

**TOWN OF EPSOM  
BOARD OF SELECTMEN  
940 SUNCOOK VALLEY HIGHWAY  
EPSOM TOWN OFFICES  
MAY 6, 2019  
6:00 PM**

**Hugh Curley  
Virginia Drew  
Cheryl Gilpatrick**

**Approved H. Curley 5-20-2019**

**Staff Present:** Nancy Wheeler; Dawn Calley-Murdough; Scott Elliott; Wayne Preve

**Other Attendees:** Joni Kitson; Len Gilman; Rob Topik; Margaret Shepard; Joanne Kouss

Hugh called the meeting to order at 6:00 PM.

**Pledge of Allegiance**

Hugh asked Scott to lead the Pledge of Allegiance.

**Review and Accept or Amend the Agenda**

Dawn noted that the only addition to the posted agenda was the donations for the Meetinghouse. Hugh noted that he would like to add American Legion Memorial Day Speech participation by a Selectman.

**Virginia motioned to approve the agenda as amended, Cheryl seconded the motion. The motion passed.**

**Opening of Bids**

**Lords Mill/Hoyt Roads**

The only bids received for this work was from Advanced Excavating and Paving as follows:

\$56,506.00 – Lords Mill Road

\$25,362.00 – Hoyt Road

The work is to be completed between August 1 and September 30

Hugh asked the number of people that attended the bidding meeting. Scott indicated that no one attended.

Cheryl asked if Hoyt Road had a separate time frame; Scott said it was to be within the same time frame. Scott indicated there was \$32,000.00 incumbered from last year. Nancy verified it was for the Lords Mill project. Scott thought it was funds to complete both culverts.

Virginia asked if there was only one bid would they have to accept it; Hugh stated that it could be rebid.

## **New Orchard Road**

Bids were received for this project as follows:

Continental Paving (Dated 4/10/2019)

8,700 Tons of Gravel - \$7.00/Ton – FOB; \$9.00/Ton Delivered; Trucking at \$85.00/Hour

Continental Paving (Dated 4/29/2019)

8,700 Tons of Gravel - \$7.25/Ton (Price Increase); Tri-Axle Truck at \$80.00/Hour; Live Bottom Trailer Rental \$95.00/Hour with a total of \$63,075.00 plus the trucking rental

Northeast Earth Mechanics

8,700 Tons of Gravel - \$7.00/Ton; \$10.00/C.Y.; Trucking at \$85.00/Hour

Advanced Excavating and Paving

8,700 Tons of Gravel - \$7.80/Ton; \$12.25/Ton Delivered – Hugh indicated the trucking costs were higher which would make this bid higher.

Continental Paving– Joni asked if signed by two different people; Hugh confirmed they were.

Hugh asked how that stood with the budget; Scott indicated it was in line with the cost of gravel.

Virginia asked if when bids are received is it like this does it specify for hours. Scott discussed the trucking hours as to how far the pits are from the project that would assist with determine the trucking hours.

Hugh discussed that they did not have to award the bids tonight. Scott will review and make a recommendation to the Board. Hugh noted Scott could have copies of the bids, but not take the original bids.

## **Scheduled Appointments**

7:00 PM – Scott Elliott – New Orchard Road Gravel and the Lords Mill/Hoyts Road  
Discuss Bid Results

7:15 PM – Police Chief Wayne Preve

## **Signature/Approval Items**

Accounts Payable and/or Payroll Manifests - Signed

## **Assessing Signature/Approval**

UNITIL Abatements

Dawn noted that the Town previously had an agreement with UNITIL for an abatement on the 2018 taxes and also had an abatement for the first issue of the 2019 taxes. It was a formality for the Board to execute. Dawn noted this would occur until 2023. Hugh noted they were abating, not refunding funds as part of the agreement.

2019 Intent to Cut R 01 – 07

**Virginia motioned to approve the intent to cut for R 01- 07; Cheryl seconded the motion. The motion passed.**

2018 Report of Cut/Yield tax R 01 – 07

**Virginia motioned to approve the timber tax on R 01 – 07, Cheryl seconded the motion. The motion passed.**

Current Use App & LUCT for U 13, Lot 12 – 1

**VD motioned to approve the LUCT for U 13 - 12 and U 13- 12- 1; Cheryl seconded the motion. The motion passed.**

### **Discussion**

Draft Minutes Available on the Website

Hugh noted that is a prerogative of the Board. Hugh noted that they have to be available, but they do not have to be on-line. He noted the question is if mistakes are an issue if they are on-line. Virginia had a concern if there is a mistake then there could be confusion if someone did not review the final minutes. She felt it would be prudent to have them available in the office. She was concerned if they were making a policy for just the Board of Selectmen or all committees.

