

___Bob
___Joanne
___Keith
___Betsy

Draft _____
Accepted _____
Accepted as Amended _____

TOWN OF EPSOM
BOARD OF SELECTMEN MINUTES

AUGUST 4, 2008

Present: Bob Blodgett, Chairman; Joanne Randall, Vice-Chairman; Keith Cota

Other Attendees: Andrew Walton; Joni Kitson; Carole Brown; Jay Hickey; Nancy Wheeler; Barbara Clark; Debbie Tibbetts; Dick Frambach

Bob opened the meeting at 5:30 PM, and invited Andrew Walton to lead the Pledge of Allegiance.

For Signature:

1. **Accounts Payable**
2. **Manifest**
3. **License Renewal for HER &W Junkyard** – Joanne said the application fee has not been paid yet, and since the fee went up from \$75 to \$150, we need to decide which fee Mr. Gilman will be paying, so he can be notified. Most of the things on Mr. Wakefield’s inspection report have been taken care of satisfactorily. Joanne wants to be sure that the Board reserves the right to re-inspect the junkyard. There was a discussion about what liability the town has if the Selectmen sign the permit now, and if something happens before the next inspection in April 2009. Keith noted that we need to let the junkyards in town now what will be inspected – Zoning approvals, Site Plan approvals & Best Management Practices, and they must be in compliance with all three before the permit will be issued. As for the application fee – the application was submitted May 23, which is before the board increased the fee, so he will be charged the fee of \$75.00.
Joanne made a motion to grant a Junkyard Permit for 2008 to Len Gilman of HER & W, in so far as he continues to be in compliance with all zoning, site plan & Best Management Practices. Keith seconded the motion. All in favor.
4. **Health Officer**
Joanne made a motion to appoint Cec Curran as Health Officer. Keith seconded the motion. All in favor. There was discussion about the stipend that is paid to Cec Curran every month.
5. **Agenda Policy** – Joanne made a motion to accept the agenda policy for 2008. Keith seconded the motion. All in favor. Joni Kitson asked for the new policy to be read & Joanne offered to let her read it, as it is lengthy.
6. **Griffin Road Bridge Plan / Specifications** – Keith made a motion to authorize the bidding for the installation of the Griffin Road Bridge over Griffin Brook as prepared by HTA as long as the clause is added to the bid “Pending state approval of funds.”

Joanne seconded the motion. All in favor. There really is nothing to sign – it was just a copy of the bid for the Selectmen to review.

7. **Payment Request to DES for River Study** - Joni Kitson asked the board to explain this. Joanne explained that this is a revised invoice of \$6,050.00 because the original invoice had an incorrect figure.
8. **MS-1 Extension Request Form** – Joanne made a motion to allow Barb to apply for the extension for MS-1. Keith seconded the motion. All in favor.
9. **Appointment Letter for Jacob Kitson** – The board signed the appointment papers for Jacob Kitson to be appointed as a new police officer.

For Discussion:

