

___Bob
___Joanne
___Keith
___Betsy

Draft _____
Accepted _____jmr, kac, rb_____
Accepted as Amended _____

TOWN OF EPSOM

BOARD OF SELECTMEN MINUTES

JULY 14, 2008

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

Other Attendees: Andrew Walton; Joni Kitson; Gordon Ellis; Wayne Preve; Dick Frambach; Mary Frambach; Bucky Stiles; Carolyn Stiles; Carole Brown; Rick Belanger; Bruce Graham; Penny Graham; Barbara Clark; Nancy Wheeler; Deb Tibbetts; Chris Morency; Mrs. Morency

Bob opened the meeting at 5:30 P.M., inviting Gordon Ellis to lead the Pledge of Allegiance.

FOR SIGNATURE

5. PSNH Pole License #41-0207

A discussion was held with the Road Agent about moving of the three poles. Keith noted applications did not have the distance for two of the poles from the edge of the travel way. Upon further review of the applications, it was agreed that the application was for three poles, one new one and two existing poles. Keith explained that he will not sign the permit for the placement of the poles without the offset from the edge of pavement clearly stated.

- 1. Accounts Payable/Payroll was processed**
- 2. Manifest was processed**
- 3. Amendment to Bid Policy**

Joanne made a motion to adopt the new amendment to the bid policy with Keith seconding the motion.

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

Keith suggested copies should be sent to the Department Heads.

- 4. Veteran's Exemption Application was processed**
- 6. Abatements (2) were processed**

Joanne made a motion to grant abatement #706, Tax Map U18 Lot 6 with Keith seconding the motion.

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

Avitar had recommended the second abatement request be denied; no action was required by the Board.

Wayne Preve and Gordon Ellis – Community Service

Gordon Ellis summarized that the town's community service paperwork was unreasonable and unnecessary. He noted some other area towns do not have anything while others having simpler forms.

Chief Preve noted that when the current documents were shown to the parents they refused to sign them. He discussed how the community service hours are used by the town. He explained no one under 16 is allowed to complete community service for town departments, those children have to find their own community service hours. They recently had 12 teenagers over 16 who had to each do 40 hours of community service. The Police Department had wanted to use them to do 5 hours each cleaning the center of the traffic circle (weeding, etc.) with the other 35 hours to be completed through the Highway Department. This would have included, but not limited to, trash pick-up, raking, and clearing rocks behind the grader. He reiterated parents refused to sign the release forms once they read it although; the parents were behind Chief Preve and Gordon for the community service work to be done.

Joanne asked if a teenager was doing work at a business would the business insurance cover them. Chief Preve said they could word the release so the teenager would be covered by their insurance, not under the town's insurance.

Discussion continued as to whether the teenagers would be covered by workers compensation. Chief Preve noted they could have the parents' show the teenagers are covered under their private insurance. Discussion to simplify the paperwork for court ordered community service occurred. Keith noted the samples provided seemed more manageable and asked if the one from Concord was more representative of the Town's needs. He liked the release from Concord but also liked Raymond's questionnaire as to prior health issues. Chief Preve and Gordon will proceed to develop a form using the City of Concord's release and incorporate Town of Raymond's questions.

Gordon Ellis – Summary of Road Projects

Gordon noted information on highway projects and explained the Center Hill Road Bridge was coming slower than he would like. The Center Hill Road Bridge will be delivered on July 21st. The Sanborn Hill Road residents have been notified that their road will be closed while that structure is installed. They have been advised as to where to park cars on Center Hill Road. Joanne asked if

emergency arrangements have been made with both Chief Preve and Gordon saying yes.

