

**TOWN OF EPSOM
BOARD OF SELECTMEN
July 25, 2011**

Keith _____
Don _____
Bob _____

Final _____
Accepted _____
Accepted as Amended _____

Present: Keith Cota, Chairman; Don Harty, Vice Chairman; Bob Blodgett; Darlene Phelps, Recording Secretary

Also in Attendance: Betsy Bosiak; Andrew Walton; Herb & Lee Bartlett; Mary Frambach; Jay Hickey; Nancy Wheeler; Debbie Tibbetts; Rick Bilodeau; Marylou Lafleur-Keane; Gordon Ellis; Stewart Thompson; Rob Topik; Dawn Blackwell; Cec Curran

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

6:15- 6:35 pm Non-Public - Fire Chief Yeaton: Keith asked Chief Stewart Yeaton what the purpose is for the Non-Public. Stewart replied that this has to do with the billing of the tanker and the integrity of the company. Keith said this matter will fall under Reputation and RSA 91-A:3 II c. Bob made a motion to go into Non-Public Session under RSA 91-A:3 II c. Don seconded the motion. All in favor. Don, Bob, Keith & Chief Yeaton entered into Non-Public Session.

At 6:35 PM the Board members returned and reconvened the meeting. Keith stated that no decisions were made during the Non-Public Session, the discussion related to a disputed billing issue, and Don will draft a letter to address the issue through the Board of Selectmen.

Don made a motion to seal the minutes for a period of 6 months from tonight's meeting (July 25, 2011). Bob seconded the motion. All in favor.

6:30pm Department Heads Meet

Office: Keith asked if the Department Heads received a copy of the new PO policy the Board is looking for input on. Not everyone has one, so the Board decided to address this at the August Dept. Head meeting. Keith suggested that feedback be provided before the Aug. 22 meeting if possible. Don apologized for not following through for ensuring it was sent to the Dept. Heads.

Welfare: Lee reported she is very busy in the food pantry. She is starting to see a more people who are in need of long-term assistance. A lot of these people previously qualified for State assistance, but due to the State budget cuts these people now will likely qualify for Town assistant. Lee thanked Bob for his service to the town. Keith noted that Representative Dan McGuire will be attending the Budget meeting on August 11 to discuss the State budget and Keith suggested that Lee attend if possible to discuss how to handle the town welfare increased demands in light of the State budget cuts to Department of Health and Humans Services.

Town Clerk: Dawn reported that 89% of the first tax bill has been paid. Civil Forfeitures for dog licenses have been sent out, so people have been coming in registering their dogs. Dawn also reported that she received a donation of hanging file folders from a resident with an estimated value of \$40.00. Dawn said she went to an Avitar workshop, and was introduced to a new online program which is available to homeowners that will allow them to go online and verify taxes have been paid, what the current interest charges, etc. The cost of this added service is \$480 annual fee and feels it would be worth it, as last week, she had 20 calls alone asking if taxes have been paid on a particular piece of property. She would love to participate in this program, but doesn't have the money in her current budget. So she is planning to include the cost for the online service in next year's budget.

Fire Chief Stewart Yeaton: YTD billing on the ambulance is approximately \$123K, with about \$95K collected. As usual for this time of year, the ambulance has been very busy. There have been 3 fires locally in the past week. Fire danger is very high right now, and he has suspended permits until we get 2-3 days of rain. He met with the River Committee last week and things are moving along. He has been encouraging the Fire Dept. Volunteers about the investment the town has made on them in training and reminded them of their obligation to use the training and serve the town. He assisted the

PD in a DWI checkpoint recently and commended their professionalism. Both ambulances are up and running at this time. Stewart noted that when transporting a patient to Concord Hospital, they are not able to leave until they officially turn the patient over to medical staff. When the hospital gets backed up, it causes is a ripple effect, because it keeps the town's emergency responders at the hospital for a longer period of time. He continues to pay careful attention to his budget and is looking very hard for the additional \$10K for the increase from the NH Retirement System caused by the reduction for matching cost in the recent State approved budget. Stewart said he has requested that some people stop taking certain trainings to reduce costs to his department in hopes of making up the shortfall.

