

**TOWN OF EPSOM  
BOARD OF SELECTMEN MEETING MINUTES  
December 30, 2019 AT 6:00 PM**

Hugh Curley  
Virginia Drew  
Cheryl Gilpatrick

Approved: **Cheryl / Hugh**  
**Vote: 3 – 0 in favor.**

Staff Present: Nancy Wheeler, Dawn Calley-Murdough, Stewart Yeaton

Other Attendees:

Virginia called the meeting to order at 6:00 pm and asked Cheryl to lead the Pledge of Allegiance.

Virginia reviewed the agenda and changes to the agenda included the Old Meetinghouse Stewardship 2019 Annual Report.

**Motion by:** Hugh to accept the agenda as amended. **Second by:** Chery. **Vote:** 3 – 0 in favor.

**Finance Report:** Nancy reported the board would sign two account payables, one for 2019 and one for 2020 and payroll is the first for 2020. There will be two account payables next week, and the board will receive a list of 2019 purchases to be encumbered. Department heads have been asked to supply her with a list of items that were ordered and have not been received, as well as any previously signed purchase orders that have not been received.

Nancy stated she was able to confirm from the NH Department of Revenue that the board can write a warrant article to move money from the general fund into other funds, including the Historic Structures Maintenance Fund. However, general funds cannot be transferred to the Historic Meetinghouse Fund, as the original warrant article indicated it would be funded by private funds only, and it also applies to the Lillian Morrison Funds.

Nancy asked if the board would finalize their list of warrant articles at their January 6, 2020 meeting and the board agreed to the date. It was stated the final date to receive all warrant articles, including citizen petition warrant articles is January 14, which could require an emergency board meeting for any needed review and recommendation.

Nancy stated a copy of the 2018 Final Audit Report is included for the boards review, which includes a recommendation for a policy to address uncollected ambulance billing. The policy should include how uncollected ambulance bills will be handled, and how long the town will hold unpaid bills. The board should also consider if it will use a collection company or will the amount be written off. The Fire Department has historically handled the process. The board agreed a policy should be established and would discuss the matter with the Fire Chief.

Nancy provided the board with an updated list of warrant articles, which included one for the library roof. Dawn stated she asked three additional companies for quotes but has not received any responses.

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The deadline for the Finance Administrator position closes on Friday and four qualified resumes have been received at this time. Additional resumes have been received from Indeed.com, but do not have financial director experience. The board asked to receive only those resumes that included the relevant qualifications.

Updated budget materials are being prepared for the upcoming Budget Committee meetings on January 7 and 9, 2020. It was determined that Cheryl would sit in for Virginia on January 9 and would receive the necessary materials to be prepared for the meeting.

General discussion took place about where and how the board could transfer general funds to a different fund, stating part of the goal for this is to provide the Old Meetinghouse Revitalization Committee matching monies to receive grants.

**Appointments:**

**6:15 pm Conservation Land Purchase Public Hearing:** Virginia opened the hearing at 6:15 pm and reviewed the purpose of the hearing was to take comments regarding the recommendation to purchase land for the Conservation Commission to add to the town forest.

There were no attending members of the public.

**Motion:** by Hugh to close the public hearing at 6:35 pm. **Second by:** Cheryl. **Vote:** 3 – 0 in favor.

**6:35 pm Chief Stewart Yeaton:** Stewart stated he would consider the policies of other towns using Comstar billing to determine what Epsom might consider for a policy for uncollected ambulance billing. Stewart stated he did not consider liens in the past, nor using a collection agency.

The board met with Chief Yeaton in a non-public session.

**Non-Public Session: 6:37 pm Motion by:** Hugh to enter into Non-public session per RSA 91-A:3 II (a). **Second by:** Cheryl.

**Roll call vote:** Hugh – Aye, Virginia – Aye, Cheryl – Aye.

**6:52 pm Motion by:** Cheryl to exit the non-public session and to seal the non-public minutes. **Second by:** Hugh. **Vote:** 3 – 0 in favor.

A decision was made and the minutes were not sealed.

**Motion by:** Hugh to maintain the Fire Chief as an exempt employee in accordance with the Department of Labor rules and to increase his salary amount by \$1368.00 per pay period. **Second by:** Cheryl. **Vote:** 3 – 0 in favor.

Virginia asked for the annual salary changes prior to the Budget Committee Meeting. It was determined the new salary amount would take effect for the 12/20/2019 ending pay period.

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Stewart asked to remove the warrant article for the additional full-time Fire Department person and the board agreed.

