

TOWN OF EPSOM

BOARD OF SELECTMEN NON-PUBLIC MINUTES

FEBRUARY 16, 2008

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

Other Attendees: Attorney Karyn Forbes; Attorney Tony Soltani; Len Gilman

Bob B. opened the non-public session at 9:15 A.M. per RSA 91-A-3 II(c) for reputation

Joanne had comments before they started. She said the BMPs they were to use were adopted by DES on January 1, 2007. She said she was the only Selectman who has gone to training for the BMPs. She felt there was a Selectman on the Board who had a conflict of interest with the owner of the business. She felt that person would recuse himself. She felt the Board was not able to make an unbiased inspection. She felt they should hire a neutral third party to do the inspection.

Bob M. said they had a person who could do the inspection and she refused to do that. Joanne asked who that person was with Joni saying Al Bickford. Joanne felt he was not qualified.

Attorney Forbes asked why they could not have discussed this before. She asked Attorney Soltani why they had not discussed this during the telephone call yesterday. Attorney Soltani asked which issue with Attorney Forbes saying having a neutral person doing the inspection.

Attorney Soltani said they have tried to find somebody neutral and the Board could not find somebody neutral. Attorney Forbes said if the Board could have found somebody neutral then they could have avoided having the meeting. Attorney Soltani said they could discuss something if they wanted, but they were not going to take any action, they would be doing the inspection. He said if they wanted to do anything other than what they were to do they have to do a vote.

Joanne objected to having a public person at the inspection with both Joni and Attorney Forbes saying the public person was not present. Joanne understood that.

Len asked who Joanne wanted to recuse themselves. Joanne said it was up to the person to identify themselves. Bob M. said it was up to the person making the complaint to identify the person. Joanne said no, it was up to the person to identify their issue. Discussion ensued between Joanne and Bob M. regarding the issue.

Len said he had a problem with Joanne being on his property as he had a conflict of interest between her and Town Counsel representing two people. He said he did not know if Attorney Soltani was representing Joanne or representing the town and that was conflict.

Joanne said she had an issue with being on his property as the last time she was there Le threatened her. Attorney Forbes denied there was any threat or any of the allegations pu in there and the petition has been withdrawn.

Bob M. objected to Joanne being part of the inspection as she had brought charges against Mr. Gilman he did not feel she could be a neutral party with Joni agreeing.

Bob M. made a motion Joanne recuse herself from the inspection regarding those objections.

Joanne said she would recuse herself if the other person who has a conflict would also recuse themselves. Bob M. said her statement was based on no proof.

Attorney Soltani said there was a motion made Joanne recuses herself.

Joni seconded the motion.

Attorney Soltani said the motion was only advisory, not binding with Joanne making the decision.

Joanne said that Bob M. thought the only person who had gone to training for the BMPs should recuse herself, with Bob M. saying there is a motion on the floor. Joanne reiterated that Bob M. thought the only person who had gone to the training for the BMP inspections in the last 13 months should leave.

Joni said if she was talking about the class for junkyard inspections she had also attended the class. Joanne reiterated not in the last 13 months with Joni saying she had. Joanne said she would like to see the certificate. Joni said it was at home, she attended at the LCG.

Attorney Forbes asked why they did not have somebody neutral do the inspection. Joni said Joanne made all the telephone calls and told the Board she could not find anyone who would do the inspection. Joanne said she could not find anyone to do the inspection as they did not want to get involved. Joanne suggested they hire a neutral third party firm to do the inspection based upon the BMPs.

Attorney Forbes was in favor of finding somebody neutral as there were personal feelings and she did not think her client would get a fair inspection with Joanne agreeing. Attorney Soltani agreed, saying there was a motion pending that was advisory.

Bob M. reiterated the motion.

Bob B. called for a vote. The motion passed with Bob M. and Joni voting yes, Bob B. voting no and Joanne abstaining.

Joanne said she would not recuse herself, but felt they were in a position to hire a third party. Attorney Soltani said she could vote if she wanted.

Attorney Soltani asked if they wanted to hire someone to do the inspection or continue with it.

Attorney Forbes asked if she could talk to her client privately with all agreeing. Attorney Forbes returned saying they were favor of getting someone neutral.

Joni felt they should figure out who was going to hire the neutral party. Joanne said there are professional inspection services that do inspections. Attorney Forbes asked if she and Attorney Soltani could determine the neutral party.

Joanne requested whoever did the inspection do it by the BMPs with yes or no answers and bring the results to the Board. They would not pass or fail the inspection.

Joni made a motion that Town Counsel and Mr. Gilman's' Counsel come up with the name to do the inspection with Joanne seconding the motion.

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

Joanne made a motion to close the meeting with Bob M. seconding the motion.

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

Bob B. closed the meeting at 9:25 P.M.

Respectfully submitted,

Betsy Bosiak
Recording Secretary