Highway Department: Gordon said they have mostly been cold patching, and doing clean up, and plans to continue for the next month. They have installed several new culverts and will begin grinding Old Town Road within the next month. Keith said he received a call from a homeowner on Old Town Road about too much ditching being done without erosion control within one of the steep section. Gordon said there has not been extensive ditching done, because they were already in pretty good shape, and the entire road is steep. Gordon said he'll go look at that on his way home tonight. Gordon said when Bob came into office, he had a goal, and for reasons beyond Bob's control, that goal was not met. Gordon would like the other BOS members to look at Bob's goal to "clean up some of the dumps" around town – meaning properties that need to be cleaned up, and try to reach Bob's goal.

Zoning Compliance Officer: Jay said Bob has made him aware of some of these "junk" properties. Some of them are "lifestyle issues" which are not regulated by zoning. If some of them – for example, have 2 or more junk vehicles, those are zoning compliance issues that he can address. Jay said the Fredyma buyout is likely to become finalized at the end of September. At that time, Epsom will have 90 days to demolish the property. Jay noted the reuse of the garage is being looked into for the Parks Department.

Jay noted that he is working on several other zoning violations as well. Jay said he is going to try to schedule his time during the next 4-6 weeks to be in the office during office hours while Barb is out on leave and offer assistance as may be needed during the short staff period.

Emergency Management: Rick said he's been busy fighting wild fires out west. He has been doing some ICS training. He would like to get some town maps and organizational charts laminated for the EOC. He is hoping he can use his Department's funds that are available to do that; The BOS said yes, the money is in his budget and he can spend that in accordance to the current purchase order policy. Rick asked when Joanne can be appointed to Public Information Officer, as he will need her for some certification training soon. Keith said he understands the BOS has already officially approved her appointment to that position, and will ask Debbie to research this and to present the appointment papers for BOS signature. Rick indicated that he will be doing a walk-through tomorrow to determine if the school (primary) and Epsom Manor (secondary) can be certified as a cooling station or warming station during an emergency event. He continued to encourage the investment of a large generator for the school facility for backup power.

Trustee of Trust Funds: Marylou said she sent all the balances as of June 30. Road reconstruction has used a significant amount of money and the Library has requested \$5K for new books as of last week.

Budget Committee: Marylou said she will be contacting Dan McGuire about the August 11 meeting and ask if he has an agenda and will solicit comments and questions ahead of time so that the meeting stays organized, and Dan can be prepared to answer questions. Keith asked the Department Heads to send any questions they may have in regards to the impact of the State budget to Marylou.

Health Officer: Cec said the BOS has received a copy of the Memorandum of Agreement for execution. Keith said the BOS already signed one, but some adjustments had to be made. Cec advised that the revised version is the updated final MOA from the State for the BOS to sign. This agreement will only be valid for three years, unless something significant changes which requires a new agreement and incorporates the new State health code regulations.

Written Reports:

Police Chief: Chief Preve had some minor issues with things breaking at the Police Office. He had some issues with the front door and the garage door and the AC unit and then the 2007 cruiser had an AC issue, which he was able to repair the AC issue in the car himself. On July 15th a DWI checkpoint was held and resulted in 15 arrests. The speed and DWI grants have begun. Civil Forfeiture notices are being distributed. Officer Flanders is graduating from the academy soon.

Chief Yeaton noted that the PD very recently talked a suicidal veteran out of hurting himself, and allowed him to be transported to get some help. He noted the dangerous situation they were in and the professionalism of the Department and extra personal care they were able to use to defuse the situation. He noted that he has great respect of their actions.

Webster Park: Gary Perry reported they are removing debris & logs and planning to do more clean-up. The circus is coming July 26 5:30 – 7:30. August 12-14 is Epsom Old Home Day.

