

FINAL

___Joni
___Joanne
___Bob M.
___John
___Bob B.
___Betsy

Draft
Accepted ~~Accepted~~
as Amended



TOWN OF EPSOM

BOARD OF SELECTMEN MINUTES

NOVEMBER 12, 2007

Present: Bob McKechnie, Chairman; Joanne Randall, Vice-Chairman; Joni Kitson; John Klose; Bob Blodgett

Other Attendees: Len Gilman; Lee Margosian; Herb Bartlett; Penny Graham; David Fiorentino; Rick Belanger; Andrew Walton; Gary Kitson; Mary Frambach; Rob Topik; Bruce Graham; Attorney Catherine Costanzo; Nancy Wheeler

Bob M. opened the meeting at 6:15 P.M.

FOR SIGNATURE

1. Accounts Payable
2. Manifest
3. Appointment Papers/Welfare Deputy

Discussion ensued regarding filling this position. Bob M. was concerned the position was not posted as they have set a precedent in the past. He was concerned as Lisa Cote had just nominated a person. After discussion the Board determined to post the position due to precedent.

Non-Public per RSA 91-A:3 II(c) for Reputation per Joanne
Attorney Client Privilege

Bob M. said they would be meeting with an Attorney and holding this non-public session later in the meeting.

Joanne made a motion to recess for Attorney/Client Privilege with Bob B. seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed unanimously.

Joni recused herself from the Attorney Client session and left the room.

The Board recessed at 6:20 P.M. returning at 6:43 P.M. Joni rejoined the meeting.
Non-Public per RSA 91-A:3 n(c) for Reputation per Joanne

Joanne made a motion to go into non-public session per RSA 91-A:3 n(c) for reputation with Bob B. seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed with Bob M., Joanne, Joni, John and Bob B. voting yes.

The board went into non-public session at 6:45 P.M. returning at 7:01 P.M.

Joni suggested that all non-public sessions be scheduled at the end of meetings unless they are having people coming in.

Discussion & Default Budget Increase with Nancy

The 2008 budget and default budget were reviewed and discussed.

Joanne asked if the salary line for the Zoning Compliance Officer was changed, being told it had been. Joanne said she would be recommending the legal line be increased to \$50,000.00 for 2008 and then to have it brought down to actual costs in 2009.

Joanne suggested increasing the repair & maintenance line for town buildings to \$5,000.00 with Nancy saying they have money in another line with discussion of that line and what has been spent so far this year. Joanne said they would need to make repairs, i.e. mainly repainting the Old Town Hall. Nancy said it also covered the heating systems. Joni asked if it includes sealing the floors in the office and they should include money to do them in 2008.

Discussion continued with Nancy saying the Board should be finished with the budget and default budget by November 26th.

Joni asked what percentage the Board wanted to use for COLA increases in the regular budget, saying some departments had used 3.8%, last year's increase. Nancy discussed in September the New England CPIW was 2.25% with an average of 2.77%. Nancy said she would have October's rate next week.

Bob B. had no comment on this with John thinking the rate would be going up. Joni said most department heads have put 3.8% percent with merit raises included making it 5%. Joanne since this was the first time they were going through the budget she felt they could go with 3.8%. Nancy said it should be in the minutes they are going with 3.8%, asking about going with the 5%. Joanne felt they should not make any changes. Discussion ensued with a consensus to use the 3.8% COLA and 1.2% merit increase for a total of 5%.

Nancy explained the default budget is what was voted as a budget last election minus the warrant articles with adjustments. She said she did not put anything in the default for COLA, as that was the Selectmen's decision.

Joni made a motion to include the 3.8°.10 COLA in the default budget with Bob B. seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed.

Mary Frambach said last year they had a discussion with DRA regarding the Library budget. They were told it was okay to put items in the default budget as they had no previous records to go by as it was the first year for the new building. Now they are adjusting the budget as the Library did not have enough in the budget.

Joanne presented four Warrant Articles she wrote up with Nancy Wheeler (see attached). Discussion occurred regarding these articles and if changes should be made.

Betsy Bosiak gave one Planning Board Warrant Article with Bob M. saying he was still working on two others, one for the Website and one for money toward the upkeep of the traffic circle memorials. Discussion ensued regarding these articles.

Nancy said when Chief Yeaton was in he had put his increase in both the Warrant Article and his budget, but the way the Warrant Articles work, if the Warrant Article fails he can't get his raise even if the money is in the budget. No means no. She had sent him an e-mail about this, as she does not know what he wants to do. She has not heard back from Chief Yeaton.