Gordon noted he has had someone grade Echo Valley Road twice a week due to increased traffic, including campers and people not knowing how to drive on dirt roads. Gordon mentioned that the person grading has so far not charged the town for the use of the grader, but that will not longer continue. He thinks it will be another month before Center Hill Road will be open. He requested that Echo Valley Road be paved. The estimated cost would be \$22,000.00. He has \$9,000.00 in an escrow account with Pike and would take the remaining \$13,000.00 out of the Highway Department Road Maintenance budget line. Discussion of when Center Hill Road would be open occurred. Joanne asked when Gordon would have Echo Valley Road paved with Gordon saying this week if possible. Bob asked if the hill would be cut down if 3 inches of asphalt was put on it. Gordon said no, the utility wires have been raised. Joanne asked if using the \$13,000.00 would affect the town's ability to fulfill its obligations to other projects being supported by Bridge Aid, the State and FEMA. Gordon said no, he was paying the town's portions for other projects out of Capital Reserve not the budget.

Keith asked the cost to grade the road. Gordon said it was \$65.00/hour X 3 hours plus \$125.00/hour X 3 hours plus \$500.00 plus \$350.00. Keith noted the total was approximately \$1,200.00 each time the road is graded with an estimated 8 grading required for a total of \$9,600.00 vs. \$22,000.00 for paving. He did not see the balance in the numbers. He noted the pavement would be lost if there is not good drainage. Gordon said the road drainage is good. The sides of the road are in need of better ditches.

Joanne asked if the paving would interrupt the traffic on the road. Gordon noted no, as they would pave one side at a time. Keith asked when the paving would be done. Gordon could get someone there this week. Keith asked who Gordon would be using with Gordon saying Advanced Excavation and Paving, Inc. Keith asked if there was enough base material to support the pavement, Gordon said yes.

Gordon discussed the work completed on the road in the past and what would be required in the future. He noted the water on the left side was taken care of; the right side needs to be cleared and ditched. Keith asked if there were cross pipes; Gordon said no and the local property owner had expressed concerns with sending more runoff to the agricultural fields. Keith asked how wide the pavement would be; Gordon said 20 feet. He could not get 22 feet all the way down the road; he could make it wider in some locations.

There was a Board consensus to proceed with the paving.

Gordon discussed the Griffin Road Bridge. He noted the town has an engineering contract with HTA. He wanted to be sure the Board had signed the contract. The project's construction costs is estimated at \$400,000.00 plus. The town's share would be \$89,000.00 with DOT's share being \$357,000.00. The project has been fully accepted into the State's Bridge-aid program.

Gordon noted the engineering recommendation is to install a 20' X 8" open box culvert. Gordon provided Keith a copy of the study of the project to Keith for his review and input. Keith asked Gordon if he had the matching funds with Gordon explaining that the town's matching funds would be coming from Capital Reserve, not budget.

Staff Discussion

Barbara Clark was all set unless the Board had questions for her. Joanne asked about the Action Bulletin from the LGC (**Item E under For Discussion**). Bob noted it was e-mailed to him and he put it in for the Board to review. Joanne noted it looked like they are looking for supportive votes.

Deb Tibbetts noted her only concern was the agenda. She was there to observe.

Nancy Wheeler noted the town had received notice the Community Development Committee that they have received the grant application (**Item B under For Discussion**).

Nancy had a Purchase order from Gary Perry. The Friends of Webster Park are paying for the delivery of wood chips for the playground. Bob noted he usually signed these and signed this Purchase Order.

Nancy noted the Board had the HTA contract for the Griffin Road Bridge design. The town has the DOT approval letter for the engineering contract. Attorney Soltani reviewed the contract in March. Nancy reviewed portions of the DOT letter with Keith reviewing the contract.

Joanne made a motion to accept and sign the agreement with HTA for engineering for the bridge over Griffin Road (HTA Project #908306), (DOT Bridge #BR151/97) with Keith seconding the motion.

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

Keith noted the cost of the bark mulch for the Webster Park playground was \$1,400.00. He asked if this was considered a donation under the RSAs and if the Board had to notice and hold a public hearing. Nancy noted all that was necessary for anything under \$5,000.00 is to give notice of it in the Selectmen's minutes.