- A. **LGC Group Rate SVRTA** - Joanne received a letter from Bruce Dyke regarding the new Health Insurance Policy. If we are interested in being part of this proposal, then a letter needs to be sent to the LGC. This would be for 2009 – 2010. This is a substantial savings. Joanne made a motion that a letter be sent to the LGC stating that the town of Epsom would like to participate in the SVRTA Group Plan, as proposed to the board last week, for the years 2009-2010. Keith seconded the motion. All in favor.
- B. **Letter from R. Frambach** – Keith said that this letter is a request for copies of correspondence, which is under the Right to Know Law. There are three letters in the file two letters dated 8/1/07 & 4/11/07 and one from 4/10/07, which was not mailed. Keith suggested that we send copies of these letters to Mr. Frambach and tell him that there may be more information in meeting minutes & he is welcome to come in & review them at his convenience. Keith also suggested that when the Town Office receives a request for information from a town resident, that the office staff respond to the resident, stating that their request has been received and the board will be reviewing their request. Bob said he'll be meeting with Mark Stevens from the Dam Bureau in regard to this, and also that he received a letter from George Carlson about this, stating that a DES Permit will have to be issued. Joni asked how long the permit process takes and Keith responded he is not sure, but that it is a wetlands permit & it will likely take a long time. Bob said he'll discuss that issue with Mark Stevens when they meet. When Mr. Frambach arrived at the meeting tonight, Bob explained to him the discussion that took place before he arrived.
- C. **Election Times** – Joanne said the November elections will likely be very busy & historically the polling booths are open from 8 AM – 7 PM. They have received feedback from residents that they'd like the polls to be open later. The Selectmen have the right to increase the polling hours, but they can only be decreased by vote of the town. Audience input: Andrew Walton stated that in prior years up to 12 voters have been turned away before the polls are open. Joni stated that it is a burden on the ballot clerks and the moderator to work longer hours – and the Selectmen must be present. The residents do have the option of an absentee ballot if they are not able to make it during the time the polls are open, and the town could advertise that. Considering the time to set up and break down, it will make it a very long day. Joanne said the absentee ballots can be counted before 1 PM now. The consensus of the board is to keep the polling hours the same.
- D. **Letter from Glenna & Edward Nutter** – Joanne read a letter from the Nutters stating that the rock wall along their property was recently destroyed, and an access point was removed by the contractor doing work on Center Hill Road. He Stated in his letter that he spoke to the contractor and a few days later some stones were replaced but not in the same manner as what was destroyed. Bob said he spoke to Gordon Ellis and went up to view the property, and from what he could see, it doesn't look like any of the rock wall was disturbed. It appears that the contractor did put up some rocks to make it look better – but it doesn't look like there was much of a rock wall in that area to begin with. He

also did not see any entrance to the property that would have been removed. Keith asked if any permission was given by the property owner to do work in that area. Nancy replied yes, there was a slope easement signed. Joni said in the past when this happened, pictures were requested from the landowner. Bob said Gordon has pictures, but he doesn't know if there are pictures available from the homeowner. Keith said that the Selectmen need to respond to the Nutters and request before & after pictures. He also said Gordon or the Board needs to respond in writing.

- E. Donations for Disaster Relief** – Joanne read a letter from Tony Soltani giving instructions about how to accept donations for disaster relief. Nancy said we do not need to have a public hearing for anything less than \$5,000 as long as the funds are accepted during a public meeting. Joanne has received notice of a benefit dance being sponsored by Tracy & Brian George being held at the Courtyard Marriot on 8/16, and hopes to raise \$10,000 that the town can administer to victims. The board thinks the dance is a good idea but declines involvement in it. A letter will be sent to the Georges. As of now, we have received \$250 in cash donations; the question now is deciding how to disburse the funds. Joni suggested that the funds be returned to the sender with gratitude but that we are unable to disburse these funds. Jay suggested that we go through the Welfare Office. Keith suggested we buy Home Depot or Lowe's gift cards – then equally divide the gift certificates between those whose homes were damaged. Jay will have a list of such homeowners by the next Selectman's meeting and that will be used to determine how to disburse the funds.
- F. Letter from Howard A. Roever, P.C.** – Keith received a letter from Attorney Howard A. Roever requesting a refund from the B.O.S for the towing fees incurred by his client, when his car was towed while parked near the entrance of the cell tower on Fort Mountain on 6/13/08. Keith spoke to the Police Chief who explained the situation to Keith. The consensus of the board is to respond to the attorney and tell him that due process was followed and no refunds will be issued for these towing fees.

Staff Discussion:

Barbara Clark said she received a response from two out of three people on the FEMA Pre-Hazard Mitigation application. Joanne said to forward copies to Dick Verville, and then wait for further instructions from him.

Nancy Wheeler reported that a notice went to the Banner & the Monitor stating that on 8/18 at 6:30 PM a public hearing will be held to vote on whether to allow the town to accept gifts for the disaster victims. She also reported that all Department Heads have been notified that a new budget must be ready for 8/18.