Rob asked if it was the Board's general feeling to put items out and let the town vote at the deliberative session or is the Board going to screen items prior to letting the public see them.

Joanne said her answer is this is the screening process and if the Board doesn't want to forward the articles she is okay with that.

Nancy explained all Articles and the budget have to be presented to the public at the Budget Committee's public hearing on January 10th or they can't be on the warrant. Then it is ultimately it is up to the voters. At the deliberative session a Warrant Article can be changed. The changes can only modify (increase) up to 10% of the original amount recommended by the Budget Committee. They can be decreased as much as the voters want.

Andrew Walton asked how the Board feels about the combined Warrant Article from the Police and Fire Departments. Bob M. said they have tried things multiple ways and it is a risk. Joanne feels they are trying a different method and hoping it passes.

Joanne said next week they need to invite any departments back they want to talk to.

Joanne made a motion to take a break with Bob B. seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed.

The Board took a break.

Nancy reminded the Board next week is Thanksgiving and payroll with checks needing to be signed on Tuesday. Nancy asked if the Board had considered the weeks of Christmas and New Years as the 'eves' are on Monday. She thought Dawn had shown the Selectmen the schedule showing the offices to be open from 8:00 A.M. to 1:00 P.M. those Mondays. She asked the Board to decide what to do as one of those weeks would be payroll.

FOR DISCUSSION

A. Liaison Reports

Bob B. said the Highway Facilities Committee is still waiting for paperwork. They have blue prints for land adjacent to the existing facility.

Joni said there is a river study meeting on Thursday and another public meeting will be conducted soon.

John said he has not seen Gordon but has talked to him on the telephone. Water Street has been repaved.

Bob M. asked about the road the stop work was put on. Joanne said a stop was put on the work. Joni said they were grading there today. Bob B. said he told Gordon to stop all work until the Board discusses it with him. Nancy thought the gentleman was complaining about the ditching. Discussion ensued regarding the work being done.

Joanne said Thursday she is attending a meeting of the Suncook Valley Association which was formed to discuss items of concern with area towns. Joanne said she mentioned last week having Town Counsel meet with the Board once a month. She thinks this is a good idea to keep the Board updated.

Joanne said they could not listen to the copy of the disk Betsy gave Gordon saying they needed the software. She asked if she could have the software to put on her computer at home. Discussion ensued this has not been done for others who have had disks. Nancy said the software is on one of the machines in the office. Rob asked Gordon's specific request, asking why Joanne felt compelled to intervene. He questioned if they would have to do this for everyone. Dave Fiorentino asked if Gordon was a town employee with Bob M. saying yes.

Joanne said regarding the Ethics Committee there have been 5 responses to date with two people interested, two not interested and one letter being returned. The deadline for response is next week.

Joanne discussed Selectmen not signing invoices. She said per the policy if Selectmen do not sign invoices they are leaving the town open for questions during an audit. Bob M. said if the Board is signing Purchase Orders then they have control of the spending rather than the Department Heads just spending money. Bob M. felt the Board was putting themselves at risk without Purchase Orders. Discussion ensued. Joni said in the past if there were not enough signatures on an invoice then it was held over for two or three weeks.

Nancy said last week about 1/3 of the invoices did not have three signatures but she paid everything. She said there were no notes to say there was an issues, etc. on any of them. She needed something in writing to hold and not pay an invoice.

Bob M., speaking for himself, said he would not sign any invoices for the Highway Department and if there were other invoices without his signature then it was an oversight.

Nancy said two Board members will not sign Highway Department invoices and unless five members are present they won't have three sets of signatures. She is asking for clarification for her and the Board. Nancy said the policies and procedures should be followed.

Joanne said they should not be treating the Highway Department differently. Nancy said it is not just the Highway Department. Bob B. thought the Board made a motion Department Heads were to run their own departments. If material is needed then they should be able to purchase.

Joni said when it was voted on the increase for the Highway Department the full Board was not present but the motion passed. She said a bill can be paid but it needed a majority to sign it.

Rob asked if it needed a majority or five signatures being told a majority. Rob said regarding the cease and desist that is grounds to not pay the bill. He asked if they had an opinion from the LGC with Bob M. saying no. Rob suggested calling them. Joni said she had called a couple of years ago and was told a member did not have to sign an invoice if they did not agree with it.

Joanne said they are putting Nancy in a position. They need to either say pay without a majority or need to change the policy. Further discussion ensued.

Dave asked if Bob M. would sign a Purchase Order for the Highway Department. Bob M. said that is not his Department to sign for. Joanne asked if that meant invoices with Bob M. saying he was not signing the invoices. Joni said she would not sign invoices she did not agree with.

