

**TOWN OF EPSOM
BOARD OF SELECTMEN
August 8, 2011**

Keith _____
Don _____
Bob _____

Final _____
Accepted _____
Accepted as Amended _____

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

Also in Attendance: Dave Fiorentino; Gordon Ellis; Chief Stewart Yeaton; Capt. Moulton; Betsy Bosiak; Daniel Houde; Nancy Wheeler; Debbie Tibbetts; Richard Frambach; George Carlson; Andrew Walton; Rob Topik

6:15pm Keith called the meeting to order and asked Gordon to lead us in the Pledge of Allegiance. Keith asked the audience for some flexibility in addressing the agenda slightly out of order and asked Don if he was in agreement to address the first two items under discussion before the agenda items with scheduled times. Don agreed, so the first two items were discussed.

- **Reconsideration of Resignation:** Keith indicated that after the last BOS meeting, Bob called both of the Selectmen and advised that he had reconsidered his leaving the Board and would like to rescind his resignation. Keith indicated that checked with Attorney Soltani, Town Attorney, who advised that because the Selectmen did not officially make a motion to accept Bob's resignation, the resignation can be rescinded. Keith inquired with Bob as to whether he still wants to reconsidered his decision and seek his original position on the Board. Bob indicated that he wishes to return to his duties as Selectman. Keith noted that several letters (four) of interest for the open Selectman's position were received, and noted that even though the Board could grant Bob's request, the town has several committees with openings that the candidates could serve within the town. Keith opened the discussion up to the general public for input. George Carlson asked why Bob resigned to begin with. Bob replied that he made a hasty decision, and immediately regretted it.

Don made a motion to reject Bob's letter of resignation based on Bob's request to rescind it. Keith seconded the motion. All in favor.
The BOS members welcomed him back.

- **Applications for Open Selectman Position:** Keith noted that four individuals expressed their interest in the Selectmen position which includes Mark Riedel, Michael Wiggett, Daniel Houde and Mary Frambach. Daniel Houde, one of the residents who expressed an interest in the vacant BOS position, was in attendance at tonight's meeting. Keith advised him of positions available as an Alternate on the Zoning Board of Adjustment and the Planning Board, and said if he is interested, then he'd be happy to pass along more information and put him in touch with the Board Chairpersons. Keith noted that these other Board opportunities would be available to all residents of Epsom, including the other people who expressed interest in the expected vacant BOS position. Keith advised the Board will send letters of appreciation to each candidate.

6:25pm **Stewart Yeaton, Fire Chief and Captain Moulton;** Chief Stewart Yeaton explained that Tanker 1 was brought to Valley Fire Equipment for repair. The plastic tank fitting was cracked and had to be repaired under warranty. Stewart indicated the Fire Department received a quote to replace the pipe unit for \$335 and that figure was used for the Purchase Order in accordance to town policy. After the repair was done, the final bill received was \$2,660. Per advice from Town Counsel, a Non-Public Session was held last week to discuss this sensitive matter. Based upon the discussion

at the last Selectmen's meeting, Don sent a letter to Valley addressing the issue to determine if the company would be willing to open discussion on the total of the bill to be paid. Since the letter was received, Don noted that he received several email responses requesting full restitution. Within the emails, it appears the Fire Department staff authorized the repair at whatever cost.

Stewart said there was an original question about covering the tank under warranty. The company believes that the crack was caused by traveling over frost heaves. Stewart explained that since the tank was manufactured in Maine, he would think they would cover damage caused by the vehicle traversing over frost heaves. Stewart stated that since the last meeting with the Selectmen he also spoke to the Fire Chief in Weare, who experienced a very similar situation with Valley Fire Equipment for repairs exceeding the original quote and final charges in the same range. Though the Fire Chief in Weare could not release the details of the settlement, he said he did not believe they paid the full amount. Stewart has also learned that the towns of Weare & Northwood no longer are doing business with Valley Fire Equipment.

Captain Moulton said he had been in contact with the company doing the work and was very firm in telling them not to allow any additional expenses without speaking to Chief Yeaton, as the Town is in a budget freeze. After talking with the company he was told that they had to take it apart and put it back together several times before discovering the cracked fitting.

Keith recommended that the town pay only the amount that was quoted, although this could result in legal action by Valley Fire Equipment. Chief Yeaton said if Epsom chooses to no longer do business with Valley Fire Equipment for repairs, then future repairs can be done in Massachusetts or at Lakes Region Fire Equipment.

Captain Moulton noted that one of the air valves in the front of the vehicle was authorized to be replaced, which was \$128.00 + \$100 in supplies, and feels that should be paid for. Keith said he will advise Attorney Soltani of the decision to pay the quoted amount only plus the cost to repair the air valve in the amount noted.