CONFIDENTIAL

Discussion occurred regarding a letter in the confidential file from Attorney Soltani. Nancy Wheeler noted the guidance from Attorney Soltani for the acceptance of the funds from the Reid trustees as a trust; it had to be accepted in March after Legislative Body's vote to accept. The Board could accept it and hold it until March, having a Warrant Article as subscribed under RSA 31:19. Nancy stated that she has not heard back from Attorney Soltani as to the application of RSA 35:95-b for acceptance of the funds instead of the process outlined by RSA 31:19.

Nancy Wheeler noted under RSA 35:95 the funds would be considered a donation. Then a public hearing would need to be held by the Selectmen and could allow the Fire Department and Rescue Squad being able to purchase equipment this year.

Joni Kitson – Regarding the “Letter She Received”

Joni Kitson asked each individual Selectman why the letter was sent. Keith understood Joni's interest in the project and her inquiries. He wanted to be sure she understood the process for official inquiries and the restrictive limits of the project area are observed. Bob was concerned when he was called at home. He felt he was being accused of letting out false information. Joanne did not have anything to add.

Joni Kitson asked how the letter was written as it was not on the agenda. Joanne said it was in the “For Signature” file. Bob noted it was created after conversations with the contractor s to Joni's inquiries. Keith noted he drafted the letter as he understood Joni had inquiries to the contractor. Joni noted she had two questions to the Board on June 23rd and reiterated the questions to the Board. She noted she never made inquiries to the contractor. The Board did not know she walked to the site until the end of the meeting of June 30th. She said there was no reason for the letter.

Joni Kitson clarified the contractor called her. The only Selectman who would have known was Mr. Blodgett. Bob noted he may have been the only Selectman who knew of the contact, but somehow another Selectman found out. Joanne noted she heard about it from other people so when she saw the letter she felt it was the correct procedure.

FOR SIGNATURE

5. PSNH Pole license #41-0207

This item was further discussed with Keith reiterating he will not sign the license until the applications had offsets for all three poles being requested for licensures. He noted the RSA requires a minimum offset and if less than the twenty feet setback from the travel way, then a waiver needs to be applied to the Board of Selectmen. By signing the licenses without the proper information, it places

liability to the town. The item was put on hold until the information was received.

FOR DISCUSSION

A. Police Cruiser Bids (4)

The following bids were opened for the police cruiser:

\$700.00 – Robin Frenette

\$850.00 – Mr. Yergeau

\$451.00 – Richard Peno

\$585.00 – Randall Cutter

The Board discussed not accepting any of the bids as the bids were substantially lower than the Blue Book value of \$3,300.00.

Rick Belanger noted he has had luck selling items at the auction in Pittsfield. He said the cost is \$75.00 and a minimum bid could be set. Joanne felt they could get a better price at the auction with a minimum bid of \$1,000.00 being set.

Bucky Stiles felt the car was not worth \$1,000.00 as no one wants a police cruiser. He felt the \$850.00 bid may be reasonable for the 2004 police vehicle. He recommended Central Auto parts be contacted to see if they would bid on the vehicle for parts.

Joni suggested the Police Department have Central Auto parts give an estimate for the 2005 cruiser at the same time.

Joanne will contact Central Auto Parts and Keith will contact Chief Preve to let him know.

B. CDFA - Update

Joanne noted the CDFA committee would be meeting on Thursday to discuss the town's application for CDFA funds on behalf of the Family Estate Cooperative. Bob thought he would be able to attend the meeting.

C. Junkyard Inspection

Joanne noted the Board has a letter from Attorney Forbes dated July 8, 2008. Joanne noted the Board had given Mr. Gilman 45 days to correct the deficiencies and have a reinspection. The letter was addressed to Attorney Soltani and she recommended Al Bickford completes the reinspection. Attorney Soltani has responded on July 9th that Mr. Bickford is not a town employee, is not qualified and was unacceptable. Joanne reviewed the minutes of the May 27th Board meeting regarding this item. Attorney Soltani had given Joanne the following options for the Board to consider:

1. Renew the License
2. Suspend the License
3. Revoke the License

4. Come up with Another Agreement

Keith noted the Board had given Mr. Gilman 45 days to correct the deficiencies and have a reinspection. He noted they have a qualified town inspector and if Mr. Gilman wants to use the first inspector he would have to pay for the full inspection. Keith noted the letter was dated July 8th with the 45 day deadline ending on July 11th. Keith felt the Board had been reasonable as Mr. Gilman has been operating for 4 months under a non-license. Keith found it difficult for the Board to enter into a new agreement at this time.