Discussion as to how to resolve occurred. Joanne said this puts invoices in limbo during the week where one Selectman may be absent from a meeting.

Bruce Graham asked Nancy if the policy needed to be changed and if there was a way to make it better. Nancy said there is a policy written and a procedure that needed a majority to sign. She said on a night when one of the other three Selectmen were out then she needed to know what to do. She said if a Selectman was suggesting there was an issue with an invoice then list the question to settle.

Joanne said the town has an obligation to pay its bills. If one or more Selectmen have an issue with an invoice it should be held. If they are not signing in protest then they are putting the town at a risk.

Len Gilman agreed with Joanne but said if there is a problem with an invoice should it be discussed. He would like to see open government and would like to see discussion and resolution.

Rob asked the number of affirmative votes regarding the policy for signing invoices. No one was sure. He thought the objection was to Purchase Orders asking why there is a problem. Bob M. said there are no checks and balances regarding the money being spent by the Highway Department. Further discussion ensued with it being said if there are checks and balances and if a discussion ensued regarding an invoice then it would be in the minutes.

Andrew said there were 40 invoices last week asking if a Selectman knows they are not going to be at a meeting can they go into the office early and sign the invoices. Discussion ensued that everything is not always in the folder until Monday noon.

Rob asked if an invoice could be signed with a note it was being signed under protest.

Joanne said it was interesting as 3 or 4 weeks ago she did not want to sign an invoice and got raked over the coals. They need to bring it up if someone has a question regarding an invoice.

Joanne discussed Chief Preve came in regarding the Employee Handbook and the effective day for calculating sick/bonus time. She asked if the Board had made a decision. Joni said in the minutes it said the anniversary date. Nancy agreed to bring in information regarding the policy next week.

Joni asked Joanne if she had a response from Jay regarding the question to him, Joanne did not.

Joanne made a motion to accept the anniversary date as the date for calculating bonus time for unused sick time.

It was reiterated they had already made a decision. The motion was held until the past minutes were researched.

B. Confidential Letter

Bob M. passed the letter to Joanne to read.

C. Town of Barnstead Re: Evening Hours for BCEP

Bob M. read the letter. Joni said this has been brought up at the BCEP meetings numerous times with it being decided evening hours were not warranted. Joanne and John had no opinion on this. Rick Belanger said he has been on the BCEP Board for 12 years and this comes up. There are a few citizens that seem to be from Barnstead who request this. Rick said there would be a huge expense for lighting, etc. The BCEP board has voted this is not a good idea to do. He would like the selectmen to not go along with this proposal.

Dave asked if the Board was flooded with requests the BCEP be open at night with Bob M. saying not that he was aware of.

Bob M. and Joanne suggested a response be drafted based upon the information the Board has in Epsom they would not be supporting the request at this time.

Joni found the discussion about the Employee Handbook in the minutes of October 15th. Discussion ensued. Nancy will give the Board a copy of that section of the Handbook for next week.

D. NH Executive Council/Change of Process of Receiving New Letter

Bob M. reviewed the information which asked if the town would rather receive e-mail reports from the Council rather than mailed copies. The board had a consensus e-mail was acceptable.

E. Reply from Question & Answer from Road Agent

Bob M. said this was regarding work done on a road with a mailbox being put back improperly. The Road Agent said the sheet had no address on the deficiency from the Post Office with no address. Bob M. put the address on the sheet.

F. Question & Answer Sheet from Road Agent Re: Copperline Road

Bob M. read the sheet from the Road Agent with discussion it needed to be forwarded to the Planning Board.

Nancy said he is letting the Board know he has a question in response to an e-mail from the engineer.

G. NHDOT Engineering Study & Preliminary Plan Approval for Center Hill Road .

Bob M. reviewed the letter from Nancy Mayville of NHDOT.

B. Confidential Letter

Joanne was not sure why this letter was still in the folder. A note was on it that it was sent to the attorney.

MINUTES FOR REVIEW AND DISCUSSION

Final Minutes of October 29, 2007

Joni made a motion to accept the final minutes of October 29, 2007 with Joanne seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed.

Draft Minutes of November 5, 2007

The Board reviewed and amended these minutes.

Bob M. wanted to extend an apology to Faith regarding the discussion of the tax rate information being in the folder. She had placed it in the folder. Joni also wanted to apologize.

Joanne made a motion to accept the draft minutes of November 5, 2007 as amended with Bob B. seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed.

MISCELLANEOUS ITEMS

3. Dubois & King/Request for Proposal

Joni suggested sending them a letter saying the town has already contracted with another firm for the project.