Don made a motion to authorize the town to pay \$658.24. (the quoted amount of \$335, plus the additional for the air valve) to Valley Fire Equipment. Bob seconded the motion. All in favor.

Stewart asked if it's ok to move ahead with the purchase of the Jaws of Life. The BOS said that since a substantial amount of the taxes have been received, and then yes, it is fine to proceed with that purchase.

6:40pm Staff: Nancy said the school has started their bi-weekly requests for their appropriation. Nancy said checks will be ready for signature by about 2 PM tomorrow.

6:53pm Meetinghouse Committee – Proposal for Updated Drawings / George Carlson & Richard Frambach: Keith said that several requests have been made for surplus material located at the site, and the Board does not want to dispose of this material until it is fully used within the site or used by another town department. George showed a drawing for the proposed grading and explained the grading that needs to be done on site that could benefit the requirements for emergency access and life safety needs. Keith said he agrees with the concept, but wondered how the work will be paid for, since it has not been budgeted. Keith said if sufficient funds are available within the account for donations or whether a contractor volunteers his time & equipment that would be fine. Richard noticed that in the FYI section of the agenda, it seems that LCHIP is announcing Grant Round 10. He suggested that a plan be made for some work & apply for some grant money. Don advised that he met with JCM Engineers for a quote on the assessment of the building for life safety codes and they did a full walk through and provided a proposal to do the study for the life safety/ fire safety assessment. . The quoted amount was for a low range of \$750 to an upper range of \$900.

Keith noted quote appears very reasonable; however, a Warrant Article failed this past March for engineering and architectural services that include a life safety analysis on this building, so even if the town had the money they couldn't spend it on this engineering. Keith also noted our attorney also cautioned against using donated money for this purpose as this could be construed as use of public funds. Don noted that while the perception would need to be addressed by the Board, it would be within the Board's authority to use donated funds as long as it was not obtained through taxes. Keith

asked if there is enough donated money within the Meetinghouse fund to pay for this study. George said yes.

The BOS said they would be happy to review a request from the Meetinghouse Committee to spend donated funds for this study and a proposal for lot re-grading.

7:15pm Gordon Ellis – Highway: Gordon said he has finally used his vacation time. In regard to the oil bids, he suggested asking for a pre-buy quote for heating oil.

He explained that the area of the yard where the salt/sand shed is going to be has been paved.

Gordon said the salt shed has a Capital Reserve Fund, and he'd like to take the cost of the salt shed out of that fund. He feels this shed will last at least 10-15 years. The new shed will be approximately 60' x 24'. Gordon invited anyone to come see the new shed.

He noted that work on Old Town Road will begin within the next month. He said he has become aware that underground cable is being laid in surrounding towns along some State highways. He asked if the Board has seen any requests to place the cable within the town. The Board replied that no requests have been made to date. He just wants to be sure that if any cable is laid by crossing any of Epsom's town roads he wants to be advised. Keith asked Gordon to contact NHDOT District 5 Maintenance office to inquire as to any issuance of utility permit for this neighboring community work. Gordon noted that he is very pleased with the result of Mount Delight Road. Gordon said Jay and he went to the Fredyma property today and tried to determine if a reasonable method could be used to remove the fill from the property. He noted that it will be challenging and expensive.

7:25 PM

FOR SIGNATURE

1. **Manifests** have been signed.
2. **Payroll** has been signed.
3. **Accounts Payable** has been signed. *Note: After reviewing the legal invoice, he noted that to date \$442.50 has been spent for legal fees relating to the 91:A Right-to-Know requests by a town citizen.
4. **Intent to Cut: (1)** Tax Map/Lot R9-47-1 is off Echo Valley Farm Road, and will likely require a bond of \$1526.59 because there are some outstanding taxes on this property. Keith said if there are any houses in the area, he would suggest recommending a flagger escort to be present during the egress and access of the vehicles for the cut. Don made a motion to approve the Intent to Cut upon receipt of a bond in the amount of \$1526.59. Bob seconded the motion. All in favor. This will be signed upon receipt of the bond.
(2) Tax Map/Lot R01-29 located off Poor Town Road, Class VI Town Road, Keith said they intend to access the public streets through Pembroke town roads, and, it appears the practice of Pembroke is to require road bonds. This road is also very narrow, and he would suggest a flagger escort be required for vehicle egress and access to ensure safety of the residential property for their access. Betsy asked why Epsom wouldn't require a road bond for Poor Town Road since it is a Class VI road and there are no funds in the town budget to maintain a Class VI road. The Board decided that, as a minimum, the landowner needs to go to the Town of Pembroke to inquire about access through their road system and the need for a road bond. Debbie will be directed to send a letter to the property owner inviting him and his logger to attend the next BOS meeting for further discussion.
5. **Veteran's Exemption:** Don made a motion to approve the Veteran's Exemption on Tax Map/Lot R11-29. Bob seconded the motion. All in favor. This was signed.
6. **Permission to Access Property Letters** have been signed. These are for properties along the Suncook River and are for the River consultant to complete their assessment and environmental reviews. There are 8-10 properties that were not included in the original list. Most of them are located along the railroad bed.
7. **Request to Carry Over Vacation:** Nancy Wheeler has requested a carry-over of vacation until November, due to short staffing in the office. Don made a

motion to approve the 40 hour vacation carry-over until 11/30/11. Bob seconded the motion.