Notice has been received by FEMA stating that the project worksheet was revised & the cost of the bridge project was increased by \$205,000. A check has not been received yet, but a check for 50% of it is on its way. The town ends up paying ½ of 12.5% of the project. \$195,000 was received for the first half of the project.

The Police Department has prepared letters to various people who helped out during the tornado, and gave a copy to the Selectmen for their information. Letters have been sent to:

Tony Dimakarakos, Epsom House of Pizza, Epsom, NH
Chief Robert Cormier, Tilton, NH
Chief Shaun Mulholland, Allenstown, NH
Sheriff Scott Hilliard, Concord, NH
Colonel Frederick Booth, NH State Police
Chief Halias, Durham, NH on behalf of Officer Eric Bourn

Dail Transportation, Epsom, NH

Nancy has prepared a draft for the request for bid proposal for heating oil for 2008-09 season. Nancy has not heard back from the library yet.

The results of the swimming area have come in & they are good. The first test came in at 28 and that is well within acceptable limits. If we want to open the swimming area, we need to notify Gary Perry so he can mark off the safe swimming area. Keith made a motion to authorize the recreation department to open the town beach based on the test results as soon as the swimming area can be roped off. Joanne seconded the motion. All in favor.

Joanne said there are some papers that need to be signed for the Community Development Block Grant (CDBG). The board members reviewed the forms for Joanne to sign. Keith made a motion to adopt and have Joanne sign the following: Conflict of Interest for CDBG, Code of Ethics for CDBG Administration and Financial Management Plan for CDBG. Joanne seconded the motion. All in favor.

Jay Hickey said he met with several victims of the tornado. He has given out two permits for temporary housing. He has explained to the homeowners that any rebuilding must be done on the same footprint as the former home. Jay said he feels there will be several applications before the ZBA to allow for larger homes moved farther away from the lake.

He also received some plans for Kingstowne Mobile Home Park. He has requested an escrow account from Kingstowne of \$2500 to cover engineering oversight. He has not received those funds yet, but was told it would be no problem. Jay stated that they will not receive the notice to proceed until those funds are received. Jay said that they will only do as much work as there is money for. This proposal is only to bring those homes above flood level. Keith made a motion to approve SFC professional services for the foundation plan review and site inspection for Kingstowne Mobile Home Park LLC, not to exceed \$2500, and that amount to be placed in escrow prior to Notice to Proceed is given. Joanne seconded it. All in favor.

Jay said he has requested SFC to review the Medical Center sight – the building and life safety codes. Matt Moulton voiced his concerns about there being no sprinklers, hallway widths, etc. Epsom Medical Center has paid \$2000 for engineering oversight.

Update on the Warren property, and environmental concerns. Jay was able to convince the bank that they should have the property inspected, and have some biologic testing done & sent to DES. The property has been sold, and Jay will not issue a CO until the results show that it is safe. It was discussed that the Real Estate agent and the bank would be required to notify the purchaser of these concerns.

Debbie Tibbetts wants to make sure the agenda is working and if it's not, let her know so she can make adjustments. The board said it is fine.

Minutes for Review and Discussion: Joanne made a motion to accept the final minutes of July 14, 2008. Keith seconded the motion. All in favor.

The board decided that the draft minutes of July 28, 2008 will be reviewed when Betsy returns.

For Your Information Only: (No action required)

- a. Gary Matteson has resigned his position as moderator.
- b. OEP Community Responsibility
- c. Salt Contract 2008-2009 – the lowest bid was taken for 675 tons
- d. Revised FEMA funds for Blake's Brook Bridge
- e. ZBA & Planning Board info

The board took a break from 7:35 PM to 7:41 PM.

Liaison Reports:

Keith said he'll be meeting with Chief Preve and discussing his budget needs, and retention of employees.