Nancy updated the board on other federal law changes that require random drug testing for employees that hold a CDL driving license, of which town was previously exempt. Additional legal research is taking place to determine the actual requirements of the town. This change will mean the town must create a formal drug and alcohol testing policy, which could be for all new employees or for only the CDL employees.

Stewart stated the Fire Department employees are currently exempt from the CDL Medical card and if it becomes required the town will need to pay for it and it is very expensive, however, the town does provide driver training for fire vehicle safety. It was stated the new federal rule may impact the Highway Department.

**Signature/Approval Items:**

**Assessing Signature/Approval:**

**Motion by:** Cheryl to approve the 2019 abatement for Map UTL Lot 3. **Second by:** Hugh.

**Vote:** 3 – 0 in favor.

**Motion by:** Hugh to approve the Intent to Cut for Map R2 Lot 71. **Second by:** Cheryl. **Vote:** 3 – 0 in favor.

**Discussion:**

**2020 Meeting Schedule:** The board reviewed the proposed 2020 Selectmen meeting schedule, including holiday conflicts, and additional meetings for department heads.

After discussion, the board agreed to schedule department head meetings for March 16 at 6 pm and Tuesday, June 30. Additional department head meetings would be scheduled later in the year. The final schedule would be posted.

**Old Meetinghouse Revitalization Committee Charter:** The board agreed to the changes to the Old Meetinghouse Revitalization Committee Charter and signed the final document.

**Encumbrances:** The board discussed a request from Scott to consider an end of the year proposal for road striping in order to encumber funds to do the road striping in 2020. Cheryl stated she sought information regarding encumbrances from the NHMA and other towns that indicate he can request the board encumber the funds. Cheryl stated the NHMA and other towns do allow signing into a contract during December to encumber funds to the next year.

Nancy stated she provided Scott with an answer regarding encumbrances and it appears he sought a different answer from NHMA. It has not been a practice to seek a contract in December to encumber funds over to the next year. Nancy distributed the information Scott delivered and

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asked the board opinion on the information. However, it is up to the board for a final decision to accept the information from Scott as a contract and to encumber the funds.

Virginia stated Epsom has traditionally encumbered funds when there has been an existing contract, such as the telephone upgrade or Fire Department renovations. In addition, she was uncomfortable that Scott spent over \$6,000.00 for guard rails at the end of the year without talking to the board before he made the purchase and did the work, especially when the board spent time discussing \$2,000.00 for a generator repair. Virginia stated she did not believe the Budget Committee would support this type of encumbrance with a contract received a few days before the year-end when the work couldn't be completed, and that Scott stated earlier in the year he would not do the road striping work.

After review of the materials provided by Scott, the information regarding road striping was not determined to be a contract.

Hugh expressed concern that town has staff with the knowledge to answer these questions and an outside opinion was sought eliminating the town staff from the process.

Hugh and Virginia supported road striping but did not approve the late submission of a proposed contract.

It was stated the board would encumber funds for the seal coating, as the agreement to complete the work was already established for 2019, but would not encumber funds for road striping.

**Warrant Articles and Default Budget:** The board reviewed the list of proposed warrant articles and considered changes in numbering. It was stated the warrant article for the road work on North Pembroke Road was removed. The Fire Department warrant article for full-time firefighter was removed per the request of the Fire Chief.

It was confirmed that Article #12 is to replace the F550 vehicle at the Highway Department.

Hugh asked to put the library roof after article #3 and other renumbering was agreed on. All board members agreed there should be some type of building maintenance fund.

The board discussed the amount for the contingency fund, which was set at \$10,000.00. Hugh recommended \$20,000.00 to account for the changes in required salary adjustments and any other possible emergency if the default budget was adopted. Cheryl recommended something in between the \$10,000.00 and \$20,000.00. Virginia supported increasing the amount to \$20,000.00 and the board agreed to set the contingency amount to \$20,000.00.

Cheryl asked about a special library fund. Virginia stated the Library has a trust fund for new-books established when the new building was built. There have been questions by the Budget Committee about how it can be used, but the money can only be used for books.

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Nancy stated only the interest from the Lillian Morrison funds could be expended. The board considered the option for an expendable trust fund for general building maintenance, how much they would include, and if the money would come from taxation or undesignated fund balance.

The board agreed to fund the library roof replacement from the undesignated fund balance and to create a new fund for general building maintenance for \$10,000.00 from the undesignated fund balance. Virginia felt the Budget Committee would support a new building maintenance fund to proactively plan for known expenses for needed building repairs.

