

~~Unapproved~~ Approved  
**Candia Selectmen's Public Meeting Minutes**  
**Monday November 8, 2010**

**Attendance:** Chairman Fred Kelley, Vice-Chair Carleton Robie, Selectman Joe Duarte, Selectman Amanda Soares, Selectman Richard Snow, and Administrative Assistant Andria Hansen.

**7:04 p.m.** Chairman Kelley called the Public Meeting to order and immediately followed with the Pledge of Allegiance.

**The Board will be holding a public hearing to receive public input on the use or possible removal of the swap shop building located at 119 New Boston Road.** Chairman Kelley opened the public hearing. Superintendent of Cemeteries Jerry Becker asked the Board if they would consider using the area as a storage space. He would like to use it to store the cemetery equipment. Resident Fletcher Perkins asked if we rent any property for storage space. He asked in the future can you see any shortage of storage space. Chairman Kelley replied not unless the town grows a lot. Resident Gene Beckman asked what the value of the swap shop building was. Chairman Kelley noted they didn't have that information. Welfare Director Donna DelRosso spoke on behalf of the Garden Club. They polled their Garden Club members and they would like to have four or five groups/committees go in and fix it up. Then use it for the meetings, demonstrations, bake sales, etc. The Garden Club could beautify the area. There were thoughts of picnic tables and added trails to the conservation property. Resident Judy Siemonsma agreed with Welfare Director DelRosso, but the space can also be used it for storage. She noted a lot of the Garden Club members have materials at their own homes. It would be nice to centrally locate their things. They are starting the Christmas season and they need a place to work. They are currently using her garage and the old building would be a nice space to work. Chairman Kelley asked if she was talking about the swap shop or the other building. Resident Judy Siemonsma replied they would like to use the other building, because it has water and electricity. Chairman Kelley noted we are just talking about the swap shop building this evening. Selectman Soares added they haven't officially decided, but the swap shop is our main concern. She noted it is nice to get some feedback on the use of the other building. She let everyone on New Boston Road know about this meeting. She felt if there is a use for the old swap shop that's great, but if people think it's an eye sore we'll try to accommodate the majority of the people. She is open to all of the options. Resident Fletcher Perkins asked is it going to cost us anything to fix it up. Selectman Soares replied it doesn't need to be fixed up; it may need a new door. The building is perfectly fine. Chairman Kelley noted this is why we wanted to move it to the new facility. SWC Chair Al Couch commented we view the site as the "old dump", but with suitable uses of the building they could leave the building there. SWC member Roger Stenbak noted the buildings do have some value and they have a sustainable design. These buildings don't cost a lot to maintain. They abut some large areas of conservation land and maybe a parking lot area could be made to access the land. He thought the Selectman could consider bringing in members of the Garden Club and Conservation Commission and try to help them make a decision. Resident Fletcher Perkins asked if there was a potential liability of working at that landfill. Selectman Robie questioned if the closure called for access with a driveway only to the existing

