

\_\_\_Bob  
\_\_\_Joanne  
\_\_\_Keith  
\_\_\_Betsy

Draft \_\_\_\_\_  
Accepted \_\_\_jmr kac rb\_\_\_\_\_  
Accepted as Amended \_\_\_\_\_

TOWN OF EPSOM

BOARD OF SELECTMEN MINUTES

MAY 5, 2008

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

Other Attendees: Gordon Ellis; Joni Kitson; Andrew Walton; Mary Frambach; Tom Dunn; Penny Graham; Carole Brown; Carolyn Stiles; Danielle Chulack; Dan Prescott; Stewart Yeaton; Ralph Weeks; Nancy Wheeler

Bob opened the meeting at 6:15 P. M. Bob had Andrew Walton lead the Pledge of Allegiance.

**FOR SIGNATURE**

- 1. Accounts Payable/Payroll**
- 2. Manifest**

Joanne discussed Barbara Clark had asked the Board to allow her to borrow vacation time that would start on May 11, 2008 to care for her mother.

**Joanne made a motion to allow Barbara Clark to borrow vacation time one week early to allow her to care for her sick dependent mother 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.**

**Thomas Dunn from Local Government Center Re: Multi year Contract**

Mr. Dunn said the contract between the town and LGC has been in succession since 1996/1997. The current contract guarantees no rate increase but expires on July 1, 2008. The new contract is a 9-9-9 and does not guarantee there will not be an increase. The increase would not be more than 9% each year with a definite 9% increase on July 1, 2008. Mr. Dunn said the town could look for other insurance with this being the first increase since 1994. He discussed the reasons for the increase. He explained the health trust is for employee benefits, but not health insurance.

Mr. Dunn said the LGC also offers Workers Comp that Epsom does not have with them. Keith asked if the town were to go into Workers Comp with the LGC would it get more discounts. Mr. Dunn said they could get up to 27% for belonging to the three pools.

Andrew asked who the underwriter was for the Workers Comp pool with Mr. Dunn saying they were self insured. Andrew asked if the town would be rated higher if a person out on Workers Comp returned to work upon being 80% recovered. Mr. Dunn said it would affect the rates. Andrew asked what the rate increases were for other towns. Mr. Dunn said they just started writing Workers comp in 2000 with no increases to date.

Keith asked with the 9-9-9 when the town would know what the rate increase would be, Mr. Dunn said December. Keith asked if the increase was in this year's budget. Joanne said it did not matter as it would be included in the default budget for next year. Keith said it would be worth having Barbara look into the Workers Comp through the LGC.

Keith said if the town is currently in a contract for \$23,420.00 what would they project for a cost next year. Mr. Dunn will fax the town numbers. Mr. Dunn will look into a Workers Comp quote also. Mr. Dunn said Melissa Briggs is the town's health insurance representative and would meet with the Board also.

Keith asked if the town received a discount for being members of the LGC. Mr. Dunn said not on insurance. The membership cost is based on a formula using the equalized valuation and population.

#### **FOR SIGNATURE**

##### **4. Contracts for Center Hill/Blakes Brook Project (not in Box)**

Joanne asked Gordon Ellis, Road Agent, to explain the contracts, asking if all the State's criteria have been met. Gordon explained the documents in the packet. Joanne verified the Board only needed to sign the Notice of Award.

**Joanne made a motion to have Bob sign the Notice of award with Keith seconding the motion.**

**Bob asked if there was any discussion on the motion.**

Keith asked if they have a letter from the State approving the award, Joanne said yes.

**There being no further discussion on the motion, Bob called for a vote. The motion passed unanimously.**

### **3. Intent to Cut**

Joanne said Barbara indicated the Town of Northwood does not have anything to do with this Intent to Cut. Keith disagreed. He felt Epsom should send the Town of Northwood a copy to let them know their roads are going to be used. Joanne will instruct Barbara to write up a note to the Town of Northwood.