Joanne felt the letter tells her either the corrections have not been made or the inspection has not been done, feeling it is a delay tactic.

Keith did not want to put Mr. Gilman out of business but he wants to see compliance. He is struggling with how to deal with the issue. He wants to say Mr. Gilman lost his license, but then a legal action would most likely occur.

Joanne was not sure what another 30 or 45 days would do. She felt they have given Mr. Gilman more than enough chances. Keith suggested they have Attorney Soltani determine the earliest date the first inspector would be available. He noted the other option is to have our town Zoning Compliance officer schedule the inspection with written notice to the business owner.

Keith reread the letter and noted the letter did not indicate Mr. Gilman was not ready for the inspection. He again suggested they have Attorney Soltani send a letter with a date that Mr. Hickey would be available to do the reinspection after the five day advanced notice is given for the inspection. Bob felt that was more than fair. He did not think it was fair the other operators did not have extra time.

Bruce Graham asked if anyone on the Board inquired as to why Mr. Gilman needed more time. Joanne said that she wanted to know what the extenuating circumstances were that caused Mr. Gilman to need more time. Increased business and not enough time is not an excuse. Keith added that if he had a business that required a license from the town, he would make it a priority, even if it cost him money in the short-run. Discussion occurred the original additional time was for the attorneys to have dialog. Attorney Soltani will be requested to forward a letter.

Common Land – Whitehouse Acres

Joanne noted the Board had a letter signed by most of the owners regarding R01-30-18 (Common Land for Whitehouse Acres). The letter was read.

Keith understood the plight of the owners and reviewed the issues and zoning ordinances concerning the management of the open land for the cluster development. The Board needed to decide how to return the land to the tax roles and needs to review the Planning Board's conditions for the subdivision. He

noted the owners do not wish to continue with a Home Owner's Association, but the original Planning Board approval may have conditioned the approval on the management of the common land. If this is the case, the collective owners may have to go back to the Planning Board to seek a change in the original condition. Joanne noted the next step would be to review the information from the Planning Board files.

Keith inquired with the owners present why they did not wish to continue with a Home Owners Association. Mr. Morency noted at a meeting of the owners they felt it was best for neighborhood harmony to give each property owner a 1/9th ownership. Seven of the nine owners were in agreement, one of the owners is in the process of selling and the other owner did not attend the meeting. Keith noted his concerns with the 1/9th ownership as it does not place the common land in a management and places the town at more risks.

Mr. Morency asked when the development was approved why the town did not make sure the developer followed through with the conditions. Keith noted that a Home Owners Association was set up and the requirements were met. The problem was with Trevor Development not transferring the land to the Home Owner's Association and to clearly state the requirements in the deed of the land.

Keith stated the Board needs to research the original development and conditions to determine the best course of action. He felt they could come to an approach that was best for the town and the owners. The Board will notify the owners in writing as to when the item will be returning to the agenda. It may be in the Board's best interest to hold a public hearing once the recommended course of action is determined with certified notice to all owners to allow public input on the final decision for the land transfer back to the cluster development property owners.

The Board took a break from 8:10 P.M. to 8:26 P.M.

E. LGC Action Bulletin

Barbara will be getting more information on this for the Board.

F. LGC/Group Rate SVRTA

Joanne reviewed the information from the LGC for combining the town's insurance with the other towns in the association. The information for Epsom indicates a 20% savings for next year if the group insurance is taken. Joanne also read an e-mail from Bruce Dyke asking if other towns could join the insurance program for further savings. Notification to the LGC is needed by August 1st. Primex is also providing a group insurance rate that has not been received to date.