8. **Management Representation Letter** was signed.

7:35
FOR DISCUSSION

- A. **Re-allocate Liaisons:** The BOS will go back to the original department liaison designations as decided March 14, 2011. Bob will contact the Department Heads to inform them of his return as their liaison
- B. **RSA 91:A Request / Response:** Another 91:A request has been received from Rob Topik requesting the same information as previous request and the response would be no different than the first response to him. Keith advised the letter has been sent on to Attorney Soltani, who will be replying directly to Rob Topik.
- C. **Emergency Operations Center (EOC) - Public Info Officer Job Description & Appointment:** Rick Bilodeau has requested that Joanne Randall be appointed to this position as Public Information Officer, and noted Joanne's willingness to serve in this capacity. Bob made a motion to appoint Joanne Randall as the Public Information Officer in the EOC, as the Selectmen's Designee until August 30, 2012. Don seconded the motion. All in favor.
- D. **Heating Oil at 4 Locations:** Keith asked Nancy about the "bid" that was received from Davis Fuels for heating oil. Nancy agreed that it will be difficult to budget by what they offered. Don suggested sending letters to all local oil companies asking for a bid, which will be much less expensive than placing another ad in the paper. He also suggested trying to have the same delivery company as the school system. Nancy said the amount for the oil cost would be needed by the time budget season starts in September. Keith also suggested asking neighboring communities who they are using for their oil delivery this year and include their companies in the invitation to bid. This request will ask for a fixed price per gallon for an estimated number of gallons. Don will work with Nancy on developing these letters to be mailed out.
- E. **Suncook River Floodplain Mapping:** Keith received a letter from Jennifer Gilbert regarding the flood mapping. Jay is in contact with her frequently in regard to our flood ordinances, etc. Keith noted the current FEMA maps are no longer valid due to the 2006 river avulsion. Keith said the mapping that was done a couple of years ago by USGS with FEMA grant funds is mostly accurate, but still may need revision due to ongoing river changes. Jennifer is currently working on flood mapping for Pembroke & Allenstown as well. Keith feels if there is any cost to this mapping it should be paid for by the State through the approved Capital Program. He feels we should give Jennifer the authority to move forward. If it turns out that there is any fee, the town could back out at any time. Don made a motion to authorize the Chairman to apply for a map revision from FEMA. Bob seconded the motion. All in favor.
- F. **Request for Raffle at Old Home Day:** Knights of Columbus Council 11606 requests to hold at raffle during Old Home Day. Don made a motion to grant this request. Bob seconded the motion. All in favor.

MINUTES FOR REVIEW AND DISCUSSION

- **Draft – July 25, 2011:** Bob made a motion to approve the draft minutes of 7/25/11 as amended. Don seconded the motion. All in favor.
- **Final – July 25, 2011 Non-Public** Bob made a motion to approve the minutes of 7/25/11 as presented. All in favor.

- **Final – July 11, 2011:** Bob made a motion to approve the final minutes of 7/11/11 as presented. Don seconded the motion. All in favor.

**8:05 PM
POLICY REVIEW**

Board Procedure for Public Meetings & Government Records Policy: The draft policy was posted on the website after the last BOS meeting and the public was invited to provide input by close of business hours on 8/4/11. An email was received by Mary Frambach on Friday 8/5 saying she wasn't able to print out the draft policy. Keith said he did not have any trouble printing it, so it must be a computer/printer issue on Mary's system. However, her suggestion in the email was that the minutes should reflect discussion on all items that are discussed.

Written comments were provided by Rob Topik on Friday 8/5 and his suggestion is to alter the procedure to allow earlier access to the working documents used for the preparation of the minutes before the five day allowance within RSA 91:A.

Public Input:

Andrew Walton asked if this procedure is above the State Statute. Keith replied it is in compliance with the State Statute and in accordance with the Attorney General's guidance and concurrence by Town Attorney, Tony Soltani. Rob Topik requested that a decision on this procedure be postponed until the next meeting after he has received a response from our Town Attorney in regard to his most recent 91:A requests. If he becomes enlightened by this response from the Town Attorney, then he will consider rescinding his requests and suggestions for changes to this policy.

