needs to be in hand before issuance of the building permit. Bob asked why the lot line issue hasn't been resolved & why Concord Hospital is performing work on the Gruette's property. Jay said it seems that at one point it was resolved, then it wasn't resolved, then it was resolved, so they are just waiting for the Mylar to be recorded. Barbara stated that the Mylar has been recorded with the correct lot line. Jay reviewed the chronological events of the project. Jay stated he cannot issue the permit without the application fees, escrow agreement and escrow account. Jay said he doesn't think the Planning Board would object to Mr. Gruette hiring his own engineer, but it's not his decision.

Keith stated that lot line disputes are a civil matter and are the responsibility of the property owner, not the Town of Epsom. He also stated that if Mr. Gruette wishes to have the Planning Board condition requiring the engineering oversight waived, he would need to go back to the Planning Board. In addition, if he wishes to hire an independent engineering firm, he would need to go back to the Planning Board for that as well.

Keith made a motion to approve Wolverine Management be assessed one permit fee of \$750 at the time of building permit issuance, and the other two permit fees to be assessed at the time the other two businesses are ready to begin. Joanne seconded the motion. All in favor.

Barbara will email James Bowen & Alan Quimby to ask them to put the Gruettes on the Planning Board agenda for Wednesday, December 10 for a brief discussion.

- 7:50 PM Public Hearing** - Bob asked if there were any further comments on donations, reimbursement and proposed expenditures. No further comments were offered. Joanne made a motion to accept the aforementioned donations. Keith seconded the motion. All in favor. At 7:50 PM Bob closed the public hearing.
- 7:50 PM Break**
- 8:00pm Whitehouse Acres – Town Counsel & Residents** – Tony Soltani explained that in a 1991 cluster subdivision with 9 housing units, a condition was imposed by the Planning Board that the common land area be recorded and a homeowners association be formed for its management. The association was formed, but the developer went out of business and did not transfer ownership of the common land to the association. In addition, it appears the deeds did not fully reflect any mention of the common area and homeowner's association for its management. The common area remained in the name of Trevor Development and they went out of business, taxes were not paid, and

the property eventually went to tax deed. The Town of Epsom then reclaimed the property. In 2005 some of the homeowners indicated their desire to recreate a homeowners association & transfer ownership to those homeowners. There are 9 homeowners and not all of them wish to participate in an association.

David Goulet, was the president of the Whitehouse Acres Association, and stated that a letter was sent to 9 homeowners. Seven are in agreement to form an association, one was not willing to sign an agreement and one property is currently bank owned. He said they wish to have the property transferred to all nine homeowners & 1/9 of the taxes be billed individually to each homeowner in the Whitehouse Acres development. They prefer not to be required to form a new association, but they will if necessary. Keith stated that the intent of the Planning Board was that this common land was to remain in the control of the cluster development. If the homeowners wish to proceed in a different matter they would need to appeal to the Planning Board, however that cannot be done until they own the land. As of right now the Town owns the land and is willing to transfer ownership back to the Homeowner's Association. He noted the Board of Selectmen cannot agree to any other process for the land transfer, such as 1/9th ownership, as the Board does not have the authority to vacate a prior land use decision of the Planning Board.

Tom Malafronte stated that when he purchased his home 9 years ago, he knew nothing about Whitehouse Acres. Now that he is aware, he wishes to own 1/9 of the property, and have that portion of the land recorded in his deed. Christopher & Micheline Morency expressed that they do not wish to be a part of a homeowners association.

Tony Soltani stressed to the residents that by forming an Association, it protects this common land property. Everyone can do a corrected deed to show partial ownership. Tony said it's up the BOS to agree to sell the property to a seven member association versus a nine member.

The homeowners that don't wish to participate in the association may suffer a decrease in property marketability, while the ones who do participate will appreciate an increase in sellable value. The ones who do not wish to participate will find their lots will be officially considered non-conforming lots. David Goulet stated that if the Town is willing to deed the property to the homeowners association, they will take responsibility for taxes effective today and not back taxes. Tony said the BOS historically has sold property for no less than the back taxes. The back taxes are \$1626.96 + \$60.70 interest in penalty. Keith said if the homeowners association can show hardship or any reason why the BOS should sell for less than the back taxes then the BOS is willing to hear that. Tom Malafronte stated that they visited the BOS over two years ago and the BOS told them not to do anything – to wait for the title to be cleansed. Keith responded that titles are cleansed and awaiting transfer to the rightful owners, the lots within the cluster development.

Tony advised the homeowners that they need to form the association, and then come to a consensus about what they are willing to do / or to pay in order to reclaim the property. Once they have come to a decision, they should come before the BOS with an offer of settlement.

9:20 PM

FOR SIGNATURE

1. **Accounts Payable was processed.**
2. **Manifest was processed.**
3. **Veteran Exemption**
4. **LGC Agreement**
5. **Intent to Cut was signed.** Keith stated this property is on Mountain Road on a Class VI road. Keith said he is concerned about damage to the road by the logging trucks. Keith said at this point it is mainly the Road Agent that would notice if damage to the roads is happening by loggers. He asked Barbara to contact the LGC for

guidance in this matter. Jay said there is a permit process for anyone working on any town roads. Barbara said that process is not mandatory, it is voluntary, and so it's only being signed at will by the loggers. Gordon indicated that it is difficult for him to monitor this as they are not all on the same side of town. Keith replied that he feels Gordon is the best person as he needs to assess the roads as part of his normal duties as Road Agent.

6. **Appointment Papers** –Keith made a motion to appoint Ed Orr to Website Committee for a year. Joanne seconded the motion.