Conservation Commission: Alison Parodi reported that Roadside Cleanup was done and a report will be in the paper. She reported that 246 acres have been put under conservation easement and Bear Paw has filled the annual report for property oversight.

Planning Board: Betsy said the Planning Board has been very slow, so they didn't have a 2nd meeting in July. Two smaller items remain on the agenda for this Wednesday.

FOR SIGNATURE

1. **Manifests** have been signed.
2. **Payroll** has been signed.
3. **Accounts Payable** has been signed.
4. **Appointment Papers – Cemetery Trustees** were signed for Whitey (Greg) Foss and Hugh Curley.
5. **Health Department Memorandum of Agreement (MOA) – 2** Bob made a motion to enter into an agreement with the Dept. of Health & Human Services for health inspections within the town. Don seconded the motion. All in favor.
6. **Application for Leave** has been approved and signed.

7:30 PM

FOR DISCUSSION

- A. RSA 91:A Request (See Response Letter):** Mr. Rob Topik requested a copy of the source materials from the Recording Secretary's laptop. A response letter was sent stating that those materials are not available under the Right to Know Law until the document has been submitted to a quorum of the Board.
- B. Response to RSA 91:A Request:** Mr. Rob Topik requested to know what questions were posed to the Town Attorney and what the responses were. Keith explained that discussions with the Town Attorney and legal staff at LGC are not disclose-able available under the Right to Know Law and remain privilege information between the Board and our legal representation.
- C. Request for Raffle:** Bob made a motion to approve a raffle for themed baskets to benefit the American Legion Auxiliary Unit 112 during Old Home Day. Don seconded the motion. All in favor.
- D. Heating Oil Bid (1):** One bid was received from Davis Fuels. Bid dated July 22 from 9/1/11 – 8/31/11 will be the varying dependent upon the cost at the time of pick-up plus \$.25 per gallon. Keith said this will need to be discussed with Nancy, and decide how to proceed. In past years we have had a set price. Don said Gordon told him the school has a set price contract from Fuller Oil. At this time this bid is not being accepted.
- E. Donation of 4GB USB Flash Drive:** Keith asked the donor of the flash drive if there are any conditions that go along with the donation of the equipment. Rob Topik said there are no conditions; however, the purpose is for the source notes to be saved on the flash drive and kept in the office. Keith stated that the town has received a legal opinion from two sources stating that the draft minutes must be available within 5 working days or at the time the draft document has been present to a quorum of the

BOS. Don made a motion to not accept the donation of the 4 GB USB Flash Drive. Bob seconded the motion. All in favor. Keith returned the flash drive to Mr. Topik.

7:40 PM

MINUTES FOR REVIEW AND DISCUSSION

- **Draft – July 11, 2011:** Bob made a motion to approve these minutes as amended. Don seconded the motion. All in favor.
- **Final – June 27, 2011:** Don made a motion to approve these minutes as presented. Bob seconded the motion. All in favor.

POLICY REVIEW

- **Purchase Order Policy:** Will be discussed at a later date.
- **Board Procedure for Public Meetings Policy:** This has been reviewed and some grammatical errors were corrected. The BOS agreed to obtain public input during the open session.

FOR YOUR INFORMATION (*No action required*)

- **NH LGC Annual Conference:** November 16 & 17, 2011 at the Radisson Hotel in Manchester
- **Letter from Resident on Lantern Lane to Road Agent:** in regard to the condition of Goboro Road. This will be forwarded to Gordon so that he can respond to the resident with a copy to the Town Office and BOS.
- **America Approved Energy Services:** This is an energy audit proposal. Don agreed to call the company to get more information and will refer him to the SVRTA.
- **Service Link Update**
- **ZCO Correspondences:** Letters were sent to Mr. Rick Belanger, Mr. Michael Miller and to Mr. and Mrs. Jeffrey Eames.
- **Report from Councilor St. Hilaire**
- **Town Building Inspection Forms:** July 19 - Old Town Hall, Historic Meetinghouse, Old Library - No problems

8:00 PM

Public Questions & Comments:

Jay Hickey expressed his concern for the PD & FD coming up short in their budgets due to the increase in the NH Retirement System. He suggested the BOS should consider looking across the budget to lessen the impact to the two Departments.