6. Emergency Planning Meeting Reminder

Joanne asked if they were going to ask the Co-Emergency Management Directors to attend the meeting. She asked who the Board liaison was with Bob M. saying he was. The information will be given to them.

10. Letter from Road Agent to Planning Board Re: River Road

Bob M. reviewed the letter and discussed it was referring to a three lot subdivision on River Road. He asked Betsy the amount of pavement originally requested with Betsy saying about 1800 feet.

11. Epsom Capital Improvement Committee Meeting Notice

Bob M. read the notice about the meeting on November 13th.

8. Cook & Molan re: Fiorentino v. Kitson

Bob M. read the letter from Attorney Bedard to Attorney Steiner

HEALTH NOTICES

Bob M. read the Health Notices.

OTHER BUSINESS

Len said last week when the Road Agent talked about the Capital Improvement Program and said it was a wish list. He asked if the Board would consider if there was any money in the budget to give for an engineer to be hired to see if a more accurate monetary amount could be developed. He is saying the Highway Department needs more money and attempted to present a plan. Len felt they should have an engineer give a proposal and merge the two. Bob M. said this was

not possible within the time period they had. Discussion ensued with Len saying he thought he heard the Road Agent asking for money from the Capital Improvement Plan that he and Nancy put the numbers in for. Len reiterated he would like to have an engineer look at and see what they would propose. Joanne did not think they had time to do this saying the budget was in line for the current expenses. She said the Capital Improvement Plan is to plan for projects over a period of time. She tried to reach the Road Agent to ask if he could find other ways to find projects so he could get the money needed.

Rick said the money is for the Capital Improvement Plan with the \$650,000.00 being for next year and the money to be voted on every year.

Nancy said if the budget passes the money would be used in 2008. Rick said it would be 1.1 million voted on once. Nancy said if the budget failed they would go to a default, but they would look at keeping it in the budget each year. Bonding the work was discussed.

Len asked the Board, as individuals if they have given thought as to what they would be proposing to the Road Agent next week. Joni said they have to get the budget passed and every year the Highway Department always seems to get cut. Discussion ensued regarding the budget and trying to get more for the money. Len suggested using the Road Agent as an overseer and putting the money out to bid for all projects to one contractor to see if the town could get more work done for the amount.

Bob M. said the time was late and this discussion could continue next week as the Board had other items to complete.

Bob M. said there would be a changing of the Chairman next week. John said he would not be here next week and Bob B. would be chairing the meeting for him.

Joanne thanked Bob M. for being chairperson with Joni saying she thought he did a great job.

Non-Public per RSA 91-A:3 II(c) to Review Non-Public Minutes as Listed Below Bob B. made a motion to go into non-public session per RSA 91-A:3 II(c) for reputation with Joni seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed with Bob M., Joanne, Joni, Bob B. and John voting yes.

The Board went into non-pubic session at 10:20 P.M. returning at 10:57 P.M. Non-Public per RSA 91-A:3 II(c) for reputation per a Citizen Bob B. made a motion to go into non-public session per RSA 91-A:3 II(c) for reputation with Joni seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed with Bob M., Joni and Bob B. voting yes and Joanne and John voting no.

The Board went into non-public session at 10:58 P.M. returning at 11:30 P.M.

Joanne made a motion to seal the minutes of the last non-public session with Bob B. seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed.

Joanne made a motion to seal the minutes of all the non-public sessions of tonight's meeting with Bob B. seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed.

Joanne made a motion to adjourn the meeting with Bob B. seconding the motion.

Bob M. asked if there was any discussion on the motion. There being no discussion on the motion, Bob M. called for a vote. The motion passed.

Bob M. adjourned the meeting at 11:33 P.M.

Respectfully submitted,

Betsy Bosiak
Recording Secretary

Warrant Articles

Highway Facilities Committee

Shall the town raise and appropriate \$50,000 for the purpose of acquiring land for a Highway Facility? This would be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until land is purchased or by December 31, 2013, whichever is sooner.

Committee and Board Recommendations on Ballot

Shall the Town vote to require that the numeric tally of votes by the Budget Committee and the Board of Selectmen relative to recommending the operating budget and special warrant articles be printed on the warrant?

Recording Equipment for Meetings

Shall the Town raise and appropriate the Sum of \$18,000 to purchase and install equipment to record and transmit meetings held at the Town Offices? This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the equipment is installed or by December 31, 2011, whichever is sooner?

Constructing Town Office Building

Shall the Town establish a Capital Reserve Fund for the purpose of constructing or purchasing Town Offices and raise and appropriate the sum of \$75,000 for that purpose and authorize the BOS as agents to expend this fund?