building in the back and once it's covered its not to be driven on. Selectman Soares explained the main building and the swap shop building aren't in the designated cap area. The area outside of that which was the tin, aluminum, burn pit, and brush pile is considered the cap area. This is where we would have to do the engineered site work. The buildings could stay where they are or come down, but they don't fall within that specific area. If you have someone digging and they break into the cap this could be a liability, because it's considered hazardous material. Once we seed and add dirt it will add some protection to the cap. It's a clay cap so we can't grow any trees near it. Selectman Duarte thought they should make a decision, some people think the area looks bad. He questioned if they are going to keep the buildings up or are we going to put bids out. Selectman Snow didn't think we need to make a decision now and Superintendent of Cemeteries Jerry Becker indicated he needed the space for storage. There is no rush to do anything with the buildings. Resident Rick Lazott thought the main building could be used to store the cemetery equipment and the swap shop building could be put out to bid. Chairman Kelley would like to see the swap shop moved out of the area, because we have heard complaints that the building is an eyesore. Chairman Kelley noted we agreed to have a public hearing to get input from the residents. Resident Ron Thomas asked how many complaints were received. Chairman Kelley thought about five from people who live on that road and drive by it every day. SWC member Roger Stenbak noted that he was in favor of cemeteries using the smaller building, but the larger building has a lot of potential for community uses. It should be examined very carefully before we say just tear things down. Superintendent of Cemeteries Jerry Becker noted it doesn't matter which building we use, the shed we have now is falling apart. This would be the most ideal and economical way to go. Resident Rick Lazott thought instead of sinking money into these buildings, they would make much better use of the old library. This would be a more suitable location. He thought they could get rid of the swap shop and use the other building for cemetery equipment storage and storing stuff from the old library. He felt the old dump was pretty contaminated and couldn't understand why people would want their kids playing on it. It would be a bad idea to use it for recreation. If the cap is compromised in any way it will cost a lot of money for the citizens of the town. They should just loom it seed it and walk away from it, with the exception of the cemetery equipment storage. It would cost a lot of money to make that building usable. He felt they should sell the old swap shop. Selectman Robie explained he knows people on New Boston Road who are sick of looking at the old swap shop. He thought that the old swap shop was a mistake when it was put there and it still is. Paul McHugh noted according to the State the closure of the land fill is a done deal. The State gave us a letter years ago and that is a closed land fill. All we have to do is continue to monitor the water and the wells haven't shown any real issues over the last number of years. The right thing to do is cover it with loom and grow grass on it, but we have been driving on it for year. Chairman Kelley noted we aren't talking about the land we are talking about the swap shop. Resident Lorraine Briand asked what the Boards proposed plans for the land and the larger building. Selectman Robie replied we are talking about the swap shop this evening and Selectman Soares has the closure for the rest of the buildings and land. Selectman Soares explained we haven't determined a use for the main building. The land that surrounds the buildings is where the cap is and there is wetlands further out. The land will be slopped a little bit better and there will be loom. It will be mowed on a regular basis, so no trees

grown on it. According to DES nothing can grow into that cap and permeate it. The main portion of the land will be just grass. SWC member Roger Stenbak asked if they determined what the cost of removing the swap shop would be. Chairman Kelley suggested putting it out to bid and see how much it would cost. If the old swap shop building was sold the money would go back to the general fund. Resident Judy Siemonsma stated you're saying you don't want to talk about the other building, but are there plans for the other building. She thought they had a choice of which building they could use. Selectman Soares explained when she does the closure she has to have someone engineer the entire site for both building and would like to get some ideas. Resident Judy Siemonsma noted they would like to use the swap shop space as well, they are running out of spaces to do things. Selectman Soares noted if they had a preference she would rather go with their preference first. She thought they could put the divider up at the swap shop so the cemetery can use one side (with garage door) and the garden club could use the other. Resident Judy Siemonsma noted that some people think the old dump is an eyesore, but it could be beautified very easily. Selectman Snow explained last year he requested that cemeteries be able to use the old swap shop to store equipment. This makes more sense to him. The mowers are currently being stored in the tomb. We would like to use the space to store the cemetery equipment. The other building is too big for this use. They could use it for a town maintenance shed. There is no cost associated with the old swap shop, let's leave it there for this year. Chairman Kelley appreciated the input from the residents and thanked everyone for coming.

**Departmental Reports: Highway, Police, Fire, Building, Solid Waste & any other depts.**

**Highway:** Road Agent Lewis read from the attached report. There was the usual patching as needed. He got some of the plows ready. He graded around the swap shop and constructed a yard waste disposal area. Selectman Soares thanked him for his work on that. Chairman Kelley recently talked with a school bus driver and going down Healy Road and coming out onto North there are some trees blocking the view. Road Agent Lewis agreed that it is a bad spot and would take a look at it.

**Police:** Chief McGillen gave an update on Sergeant Gallagher. He's home from the hospital and improving. Selectman Robie asked Chief McGillen to wish him our best. Chief McGillen mentioned there were no burglaries to report. They had some thefts of scrap metal being taken from some local businesses. There have been incidents in Bedford of people following UPS trucks and stealing packages from homes. Residents should make arrangements, so the packages aren't left out. They have the Dream Program at the school and Officer Mahoney is working with the 5<sup>th</sup> graders. The local karate studio would like to work with the Police Department and do a stranger danger program. Citizen Rick Lazott thought maybe something should be put in the paper about the UPS deal, because the public should be aware of this. Chief McGillen mentioned that he will get something on the website this week.