Keith feels this is a sound procedure and the response from our Attorney is going to be consistent with the written procedure and will be generally the same as it has been previously provided. He feels that it is not necessary to delay action on this sound process and procedure. Keith feels that the public has been given ample opportunity to provide feedback. The first portion of Rob Topik's request is related to the access of Source Notes, the second portion is that Source Notes should not be deleted and both of these issues will be addressed by our Town Attorney. The third portion is to err on the side of disclosure, which Keith feels is already included in this policy.

Rob provided further verbal input in regard to his opinion that minutes are being amended outside of the public meeting. Keith explained the Board's procedure for the distribution of the minutes, and stated that draft minutes are first reviewed by the Chairman with suggested edits back to the Board's secretary for review and acceptance. Then the secretary emails the rough draft minutes to the full Board for review and further input at the next Board meeting. Keith said the draft minutes are available to the public after they have been made available to the other Selectmen or after five days from the public meeting. Keith noted that this process is used to ensure accuracy of the minutes before becoming available under the Right-to-Know statute and to ensure the Board has time to run an efficient meeting to address the functions of the Board. At the Selectmen's next public meeting the draft minutes are reviewed and amended as the Board determines appropriate.

Rob asked if the Town is erring on the side of disclosure, then why wouldn't they release the "source notes"? Keith said the BOS has a procedure for distribution of minutes, which allows for completeness of the minutes to be ensured. He noted the process is in compliance with the State law.

Keith closed the Public Input on this procedure.

Don made a motion to approve the Board Procedure for Public Meetings and Government Records Policy as presented. Bob seconded the motion. All in favor.

CONFIDENTIAL

Correspondence from Town Counsel

FOR YOUR INFORMATION (*No action required*)

- **DES Standard Dredge & Fill Application:** Thomas & Jacqueline Brown U01-96 45 Sleepy Hollow Lane: To be forwarded to the Conservation Commission
- **LCHIP Announces Grant Round 10:** Copy will be sent to the Meetinghouse Committee
- **Road Agent Response to Resident:** Regarding Goboro Road, and hopefully replacing culverts and doing partial paving next year if it is included in the budget.
- **Planning Board Decision – In-Home Business:** This is for Don Harty
- **2011 Swimming Lessons:** Report from Alison Parodi on Swimming Lessons and notes/suggestions for next year. Cost for the program was \$1721.50. 65 students involved in lessons.
- **ZCO Correspondences:** regarding a court decision on 188 Center Hill Road; an illegal apartment
- **NH DES Letter of Deficiency:** letter to BCEP regarding storage of hazardous waste materials (paint thinner) not being properly labeled.
- **GeoInsight – Response Letter:** Regarding a complaint about storage containers located at Ponderosa Salvage. The inspection by GeoInsight found no further inspection is required.
- **Comcast Notice**
- **National Grid Safety Notice**
- **Report from Councilor St. Hilaire**
- **Durham Planning Board Public Notice**
- **Northern Pass Update**
- **Service Link Update**

9:00 PM

ANY OTHER BUSINESS BROUGHT FORWARD BY THE BOARD

PUBLIC QUESTIONS AND COMMENTS:

Andrew Walton feels it would be in the best interest of the public to have the minutes emailed to all BOS members immediately. Andrew also feels that if draft minutes are 95% correct, then they should just be sent out and the very few corrections can be made at the next BOS meeting.

Rob asked Bob when he advised Keith & Don that he wanted to rescind his resignation. Bob said the morning after the last BOS meeting.

Rob asked Keith why the first two items for discussion were addressed before their scheduled time on the agenda. Keith advised Rob that when the meeting began at 6:15, the first order of business was a consensus to discuss the first two items prior to the other scheduled agenda items.

Board Member Liaison Reports

Keith said he signed 3 Purchase Order requests for the Parks & Recreation Department. Update on the river study and the river contract with DES - they hired Inter-Fluve, Inc. out of Madison, WI to complete the River Geomorphology study. This study has begun with a field meeting day held on Thursday, August 4 with the team members. They walked from Route 4 to Short Falls along the river. He noted that the extra property permissions are needed to complete this study. A policy level meeting will be held on September 29.

There is a Planning Board meeting on Wednesday, August 10.

Don met with the Cable Committee and they are moving along. They received a copy of a Metrocast contract that was recently executed with the Town of Wolfboro. There are a lot of changes to it from the current contract that Epsom has. One major item in the Wolfboro contract was that Metrocast gave the town \$20K to install professional recording equipment for their meeting room. Don suggested that the committee will be encouraging something similar in Epsom. Don inquired as to the Board's support to have Metrocast assess our public meeting areas for this purpose. Bob and Keith agreed that this would be a good idea. Don said they held a formal Public Hearing in early August and there was no public in attendance – just the committee members.

Don went to a BCEP meeting last week, and was very impressed with the professionalism.

9:20 PM Bob made a motion to adjourn. Don seconded the motion. All in favor.