Dawn noted that there has not been a consistency between draft and final minutes. She felt the draft minutes should not be posted to avoid confusion.

Cheryl felt there should be a consistency with the policy. Cheryl noted it is not a written policy which Nancy indicated is an issue with several items.

Joni noted that the office is not open when she gets off work; she asked if the draft minutes could be e-mailed. Cheryl discussed that they should develop some written policies. She discussed that many towns have written policies as to how committees conduct their meetings. Hugh was not sure what Cheryl was referring to. Dawn offered to provide samples from other towns to the Board.

Virginia would like the Board to decide how they would like it to be. Nancy suggested that they put the item on their agenda for the next meeting.

Joni asked if the Board was aware that minutes would not be on the Website for a month due to meeting dates. Hugh did not feel that there were problems with having draft minutes.

Hugh noted there was reason for the 5-minute limit for public discussion.

46 Old Town Road Drainage Concern

Margaret Shepard noted that they moved to the property in November. She reviewed the records and found concerns after the purchase. Virginia confirmed that Ms. Shepard obtained a copy of the agreement between the Lessels and Robert Cutter. Ms. Shepard noted that the agreement was not recorded with the County. Cheryl noted the document clearly states the town is not responsible for any issues as a result of the work done by the contractor/Cutter's Development. Dawn noted it was in the Town's property record file.

Hugh was not sure who would have been responsible for recording the document. Cheryl noted the document says "may" be recorded. Dawn noted the document is part of the property record file and that the purchaser should have come to the office and reviewed the file.

Ms. Kouss was aware that no property owner was allowed to put an excessive amount of water onto private property.

Hugh asked to have the problem described. Ms. Kouss explained that the property is on the downhill side of Old Town Hill Road. She noted there is a culvert from the other side of the road that is too small with water running over the road. She discussed the issues with the water and the road being super elevated so the water does not go into the culvert.

Virginia discussed the town should not be responsible due to the agreement.

Cheryl asked Scott if he had a chance to review the issue, he had done a site visit. Scott noted that the culvert was installed prior to her house being constructed. He noted that the ditch needs to be cleaned. He thought the culvert was large enough. Ms. Kouss disagreed with Scott feeling that the culvert and ditch were failing. She noted that the utility pole is sitting in the water.

Ms. Kouss noted when the water reaches the top of the ditch it over flows and saturates Ms. Shepard's property. Hugh thought they had to look at it, he did not know if the agreement was enforceable. Ms. Shepard noted there were complaints in 1989 and 2014.

Ms. Kouss thought Ms. Shepard was receiving everyone's run off. Hugh noted they would have to have it looked at. Hugh noted they would have to have legal review of the issue. Ms. Shepard noted that if she had known about the agreement, she would not have purchased the property.

New Orchard Road Culvert Info/Request

Cheryl noted that Scott has met with the taxpayer and will be able to resolve the issue.

Accept Donations: Highway American Flag Artwork on Salt Shed

Hugh noted that Gordon Ellis had completed and installed the flag when he was Road Agent.

**Virginia motioned to accept the wooden artwork done by Gordon Ellis that hangs at the Highway Department, Cheryl seconded the motion. The motion passed.**

Old Meetinghouse

**Virginia motioned to accept two donations totaling \$100.00 for the Old Meetinghouse Funds, Cheryl seconded the motion. The motion passed.**

Legion Memorial Day

Hugh noted a Board member has been asked to speak at their Memorial Day ceremony. Virginia noted that it is a wonderful program and that she noted it is for Veterans put on by Veterans. Virginia will do the speech.

Inventory at the Highway Department

Hugh noted he had met with Gordon; the bottle jack has not been found that Gordon said was left on site. Hugh noted other items that were not on site and Gordon's responses. Regarding the plows Gordon did not think there were there when Scott worked there before. Scott noted that he had no issues, he only turned in his inventory. He said it was not his issue, but the Board's.