**Fire:** Selectman Robie read from the attached report. A house was donated by Car World and some training has been held there. Selectman Snow asked if the donated house would be used for a controlled burn. Selectman Robie replied they are working on that now. There was some further discussion about the training.

**Building:** Selectman Soares read from the attached report. Permit fees are up from last year. Selectman Duarte stated Building Inspector Ciardi is doing a good job and tell him thank you. Selectman Robie asked if he is changing his hours for the winter. Selectman Soares would talk to the Building Inspector about it. Selectman Snow would like to do an in-depth review of the open code cases either in a public or a non-public. Selectman Soares noted these are cases that have been around for a long time, but it's something we could look at.

**Solid Waste:** Selectman Duarte read from the attached report. The guys are doing a good job. Facility Operator Chuck Whitcher has some signs up letting the residents know what the revenues are. This is a good incentive for the residents. He noted anytime we can recycle something were getting money back. Selectman Robie questioned the amount of C & D debris. He noted in 2007 we did 66.65 tons of debris for the year and in 2010 they did 58.13 for the month of September. Selectman Duarte wasn't sure, but they were burning most of the stuff in 2007. Selectman Soares noted they had a drop off for the C & D. Selectman Duarte replied you have to look at what's going on this year and compare it to last year. We're looking at the progress we made from this year to last year. Selectman Robie noted this information is confusing. Resident Rick Lazott thought maybe the numbers were wrong and Facility Operator Whitcher confused the year 2007 with the month of September in 2007. Rick Lazott commented on the swap shop and he was wondering if someone was going to start monitoring the swap shop. Last Wednesday someone from out of town took a bunch of stuff out of the swap shop and she sells it at the Londonderry Flea Market. Chairman Kelley thought the swap shop was only for Candia residents. Selectman Soares noted the Recycling Center is only for Candia residents. She'll make sure the volunteers screen people. Selectman Soares asked about the roll off at the old recycling center. Chairman Kelley thought they should get rid of it. Selectman Soares noted they are paying a rental fee on it. Selectman Soares had two residents talk to her about the pictures and they didn't think it was fair the pictures don't go into the swap shop. They are hung in the Recycling Center. If people want a picture they aren't allowed to have one. Selectman Duarte said all they have to do is ask Facility Operator Whitcher. Selectman Soares mentioned a lady brought two pictures to the swap shop and Facility Operator Whitcher immediately removed the pictures. When Selectman Soares questioned him he told her that he hangs them in the recycling center. She asked if it was okay to swap out a picture and he told her that's okay but they have to see what picture is first. Selectman Soares thought they should let the residents take a picture if they want it. Chairman Kelley agreed. It was agreed if a resident wants a picture or a frame they can have it. Selectman Duarte noted he would speak to Facility Operator Whitcher about it.

**Parks/Rec:** Selectman Snow read from the attached report. They will be shutting the water off at the park. He and Road Agent Lewis have been working on getting the parking defined. There was water testing done and no bacteria was found. The skateboard park may get new equipment donated. He is working on the summer rec program. The CYAA is putting the ski program together. There may be some kids going to Pats Peak and the young kids will be going to Macintyre. They have to find out through the enrollment if there will be some additional bus trips. They're not sure if the ski program is a go this year. The Candia Community Women's Club is advertising for skating at the pond park this winter. He thought this is a wonderful thing. They may be looking to the Fire Department to pump a thin layer of water on the pond. Selectman Soares asked if the chips are going to stay in the park through the winter. Selectman Snow noted he has a volunteer that's going to spread them out. Selectman Soares noted the chips should be spread out, because they are a breeding ground for mosquitoes.