### **5. Assessing Statistical Update Contract**

Joanne reviewed the information from Avitar. Keith reiterated according to the letter from Avitar, Avitar would send a letter to the properties who Avitar feels has a value change. He questioned how the properties that Avitar feels haven't changed would be able to appeal. He discussed the drop in property values in New England.

Barbara Clark said per the addendum Avitar is only going to pick up the properties that have sold. It was discussed the impacts would be on properties DRA picked up in the target area. Avitar would be reviewing the properties on paper per DRA requirements.

Barbara said if the town's equalization rate had not remained at 100% then DRA would not have picked up on this. It was discussed the town would have to be totally reassessed in two years.

**Joanne made a motion to sign the agreement with Avitar for the statistical update for mobile homes and vacant land only 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.**

The Board signed the agreement.

### **Stonewall/Boundary Issue**

Danielle Chulack provided the Board with a copy of their deed. The stonewall was not mentioned in the deed. She also provided pictures of the corner stones showing the drill holes. Keith said the deed references the subdivision plan describing the front with bearings and distances. Keith's only concern was if the boundary could be recreated by a surveyor. With a metes and bounds description he has no problem with the Chulacks removing the stones. Keith said regarding the statutes the town, as the abutter, has to agree with their removal. He said Gordon has room to create ditches.

Mrs. Chulack said they wanted to leave the stones on the right side of the driveway.

Discussion ensued as to the wording of the motion.

**Keith made a motion to permit the stonewall abutting town property and shown as Tax Map R1-9-5 be removed so the owner can beautify the property with the condition the corner monuments remain with Joanne 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.**

## **FOR DISCUSSION**

### **A. Bid Bond Waiver**

Keith said they asked to put this item on the agenda for this evening as the Board wanted to be sure the State would approve the second bidder. They need to determine if they want to retain the bond. Keith said the low bidder felt confusion in his bid.

Joanne spoke with Attorney Soltani who said the Board could do what they wanted. He recommended they return the bond with language to justify the action.

Joni asked if the request to return the bond had been received in writing with a reason, Joanne said yes.

Keith fully supports waiving the bond as the bidder had confusion and lack of clarity about the prefab culvert.

The motion was discussed with the following motion being made.

**Joanne made a motion to move to waive the bid bond for Advanced Excavating and Paving and the bid for the bridge on Center Hill Road due to language of the RFP that could have lent to a misunderstanding of the project costs in regards to the prefab culvert 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.**

### **B. Review of Bid Policy Continued from April 28**

Joanne has heard from Nancy and Dawn. She told them the Board would not be doing anything until they hear from all the department heads.

### **C. ElderTrust**

Joanne said in reviewing the information a lot of the discussions were attorney/client privilege. Many of the non-publics do not list the cases. Joanne will try to go into the office to review all the non-publics on file on Friday and pull the ones for ElderTrust to be reviewed by the Board for release.

**D. Old Home Day Insurance (last Year's Research, Unchanged)**

Joanne said Barbara copied the insurance information from last year which Joanne reviewed. Joanne said when someone rents a park area they complete paperwork and are required to provide insurance. Joanne thought the Old Home Day Committee should provide the insurance if not sanctioned by the town.

Nancy thought Barbara would have said volunteers are covered with third parties to provide their own insurance. If the town accepts the activity then the town has the prerogative to limit the town's liability. If the park is privately rented for a function then that part should provide the insurance.

Nancy discussed vendors the town requires insurance from. Joanne said they only ask for insurance from people who are risky.

Carole Brown was confused. She asked if someone was selling jams and jellies they should provide insurance for product liability, asking what other insurance the town would want from them.

Mary Frambach said they need to look at and address the parade. She said the board needed to review the insurance guidelines. The information from Barbara was reviewed by Joanne.

Joanne said the town did not have the Old Home Day Committee coming to let the Board know what activities are being planned.

Keith discussed the parade, private floats and the criteria that now needed to be followed. He questioned if the town would require each participant to provide insurance or sign a waiver.