Len asked Hugh to repeat what he had said Gordon said about the plow. Hugh noted Gordon did remember the plow being there at one point, he not think the plow was there since 2012 or 2013. Len noted that he had asked about it when Chris Bowes was a Selectman and it was there. Betsy remembered the question being asked when she was a Selectman. Scott noted the plows were there when he left in 2014. Len reiterated they were discussing an item that was worth a lot of money.

Cheryl verified that the response to the taxpayer who asked is that it has been noted that the items are not there. She felt there should be some accountability to the taxpayers as to where the items are. Virginia asked if Hugh has asked the other former town employee, he has not.

Hugh asked about the grading on Mountain Road, Scott said it should be done tomorrow. Hugh asked if the Town grader was being used. He asked Scott when it might be used, Scott noted soon. He indicated it was not large enough to do what is being done for the grading, but would be used on the small roads.

Hugh asked Scott twice if he had sent any correspondence to other Board members. Hugh requested any correspondence sent to a Board member be also send a copy to the office. There was discussion about updates sent to other members in the last two weeks. Scott noted he had sent his weekly updates. He has told the other two Selectmen that he is uncomfortable with Hugh's behavior as he has been very hostile and putting words in his mouth such as during the last non-public.

Hugh asked if Scott has ever spoken with him on the telephone, Scott indicated no. Hugh requested it be noted in the minutes that the Road Agent has refused to answer the telephone when called by the Chairman of the Board. Scott requested he was not refusing to communicate with the Chairman, but be contacted by the Chairman either by e-mail or text. Scott noted he wanted written documentation of their conversations and would want a witness to all conversations. Hugh had no problem with having a witness, when a telephone call is made to a town official it should be answered. It should also be noted he cannot e-mail if he is on the road.

Hugh noted if there was an emergency; he would need to contact the Road Agent; the Road Agent requested Hugh then contact the Police to contact him.

Virginia noted Hugh and Scott do not always see things the same and was uncomfortable this has come up in this fashion. She requested that Hugh leave a voice message with the subject matter, not just a message for Scott to call him.

Cheryl noted that Scott is uncomfortable with conversations with Hugh and it is apparent that Hugh has made an issue over something that Scott did not say. Cheryl noted her perspective of what occurred during the non-public meeting and that Hugh had put words in Scott's mouth. She understands where Scott is coming from.

Hugh requested the Board go into a non-public session for another matter.

**Virginia motioned to go into non-public for RSA 91-A: 3 II a, Cheryl seconded the motion. The motion passed with Hugh voting yes, Virginia voting yes and Cheryl voting yes.**

The Board went into non-public session at 7:35 PM, retuning at 7:49 PM.

**Virginia motioned to return from non-public and not seal the minutes, Cheryl seconded the motion. The motion passed.**

### **Approval of Minutes**

Public 4/22/2019

Non-Public 4/22/2019

Cheryl and Virginia had amendments to the minutes and reviewed them.

**Virginia motioned to approve the public minutes of 4/22/2019 as amended, Cheryl seconded the motion. The motion passed.**

**Virginia motioned to approve the non-public minutes of April 22, 2019, Session 1, Cheryl seconded the motion. The motion passed.**

**Virginia motioned to approve the non-public minutes of April 22, 2019, Session 2, Cheryl seconded the motion. The motion passed.**

**Virginia motioned to approve the non-public minutes of April 22, 2019, Session 3, Cheryl seconded the motion. The motion passed.**

**Virginia motioned to approve the non-public minutes of April 22, 2019, Session 4 and 5, Cheryl seconded the motion. The motion passed.**

Virginia noted that it indicates the amended minutes of 4/22/2019 Dawn pointed out that the Board went into non-public for Dawn's review. It was for all non-publics, not just Dawn's review.

### **Selectmen Reports**

Cheryl

Gary will be doing a walk with Cheryl at Webster Park to show her what items will be completed.

There will be an Economic Development Meeting tomorrow with some members wanting to remain on the committee.

Cheryl attended the NHDOT scoping meeting for the redevelopment of the property at the traffic circle. The developer thought the connection to water line was complete and would be done; Bill O'Donnell, NHDOT, let her know this property is not being connected as the previous owner did not want a connection. Cheryl addressed concerns of the Planning Board at the meeting. Cheryl noted that the plan is being revamped and they will be reapplying to NHDOT and the Planning Board regarding the driveways. Cheryl suggested a turn lane on Route 28 that was considered.