Discussion occurred that renewal would be every 2 years and the risks with entering into the group approach. The town would also have to enter into a group cooperative with penalties if they leave the group, this involves a legal process. The potential of administrative costs of the cooperative were discussed. There

was a consensus to delay a decision until they have the Primex rate and complete research on the proposal.

Joanne noted the next meeting of the SVRTA is August 20th at 7:00 P.M. at the Pittsfield Town Hall.

G. Water Report at Webster Park Swimming Hole

Bob noted a second water test shows the bacteria count was still high. He had requested Gary Perry have another test completed this week.

H. Request to Carry Over Vacation Time

Joanne noted the request was from Nancy Wheeler with the time to be used by the end of August. There was a consensus to allow the request.

I. Ethics Committee

Joanne noted the Ethics Committee had not been discussed in some time. In reviewing the interested parties for the committee she suggested the Board consider dissolving what the town has for an Ethics Committee.

Keith felt they should look at the Ethics Policy to change the process. He noted that the process is already established by statute for the board of Selectmen to address for town elected officials and salary staff members. Any complaints on the Board of Selectmen members are also outlined by statute and require Superior Court action.

Joanne noted last year the LGC had indicated that per the RSAs procedures are already in place for removal of a Selectman, for example, and that the Ethics Committee can't take action to remove anyone. They are only advisory. Joanne will have the office provide the Board with copies of the exiting documents for further discussion.

MINUTES FOR REVIEW AND DISCUSSION

Joanne noted Nancy Wheeler and Wayne Preve pointed out an omission regarding sealed bids for the 2004 cruiser in the minutes of June 16th. Joni Kitson remembered there was a statement in the minutes but it was stricken. Bob found where it was requested to strike the statement in the draft minutes.

Further discussion ensued. An addendum will be done for the June 16th minutes that Chief Preve indicated that he had put the 2004 cruiser back out to bid.

Final Minutes of June 23, 2008

Joanne made a motion to accept the final minutes of June 23, 2008 with Keith seconding the motion.

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

Draft Minutes of June 30, 2008

The Board reviewed and amended these minutes.

Joanne made a motion to accept the draft minutes of June 30, 2008 as amended with Keith seconding the motion.

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

Multiple Non-Public Minutes for Release (6)

Keith suggested the Board delay review and discussion of releasing these minutes until the next meeting so the members could review them individually. There was a consensus to delay review of these minutes.

CONFIDENTIAL

Letter from John Klose Re: Fire Department Personnel

Keith noted this item is non-public and should be passed on to the Fire Chief as it relates to an employee/volunteer. Keith stated this falls under the responsibilities of the Fire Chief as to how and/or if he wishes to address the issues outlined in the letter. The Board agreed to pass it along to the Fire Chief with no recommended action from the Board.

Two Letters from Town Counsel

One item had been addressed previously.

Discussion occurred regarding the second letter. Attorney Soltani provided a draft letter responding to the Library Trustees lawyer's letter and he was looking for Board input before he sends the letter. Keith noted it comes down to the basic issue of does the Statutes allow the Library Trustees to enter into a multi-year lease and whether they have the authority to enter into a lease on the old library property. Keith noted it may be best for a representative of the two boards meet to discuss this with respective attorneys.

Joni Kitson noted the Trustees initiated discussions with the Board of Selectmen on January 7, 2007. She noted at that time the board directed the issue to Attorney Soltani. The Trustees intent was also noted in the Town Report with the current Board having discussed the issue on March 24, 2008. Keith noted it was also briefly discussed at the 2007 Deliberative Session for the use of the old library building for the Epsom Historic Association.

Joni Kitson noted Attorney Soltani was involved in the original discussion and he may remember the discussion. She remembers at that time Attorney Soltani indicated they should not do anything written.

Bob said the type of agreement was the concern. Carole Brown felt Keith was on the right tract to have the Board discuss the issues with the Trustees. Keith volunteered to sit down with the Trustees, their attorney and Attorney Soltani. The issues to be discussed include how to manage the property, whose budget addresses the maintenance of the property for utilities, etc., does the Library Trustees have the rights to lease the property, if the library trustees consider the rental a donation and if the amount of the donation is over \$5,000.00, does a public hearing need to be held to accept the money. Carole Brown suggested having the president of the Historical Society involved also.