FOR DISCUSSION

- A. **Joseph Wichert Letters** – Keith stated that the only point not made in this letter is that the property owner has the right to appeal the decision to the Zoning Compliance Officer.
- B. **J & D Power Equipment Quote** – This is a quote for generator maintenance for \$400 per unit.
- C. **ZBA Recording Secretarial Fee Contract** – Nancy asked that if this is going to impact the budget, to please keep her advised of this. Glenn sent a copy of the proposed contract, which was discussed. The fee structure would be as follows:
 \$77.93 for initial cases heard
 \$77.93 for continuances when it is the only item on the agenda
 \$40.00 for continuances in all other instances.
 Keith said that Glenn will need to show that the ZBA budget will be able to support the Secretarial Support Fee line item in the budget will be sufficient, or he will need to request an increase ASAP. Keith will contact Glenn to confirm this with him.
 Joanne made a motion to accept & sign the proposed contract by the ZBA Chairman for the Secretarial Support Fees. Keith seconded the motion. All in favor.
- D. **CNHRP Rte 28 Corridor Study / Membership & Fund Match** – Barbara stated that the fee from each town has been reduced to \$900 per town. The fee will be paid from the Planning Board's engineering budget line. Joanne said they are looking for 4 people to be a part of this committee; she has some people in mind and will send out letters this week to those people to see if they are willing to serve on this committee.
- E. **Tornado Relief Monies \$829.14 – received** Nancy stated that this is the money that was raised by the benefit concert back in August. The Town of Epsom is not set up to receive these types of donations. Since the Elks Club "sponsored" the benefit dance, Joanne suggested that the BOS write a letter to the Elks Club telling them that we are not set up to disburse these funds, and encourage them to contact the Town Office with some guidance of how to disburse the funds.
- F. **Coe-Brown Northwood Academy – Point of Distribution** – The school has been designated as a (POD) Point of Distribution by Capital Area Health Network. There is an initial planning meeting on December 16 at 6:00 PM to discuss this. Keith will plan to attend and Joanne will ask Rick Bilodeau to attend also.

MINUTES FOR REVIEW AND DISCUSSION

- **Draft – December 1, 2008** – Joanne made a motion to accept the draft minutes of 12/1/08 as amended. Keith seconded the motion. All in favor.

- **Final – November 24, 2008** – Joanne made a motion to accept the final minutes of 11/24/08. Keith seconded the motion. All in favor.

CONFIDENTIAL

1. Historical Association / Library Trustees

FOR YOUR INFORMATION ONLY (No action required)

- Richard Frambach volunteer to be on Town Office Building Committee** - Keith recommended that George Carlson be notified of Mr. Frambach's wish to be part of this committee.
- Planning Board Notice of Decisions**
- Harris / Town** – Tony is asking the court for clarification on its decision in regard to Deirdre Davis' appeal.
- Water Street / Town Withdrawal** – The attorney for Mr. Harris / Water Street LLC has withdrawn.
- Dawn Blackwell Vacation**
- Epsom Sales Review from DRA**
- Northwood Lake Watershed Association**
- Kings Towne Mobile Home Park** - Keith updated the other Selectmen about the meeting that took place between the ZBA and Kings Town Mobile Home Park. The ZBA will hold a formal public hearing with Kings Town and then will seek input from the BOS and Town Attorney, before rendering a decision.
- Miscellaneous Folder**

ANY OTHER BUSINESS BROUGHT BEFORE THE BOARD

Liaison Reports:

Bob read a copy of a letter written to Mr. & Mrs. Wormald from Gordon Ellis regarding a drainage problem.

Bob reported that 3 homes were shot at on Black Hall Road during the past week. One of the residents called Bow Dispatch and the message was lost, so the Epsom PD was never notified.

Keith reported on the river study. Tomorrow is the deadline for the application for the FEMA grant. The estimated amount of the project will be 3.4 million dollars, and will require a 25% match (approximately \$295,520).

The Town has received the second sign off from the homeowner at lot numbers U11-3 & 3-7.

Keith spoke to DOT in regard to the speed limit changes that Gordon requested. Keith said we would need to make that request to the District Engineer. Keith suggested we wait until the Concord Hospital project is done to make that request, as it will likely be received better.

The Police Department just finished the interview process for two new prospective officers, who both need to go to the Police Academy. Chief Preve asked if the BOS had given any more consideration to a salary increase of \$2K beginning in January for the officers. Keith said we need to wait to see if the budget passes.

Keith reported on the meeting with Suncook Valley Regional Town Association. There was discussion about regionalizing Police Departments and the possibility of creating a firing range that meets State Guidelines. They discussed budgets and expenses. The next potential meeting date is Thursday, January 15 at 7 PM, and will be held in Epsom. That is the same night as the Budget Committee meeting, so Joanne will check to see if the Library is available for the SVRTA meeting. Mary Frambach asked why there is red caution tape wrapped around the railings and a 'danger' sign on the Center Hill Bridge. Joanne said she has seen that and asked Gordon about it, and Gordon didn't know who put that there. Bob said he'll talk to Gordon tomorrow & ask him about it and have it removed.

Joanne said the tax rate info has been posted on the front page of the website.

Joanne suggested that the BOS needs to consider whether the Office Staff deserves a year end stipend or bonus, similar to the Fire & Police Departments, as there was a period of about 6 months that the Office Staff worked short-handed. The money is still available in the budget. Joanne will provide the updated expenditures to date.

Hazard Mitigation Plan update meeting is on Wednesday, Dec 10 at 6:30.

Joanne reported on the last Budget Committee hearing.

10:50 PM Joanne made a motion to adjourn. Keith seconded the motion. All in favor.

FINAL