Keith attended a River Study meeting with DES concerning the recommendations within the Geomorphology Report. The meeting was held at the State House, and was attended by FEMA reps, State Representatives, Senator Barnes' secretary, a Selectman from Pembroke, Dick Verville and others. He gave an update of that meeting, and how it pertains to the area of the river in Epsom. The focus was on Alternative 3 – leaving the river where it is and helping it to stabilize; this is DES recommendation. There was funding discussion – the cost is estimated at \$2.1 million, plus \$500K for inflation, projected at \$2.5 – \$3 million for the entire project. The State hopes to obtain voluntary property easements from landowners to leave the river where it is. Keith asked the office staff to provide a list of the properties affected. There was discussion at that meeting about how to finance this. DES recommended the Town to apply for two grant applications – one through FEMA; a Pre-disaster Mitigation Grant – up to 3 million dollars with a 10% matching amount from Epsom, and apply for Community Block Grant Funds up to \$500K for the 10% match. If both grants are approved then the final cost would be zero for the Town of Epsom. At the meeting Dick Verville advised that he feels very strongly that Epsom would receive both of these grants. DES and Dick Verville will do all of the paperwork to apply for these grants. Keith thinks perhaps the most difficult part will be gaining the donation of property easements. Keith suggested that we proceed with the application of these grants, and request from the State that they waive all permit fees. There will be deadlines to meet for the applications, and the projected timeline puts the project out to 2009-2010. Keith said Dick Verville & Steve Couture are willing to come in to recap this at a future Selectman's Meeting. Keith asked Steve to consider some financial assistance from NHDOT for the construction of the cross vein to protect the US 4 bridge. Keith will ask Dick & Steve to come in to the meeting on September 8 at 6:30.

Joanne said there is no plan to distribute the clothing that has been donated for the disaster victims. Keith said they have made an announcement, and we should keep it available for the next couple of weeks, then offer it to surrounding communities, and if not, then pass it along to the Welfare Department.

8:10 PM Bob called a recess for an Attorney/Client meeting.

8:48 PM Bob announced the recess is over.

Joanne noted that the Non-Public session for a personnel issue on tonight's agenda will be delayed until a later date.

Discussion – Follow Up

Code of Ethics – Joanne said there isn't an Ethics committee at this time, but there are two people interested in establishing one. There is an Ethics Policy, and Keith said that should be reviewed. Andrew Walton said that registered voters were randomly chosen to be on an Ethics Committee. Joanne wanted to be sure that everyone is aware that random choosing was done based on a decision by former Select Boards. Joni Kitson stated that as a former Selectperson, they knew there was supposed to be an Ethics Committee, but no direction in how to choose those members. Keith said there needs to be an Ethics Policy, but there is question about how to establish an Ethics Committee, and needs to be done by statute. Keith will review the existing Ethics Policy & will draft revisions for this board to review.

Keith noted that he received a letter from a resident in regard to impassibility due to the storm, and what the chances are that Cass Road could be reopened. Keith explained that the town does

not have the means to open Cass Road at this time. The resident contacted Senator Barnes, but was unable to get anywhere. Keith explained to the resident how the town responded to the best of its ability and that we are currently waiting for state approvals to do road repairs. Bob said he is following up with Michael Hicks of Army Corps of Engineers, suggesting that he contact State Senators to see if the Cass Road repairs can be done as a community service project by the 368th Engineers, of which Bob was formerly a member.

Carole Brown said the Governor has had very nice comments about all of the emergency workers and town officials in the handling of the disaster. We need to make sure that all Department Heads have good notes about their expenses so we are prepared when FEMA requests that information.

Joni Kitson asked if the minutes from the Debriefing Meeting were sealed, because she is hearing talk around town about the conversation that took place during that night. Bob stated that the meeting minutes were sealed and he cannot explain what or why people would be talking about what took place during that meeting.

9:15 PM Keith made a motion to adjourn. Joanne seconded the motion. All in favor.

Submitted by

Darlene McIntosh
Recording Secretary