Betsy thanked Bob for his time as Selectman and noted the time he has invested during his term. Jay echoed Betsy's sentiments. Rob Topik thanked Bob as well.

Rob Topik noted that he received a response letter in regard to his request for source materials for the BOS minutes as typed by the secretary. Rob is asking what specific criteria the legal opinion is based upon that states that the source materials do not have to be released. Rob asked if Don agrees that the "working papers" do not need to be released. Don replied that he agrees that the working document does not need to be released. Rob wants to know why the BOS doesn't want to release the source document.

Rob wants to provide input on the Board Procedure for Public Meetings Policy and stated that he thinks a policy of this importance should have been listed on the agenda designated for public input. Keith advised that the Policy Review is listed on the agenda and the attending public members can provide comments during the open session. Don said he would like to gain more public input at the next meeting. Rob requested the opportunity to provide written comments on this policy.

Mary asked if the draft Board Procedure for Public Meetings policy can be put on the website for public review. Keith pointed out this document is not a 'policy' it is a Board 'procedure'. The BOS agreed to put the draft policy on the website for public review with a note that written input be provided by Thursday, August 4th to allow the members time to digest the comments for discussion at the August 8th meeting.

Andrew Walton said if the margin of correction to the minutes is 90-95%, then what is the difference between the minutes being turned in tonight or tomorrow morning? Keith said the BOS members need to have the opportunity to review the minutes for content and accuracy as it remains the Board's responsibility to accept the draft and final minutes.

Rob Topik wants to speak again about the Right to Know law. Bob said he feels that this issue keeps being brought up and the same topic is discussed over and over while the BOS keeps getting legal advice, and Rob keeps pushing the same issue and, whereas, it gives the appearance that Rob thinks something underhanded is going on. Rob said there are always 2 sides to a story and he disagrees with the town's legal interpretation.

Jay Hickey expressed his feelings that this discussion about the Right to Know law is an incredible waste of BOS time without real purpose. Keith said that the results of the requests have resulted in legal fees by our town attorney due to this ongoing discussion, which he feels should be officially reported on at BOS meetings once we have received the legal invoices. He noted the public has the right to know how much this singular topic by Mr. Topik is costing the taxpayers. Jay feels that once the BOS gets a legal opinion, the Board should present it and let anyone who disagrees to take legal action, as this discussion has been and continues to be emotionally and financially draining.

Keith closed the public session as no new topics were being presented.

Board Member Liaison Reports:

Bob turned in his keys to the Town Office and to the Emergency Management supply cabinet at the Fire Department.

Don noted that the water bill at the Old Town Hall has increased quite a bit. He inspected it and found the plunger in the toilet was failing, and was running constantly. He fixed it temporarily, but is still looking for the correct parts to have it fix correctly.

Don reported on the Cable Committee Meeting. He said he became aware of grant funds from the cable company that can fund a public access channel, if the town is interested. The Committee is going to look further into that. Don feels that public broadcast of these meetings might cut down on the amount of discussion relating to the timing for the disclosure of the minutes.

Keith attended the River Meeting last Thursday and noted that the group is looking into setting up a Rivers Management Protection Corridor for the Suncook River. There were representatives from Barnstead and Gilmanston at the meeting who express support to proceed. . The grant for CNHRPC was approved by DES to cover the cost to prepare the application. They are looking to form a nomination committee comprised of residents and elected officials. Keith would like to request Eric Orf to participate due to his strong interest in the river. Keith noted that a public informational meeting will be held in Pembroke by NHDES on Thursday to discuss the removal of the Buck Street Dam. All public members from the river towns are invited to attend.

Keith and Don thanked Bob again for his service.

8:40 PM Bob made a motion to adjourn. Don seconded the motion. All in favor.