There was a Board consensus to have Keith meet with all representatives and iron out the legal items.

FOR YOUR INFORMATION

d. Comcast – Preparing for the Broadcast Digital Television Transition

the town received information from Comcast regarding Digital TV conversion with sample letters for mailings that Towns could use to communicate to residents what is involved. Joanne asked Comcast to send her the documents digitally so she could send them to the local newspaper, as the town has no money to do a mailing. This has been done.

g. Note Concerning Website from Dan McGuire

Mr. McGuire was asking for a link to the town website. As it would be political the response will be this would not be allowed.

Joni Kitson noted the town now has two websites. Joanne noted the old website is only there so the Website Committee can transfer the information to the new Website from the old one. Once that is done, the old website will be unavailable to anyone.

f. report from Road Agent Gordon Ellis Regarding Silting in Water Runoff at Prospect & Black Hall Road as Well as report of Water Flows at Cass Road

Dick Frambach asked to have this item read.

Bob noted no action was required. Bob read the report from Gordon Ellis regarding Cass Road. Keith noted in the Road Agent's opinion, everything was clear and there is no problem.

Dick Frambach noted the water runs over the wall and the wall is the problem. There is not much you can do to protect the wall. He felt the board should proceed with George Carlson's suggestion for putting in a paved swale. Keith inquired as to whether a State wetland's permit might be needed to do work from the top of the bank of the Little Suncook River as required from DES.

Keith summarized that Mr. Frambach recommends the town pave a swale and repair the wall damage from past events. Mr. Frambach discussed the current grading on Cass Road. He noted there is also a difference of opinion between the Road Agent and him as to where the Cass Road right of way is. Mr. Frambach felt the drainage worked fine until the town put the barriers on the bridge.

Keith inquired as to whether the wall damage was from the flood waters experienced during the 2006 and 2007 storm events? Mr. Frambach explained the wall was washing out from the runoff along the dirt road. He noted no flood water from the river came as high as the wall.

Joni Kitson noted the Road Agent had been instructed by prior Boards to repair the wall but have not completed the work for one reason or another. Bob noted they were waiting a call from DES to see if they could repair the wall or if a permit was required.

Keith asked Bob if the road Agent was coming up with an estimate to repair the wall. Bob said he was doing an estimate to complete the swale paving.

Keith noted they had two sides – the Road Agents as to what he had done and if it had corrected the problem and the owner’s assessment of the damage to the wall. He noted the homeowner’s basic concern is the damage to the wall caused by the runoff from the town water. Keith noted they may need to discuss this with Attorney Soltani. Keith noted if it is determined the damage was not caused by the town’s runoff the owner may need to take the town to court to prove it did. Keith recommends getting a price to repair the wall and see where it falls. He noted that 4 years was a long time and they either agree to repair the wall or don’t agree to its repairs. He requested a report in two weeks.

Miscellaneous Discussions

Keith noted the Board needs to look at the budget to see where they are at and seek which budget lines need to be frozen or funds transferred.

Keith noted on a personal disclosure that he is having his residential driveway repaved, and have obtained three estimates from local contractors. He is making it publicly noted that he will be contracting with a local contractor that does business (Advanced Excavation and Paving) with the town through the Road Agent.

Joanne noted she had filled out paperwork to rent a table for Old Home Day and there was no waiver paperwork attached as the Board had discussed the Old Home Day Committee would be required to do for all participants. She will let the Board know if she is asked to fill out waiver paperwork or not..

Keith noted former Selectman Dick Todd had died and wanted to acknowledge the town's condolences to the family and the dedication he had to the Town of Epsom. He noted Dick will be missed.

Joanne made a motion to adjourn the meeting with Keith seconding the motion.

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

Bob adjourned the meeting at 10:25 P.M.

Respectfully submitted,

Betsy Bosiak
Recording Secretary