Carole said Allenstown/Pembroke and Pittsfield have larger parades, suggesting they are contacted to find out what they do.

Joanne said in many towns Old Home Day is done completely by volunteers and the towns are not involved. Keith questioned if it is sanctioned by the towns. Joni said last year other towns were only asked if Old Home Day was a town event or totally a volunteer committee.

Keith discussed if the Board feels Old Home Day should be a town event the town should give basic criteria with third party vendors providing proof of insurance. He said parade participants should consider signing waivers. Keith said to place the burden on the Old Home Day Committee to be sure the paperwork is in place. He reiterated if the Committee wanted to fall under the town's umbrella they need criteria.

Nancy said the trailer and equipment is not owned by the town. The town needs to know there is insurance by the owner for it as the town could not cover those

items. Joanne said all third parties have to have a one million dollar rider or proof of insurance or sign a waiver. She asked who was making the decisions on the bounce house as the Old Home Day Committee rents it.

Mary questioned what a third party would be. She provided the pennies and prizes for the penny hunt, asking if she had to provide insurance due to that activity. Keith would say the Old Home Day Committee would say that was one of their sponsored events. Bruce asked if the bounce house would fall under that also with Keith thinking it would.

Bruce asked if a registration fee was paid would the renter be a part of the town, Joanne said no , that would be a third party, who needs to have proof of insurance.

Nancy said the definition of a third party would be someone who brings in something to sell, not part of the Committee or volunteers.

Bruce said the Meetinghouse Committee sells items to benefit the Meetinghouse. Discussion ensued as to why they were paying rent for a space. Nancy said the Meetinghouse Committee is a town committee so they are a part of the town. They sell things but are raising money to go into the town. She did not think they would have to have their own insurance.

Keith said a third party is anyone who pays a fee to make money that doesn't come back to the town.

Bob still thought they would need proof of insurance or sign a waiver. Keith thought they were beginning to narrow down on town sponsored events. He wanted to encourage Old Home Day and yet give the Committee a choice if it would be a town sponsored event. Keith said they need to check with other towns if it is a town sponsored event with a need for additional guidance about the parade.

Joanne will have the Reeves contacted to ask them to come in next week. She will let Attorney Soltani know as he may need to write up waivers. She will ask Barbara to contact other towns as to their requirements.

**W. Memo Re: Open Office Position**

Joanne said Barbara went through the applications, doing a spread sheet for the job qualifications. The rate of pay was discussed. Joni suggested they set a minimum and maximum rate based upon qualifications. Andrew asked if the posting included a salary, Joanne said no.

Keith said some contenders may opt out after knowing the salary. He suggested they interview for several applications and let the applicants know the salary range to see if they are still interested. Keith discussed the salary range and the current staff's salaries. Joni said they may have people who applied who have just as much experience as people in the office. Nancy said they need to keep in

mind the amount budgeted and if the salary is increased where the money would come from if the town has a default budget next year.

Andrew said if they set the rate tonight and sent the applicants a letter some may not be interested.

Keith discussed salary ranges with \$28,509.00 having been budgeted for the year. He suggested a range between \$21,840.00/year (\$12/hour) and \$28,210.00/year (\$15.50/hour). He said Barbara should acknowledge the receipt of the applications and list the pay range. If someone is not interested they can bow out before the interview.

Keith said during the week the Board and Nancy could go through the file and choose 5 or 6 to interview with 2 or 3 as alternates.

**F. Water Conservation Plan (Rolling Meadows Subd.)**

Joanne said this should be sent to the Planning Board. Keith said the applicant needs to go through the process to get the community well approved by DES. He read the major conditions to be met, reviewing the 390 rule from DES. Keith recommended sending the package to the Planning Board for them to respond to DES, asking if the Selectmen have to get back to DES. It was determined they should. Keith will draft a letter for the Board's signature to DES indicating it is being sent to the Planning Board for review with the water conservation practices to be considered.

The Board took a break from 8:16 P.M. to 8:26 P.M.