The board agreed to keep the article to add funds to the future Town Office Capital Reserve Fund (CRF), as well as the roads CRF, highway vehicle CRF, and the bridge replacement CRF.

Virginia asked to consider adding funds to the historic buildings maintenance fund, which could be used for the Old Meetinghouse grant match. The board discussed what amount to add to the fund that would come from the undesignated fund balance. Cheryl expressed her concern about doing so.

Hugh stated he understands that members of the OMRC and others have indicated they would not use town funds to repair the Old Meetinghouse, but the Board of Selectmen have not made that statement and the town has an obligation to support town buildings.

Discussion took place about who might present information regarding the budget at the deliberative session. It was stated typically the board has discussed the operating budget at Deliberative because it closely matches what the Budget Committee also recommended. However, if there is a large difference between what the Board of Selectmen recommend versus the Budget Committee, then Budget Committee Members should speak to their proposed budget.

Dawn asked the board to consider a warrant article to rescind the Webster Park Ordinance and replace it with a town policy. General discussion took place about enforcement of a policy versus an ordinance. The board would wait to determine how to proceed on the warrant article after an answer is received from NHMA legal.

The board reviewed the default budget. Nancy reviewed the legal opinion regarding the addition of the amount needed for the 27<sup>th</sup> pay period, retirement expenses, BCEP increase amount, and vacation time.

The board considered what a contractual obligation is and what should and/or could be included in the default budget. Virginia felt the town building rental contract should be included.

Nancy stated the rules for the default budget used to be broader but the legislature has tried to refine the statute. She would provide the board with legal opinions regarding contracts.

**Riverbend Budget Request:** The board discussed the request for funds and it was stated the town has not funded the agency in the past.

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The board decided they would not support the request.

**Disposal of Office Equipment:** The board approved of the disposal of the office items.

**Griggs Enterprise Response:** The board reviewed the response from Griggs Enterprises about back due taxes on a mobile home that was demolished.

Dawn stated the office policy has been modified for approval of demolition permits to include a review of back due property taxes.

Cheryl recommended contacting Griggs regarding courtesy notification of evictions and the other board members agreed.

**Annual Old Meetinghouse Stewardship Report:** Virginia stated the committee did not have a chance to meet. Val Long worked on the report that has been received by the office and the report was sent to LCHIP before BOS approval.

Hugh stated it has not always been presented to the whole board before submission, it can be modified after submission, but it was previously completed by a board member and a Stewardship Committee member.

General discussion took place about the corrections needed on the report and that it would be filed directly from the office.

**Approval of Minutes:**

**Motion by:** Cheryl to approve the December 16, 2019 public minutes as amended. **Second by:** Hugh. **Vote:**

**Motion by:** Hugh to approve the December 23, 2019 public minutes as amended. **Second by:** Cheryl. **Vote:**

**Motion by:** Hugh to approve the December 27, 2019 public minutes as written. **Second by:** Cheryl. **Vote:** 3 – 0 in favor.

**Motion by:** Hugh to approve the December 27, 2019 non-public minutes as amended. **Second by:** Cheryl **Vote:** 3 – 0 in favor.

The board postponed approving the November 25, 2019 non-public minutes.

**Selectmen Reports:**

**Cheryl:** The F550 broke down again and needed to be towed.

To answer previously asked questions about the location of the new equipment hanger, a physical inspection determined it does appear to be on town property and is more than 15 feet away from the abutting property line. The concern about the location of the salt and sand piles is

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being addressed and the Road Agent has been discussing the changes with Mr. Huckins who gave his agreement on the new resident sand location.

Hugh reminded the board that any digging at the Highway Department for new construction must receive approval from the NH Department of Environmental Services because of the landfill.

The Selectmen received an abutter notice from Pembroke about a large development and it was forwarded to the Planning Board.

Hugh: The board received information from legal that will be forwarded to the other two members.

Virginia: An effort was made to put out information regarding proposed zoning ordinance changes on Facebook.

Dawn reminded the board that she would need actual wording changes for any zoning ordinances and Cheryl noted that changes made in the past few years are being reviewed during the audit to make sure they were applied correctly.

**Public Comments:** None

**Other Business:** Dawn asked the board to address her concern about not receiving a list of water district customers from the water district and the board would consider how they might take action.

**Correspondence – FYI**

**Adjourn the Meeting**

10:33 PM Motion by: Cheryl to adjourn the meeting. Second by: Hugh. Vote: 3 – 0 in favor.

Respectfully Submitted,

Dawn Calley-Murdough