Virginia was concerned as she wanted to attend and felt that it should have been discussed by the Board. The Board discussed the issue. Cheryl noted when you are representing the Planning Board and EDC you should be in the loop. Virginia felt that everyone should have a chance to attend meetings. Cheryl noted the plans would be changing and that she would inform every one of future meetings.

Cheryl noted the grading completed by the Highway Department. There were repairs completed for the F550.

Virginia

She met with the Police Chief and things are moving forward. The Drug Take Back Day gathered drugs, but not as much as last year.

Virginia noted the road cleanup was an awesome day. There were many participants. Cheryl noted there were two truck loads of trash with 14 bags of cans donated to the high school.

Virginia noted there were many participants and she appreciated Cheryl taking the lead on that.

Virginia noted that Fish and Game still is not being contacted regarding complaints on the railroad bed. Hugh noted north of the river there are signs posting no ATV's. Virginia noted that there are no public trails in this area.

She has been contacted by Dick Frambach as he has sent in written complaints and has never been contacted in writing. He has discussed work the Perry's have completed at the Park and asked if the Board would be doing any recognition.

Virginia has been asked if there is going to be fireworks at Old Home Day. She noted that the Committee is asking for volunteers to assist with a transition of the Old Home Day Committee. She noted the existing people are retiring after this year.

**Virginia motioned to allow Old Home Day to have fireworks, Cheryl seconded the motion. The motion passed.**

Hugh

Hugh noted BCEP is changing its hours during the week to 7:30AM to 4:00PM and Saturday from 7:00AM to 2:00PM beginning June 4th. Virginia noted they have shortened the hours for working people to go on Saturday. Cheryl noted people try to do cleanup on Saturday morning and that some people can't get there until later Saturday afternoon.

The Fire Department assisted with the evacuation at Cheshire Medical Center.

He gave Cheryl information for the EDC from the SBA.

One court case has been moved forward to mid-May or later. Arguments on a case will be heard by the State Supreme Court on June 6<sup>th</sup>.

Cheryl noted she is obtaining information for installing the EDC signs from NHDOT. She spoke with Chris Bowes and he did not know where the signs were to go.

Virginia noted there is a Budget Committee meeting on June 20<sup>th</sup>.

Dawn discussed the FYI information.

**Virginia motioned to go into non-public for RSA 91-A: 3 II c, Cheryl seconded the motion. The motion passed with Hugh voting yes, Virginia voting yes and Cheryl voting yes.**

The Board went into non-public at 8:56 PM, retuning at 9:19 PM.

**Virginia motioned to come out of non-public and seal the minutes, no decision was made, Cheryl seconded the motion. The motion passed.**

### **5 Minutes for Public Discussion**

Len asked if an employee at BCEP quit or went into medical leave. Hugh noted that two employees have left BCEP.

Len asked when the town stopped doing inventories, Hugh did not know. Virginia noted that Nancy had done inventories with Gordon, but when the Town Administrator took over; she does not know what occurred. Cheryl noted that an actual inventory was done when Gordon left, but only pictures had been taken.

It was discussed that all departments should be and are doing them.

Joni noted when things wear out, not wait to the next year, it should be addressed immediately if it was replaced. Cheryl noted that Scott would doing an inventory once he had Excel on his computer.

**Other Business (as agenda is subject to change)**

**Non-Public Session** per RSA 91-A: 3 II (a, b, c, d, e, f, g, h, l) as necessary

### **Requested Non-Public**

#### **Correspondence – FYI**

NHDRA 2018 Total Equalized Valuations

NHDOT Proposed Epsom Driveway Entrances (Aroma Joes)

NH Liquor Comm Notice of Application for Liquor License

**Virginia motioned to adjourn the meeting; Cheryl seconded the motion. The motion passed.**

Hugh adjourned the meeting at 9:20 PM.

Respectfully Submitted,

Betsy Bosiak,  
Recording Secretary

**POSTEDL 5/3/2019 @ Epsom Town Office/Post Office/Website**

*Please note that all Board of Selectmen meetings /hearings/sessions are held at the Selectmen's Office, 940 Suncook Valley Highway unless otherwise noted.*