**Selectman Snow to discuss Exit 3/ Old Candia Road intersection.** Selectman Snow explained that Chief McGillen came to the Board 3 weeks ago and indicated he had a problem with Exit 3 intersection. Chief McGillen provided the Board with two letters from 2008. One was from the Town to the DOT and the other was the response from the DOT. Selectman Snow noted that nothing has happened since then. He called Mr. Lambert from the DOT. Mr. Lambert told him the first step is a road safety audit. There is a new program called the Traffic Intersection Safety Program and there grants that will pay for the audit. The audit is done by the SNHPC. This paperwork needs to be signed by the town, then goes to Pam Mitchell at the DOT (district 5), the SNHPC, and then to the highway safety engineer in Concord. He would like to suggest to the Board that he be the "Person with Authority to Respond To/Implement the RSA Findings" and they authorize the Chairman as the agency signature. He and Chief McGillen met with the DOT this morning. He thought there needed to be a four way stop. Selectman Snow would like to get the approval of the Board to send the audit application. Selectman Soares asked how much does this audit cost. Selectman Snow replied it doesn't cost us anything. It will be under SNHPC funding. Selectman Soares thought someone is going to have to pay for it until the grant covers it. Selectman Duarte thought a four way stop would be a disaster. Chief McGillen noted the money they have is small money to make some modification (i.e. signage, flashing light, etc.). They will come back with several different proposals and nothing is cast in stone. So they just won't put a four way stop, they'll come back with some suggestions. Chief McGillen noted this may not qualify, because they have some type of point rating system. Selectman Snow stated at least we did our part to try to prevent future accidents. Resident Rick Lazott agreed and to try to change the entrance onto the highway would be chaos. He congratulated Selectman Duarte on becoming State Representative and maybe he continue to look into this. Selectman Snow motioned to authorize the Board to send in the audit application. Seconded by Selectman Duarte. All were in favor. Motion carried.

**Fire Chief Young to address recent appointment revocations of FF/EMS Joshua Danley and FF Scott Aboshar.** Selectman Robie read from the letters provided by Fire Chief Young regarding the termination of the appointments of Firefighter Scott Aboshar and Firefighter/EMS Provider

Joshua Danley. Chairman Kelley motioned to accept the termination of the appointments of Scott Aboshar and Joshua Danley based on Fire Chief Young's recommendation. Seconded by Selectman Duarte. All were in favor. Motion carried.

**The Board to discuss the insurance plan for 2011.** Selectman Robie noted the employees who take the insurance will have the same plan as last year. Some of the changes will be that preventative care will be covered in full. The \$25,000 max benefit (lifetime) will be removed per health care reform. Also, there will be a 5.6% reduction in the employee's portion. He noted that health care reform will not be taxable income in 2011, but possibly in 2012.

**The Board to address 2005/2006/2007 tax liens unredeemed and deed waivers.** Selectman Snow questioned if some of these should be done in a non public. Selectman Robie replied all tax records are public. Selectman Snow noted if we had discussions about action we were going to take based on an individual this might come under a non public. Selectman Robie thought the Board could give Tax Collector the authority to go ahead and levy the tax liens on these properties as of October 20<sup>th</sup>, 2010. Selectman Snow replied you could do it that way, but last year we did some that we decided not too for specific reasons. He's not sure on the decision he wants to make on some of these. Selectman Duarte agreed with Selectman Robie and thought they should take the first step and send out the notice. Selectman Snow replied this puts us in the position of are we going to take a tax deed or not and then it becomes town property. Rick Lazott thought it was better to maintain the lien instead of dealing with a tax deed. If we have a viable lien we are the first name to be reimbursed if the property is sold. It's a no lose situation as long as we maintain the lien. Selectman Robie motioned to let our Tax Collector continue the liens on these properties. Seconded by Selectman Duarte. All were in favor. Motion carried. Selectman Robie noted we'll ask Tax Collector Stamatelos to give us a review 6 months from now.

**Approval of Previous Minutes: Public meeting minutes of 10/25/10.** Selectman Robie motioned to accept the public meeting minutes of October 25<sup>th</sup>, 2010 as amended. Seconded by Selectman Duarte. All were in favor. Motion carried.

**Announce Next Regularly Scheduled Meeting Date.** Chairman Kelley has changed the next Selectmen's meeting date from November 22<sup>nd</sup>, 2010 to November 29<sup>th</sup>, 2010 at 7:00 p.m.

**The Board to authorize payment of payroll checks and accounts payable checks.** Selectman Robie motioned to approve payment of payroll manifest number 000597-05, checks to be dated 11/04/2010, with a total gross payroll amount of \$16,000.51. Seconded by Selectman Snow. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 110110 checks to be dated 11/04/2010, with a total amount of \$1,112,223.12. Seconded by Selectman Robie. All were in favor. Motion carried. Selectman Snow motioned to approve payment of payroll manifest number 000598-07, checks to be dated 11/10/2010, with a total amount of \$17,940.14. Seconded by Selectman Robie. All were in favor. Motion carried.