**MINUTES FOR REVIEW AND DISCUSSION**

**Final Minutes of April 21, 2008**

**Joanne made a motion to accept the final minutes of April 21, 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 April 28, 2008**

The Board reviewed and amended the draft minutes of April 29, 2008

**Joanne made a motion to accept the draft minutes of April 28, 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.**

**MISCELLANEOUS ITEMS**

**c. Historic Meetinghouse Minutes**

Keith said the date for the final meeting for the river study is set for May 28 at the school cafeteria.

**d. E-mail to R J Moreau Re: Copperline Road**

Joanne read the e-mail from R J Moreau to Gordon about excavators crossing the road and they use protection for the pavement. Bob said he also witnessed an excavator crossing the road without protection as he was with Gordon.

**h. BCEP Scale Issue (Time Sensitive)**

Joanne read the information from Earl Weir about a house bill hearing on Tuesday. He was requesting people attend the hearing.

**CONFIDENTIAL**

**Multiple Items**

The Board reviewed the items individually.

Keith read one item aloud per the request of the writer. Andrew Walton resigned as Chairman of the Highway Facilities Committee. Andrew recommended Don Harty as his replacement as Chairman of the committee.

Joanne asked who was on the committee with Andrew saying Gordon Ellis, Bob Blodgett, Brenda Mihachik and Don Harty.

Bob asked why Andrew was resigning. Andrew said he could not sit on a committee in a default budget year and make financial recommendations. He enjoyed working on the committee saying the Highway Department is the most neglected department in town. He said the current budget vote is setting the town back two years. Andrew said Don is interested in taking the position.

Joanne recommended the remaining members meet to discuss possible new members, elect a new chairman and review their charter.

Bob thanked Andrew for being honest.

Joni said last week she had asked about the warranty on the backhoes. Bob did not get the information as there is nothing on the contract. Joni said it sounds like the town did not get a warranty. She said they had a five year warranty on the VOLVO that it gave up.

Keith said they need to see the contract. Bob said he will have to get back to Joni.

Joni asked about the gate at the Highway Department. Bob said Gordon explained the gate got mangled so he took it down.

Joni discussed the article in the Hooksett Banner that quotes Joanne. Joni did not know how accurate the article is as it sounds like Joanne is making decisions for the Board. Joanne said she was not, explaining what she discussed with the reporter. Joni did not find the article accurate. She said the Banner is always quoting Joanne and it reflects back on Joanne.

Joanne discussed a request from the LGC for towns to contact their representatives requesting they vote for HB 1645. Discussion ensued with Keith saying if the bill does not pass municipalities will pay a higher rate. The Senate is entertaining its own version. This will have to go through a Committee of Conference and Keith did not know what the bill would look like in the end.

Mary dropped off a letter this afternoon, having been told it would be on the agenda. Joanne read the letter regarding the condition of Center Hill Road and a request for the town to pay for damage to the private vehicle due to the road condition.

Bob said the Highway Department has been out many times and repaired the road. Mary said not enough has been done. Bob said they did the best they could. He said the town does not pay for auto repairs. Mary said hers was not the only vehicle and the Board would be getting another bill. Joanne reiterated the town was not responsible for vehicle damage.

Keith said the letter deserves a reply. He said when the Board received the information about the condition of the road it was referred to the Road Agent. Andrew said the road was graded two days ago. Keith said the letter should state what action was taken. He said a Notice of Insufficiency could be filed. Joanne said the letter was a Notice of Insufficiency that was addressed the next day. She asked Bob to get the information for Barbara to do a letter.

Keith said the only other action would be for the individuals to take the town to court. Bruce suggested the town take photographs and discussed another road with insufficient repairs. It was discussed if the Highway Department had access to a camera with Joni saying she thought the Road Agent's new telephone was a photo phone.

Keith had a Purchase Order from the Police Department to put out ads for a new officer. There was a consensus to have it signed.

**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 9:17 P.M.

Respectfully submitted,

Betsy Bosiak  
Recording Secretary