Selectman Snow motioned to approve payment of accounts payable manifest number 110210, checks to be dated 11/02/2010 with a total amount of \$23,050.07. Seconded by Selectman Robie. All were in favor. Motion carried.

**Recent Heritage Commission meeting.** Selectman Robie mentioned the Heritage Commission recently met at the old library for the evaluation of that building. They would like to put together a scope of the work it would take to bring that building back to being functional. There needs to be a septic system designed and a well lay out. There needs to be some architectural work done outside to see if they can get a wheel chair ramp to the front door. Selectman Robie asked the Board for the Heritage Commission for \$1,200 to \$1,500 to get the septic design done and approved. He thought they could find that money in the budget. They need to have a scope of work of what is going to take place and what you're going to have when you're done. Chairman Kelley thought this was a good idea. Selectman Snow thought you could use the building without a septic design, because you don't have a failed septic system. He felt you need to get a number of people together saying what they want to use it for. Selectman Robie replied he has been doing this for 3 years now and this is the most logical way he can present it. He explained you can post a public meeting and as soon as someone in a wheelchair can't get in you have discriminated against them. Selectman Snow replied the meetings can be held downstairs which is handicap accessible. Selectman Robie replied there isn't an ADA bathroom and you need to have that. This is the first step in getting there. Selectman Soares noted the old library needs to have its own functional septic system. Selectman Robie motioned to appropriate \$1,200 to \$1,500 from the 2010 budget for a septic design and well location at the Old Smyth Library on High Street. Seconded by Selectman Soares. All were in favor. Motion carried. Rick Lazott noted when he was a Selectman they discussed raising the elevation of the parking lot to alleviate some of the footage for the handicap ramp.

**SNHPC increasing dues:** Selectman Snow there was a notice in the Selectmen's folder noting that SNHPC will be raising the dues. They are going to be asking the representatives at their next meeting what they think about that. The increase for Candia would be \$222.61. He would suggest that Selectman Robie bring this information to the Budget Committee. Selectman Snow asked the Board if they would like give our representatives to the SNHPC any feedback about the increase. Selectman Robie asked if the increase was in the operating budget or warrant article budget. Selectman Snow replied it would be an increase in the SNHPC dues. Selectman Robie noted they should have given us this information before we budget for it. We already submitted the budget to the Budget Committee. Selectman Snow noted he was just passing along the information. There was some discussion about the increase. Selectman Robie noted the same amount was budgeted as last year. Selectman Robie thought they should send our reps to SNHPC a message and tell them we don't want an increase.

Selectman Snow noted he and Road Agent Lewis will be meeting with the DOT regarding the sign on High Street and possibly moving it further down towards the Town Office. This would get the sign out of Mr. Siemonsma's drive way.

**Rand Easement:** Rick Lazott commented that any time the Board considers signing an easement there shouldn't be any restrictions. It must be left open for hunting, fishing, hiking, and horseback riding with no restrictions. Chairman Kelley stated it says in the easement there is not hunting and fishing allowed. Selectman Snow replied that wasn't true. He noted that Mr. Rand wanted the people to use the land the same way they're using it now. There is nothing in the easement that restricts hunting. They just have to ask Mr. Rand for permission. The easement does say if you're doing something on the land that someone could damage you have to ask permission. You can't ride a motorize vehicle on it. Selectman Robie clarified if you want to hunt or fish you have to ask for permission, but you will not be denied that privilege. Rick Lazott noted in the Fish and Game Regulations if you're placing a tree stand on someone's property you must have written permission for that no matter what the situation is. As far as walking on the property (with an easement) and hunting there has never been a restriction on conservation land. There has never been any restriction on an easement, besides motorized vehicles. It's wrong to put a stipulation on hunters and people horseback riding and fishing. He felt they are treating people like second class citizens by having to ask permission for something the town's taxpayers paid a lot of money for. They should be able to do this by right. Chairman Kelley agreed with Rick Lazott because he asked Selectman Snow at a Selectmen's meeting if fishing and hunting would be allow and he was told yes. Selectman Robie didn't think it makes you second class to knock on someone's door and ask to cross their property; it makes you first class when you ask permission. Selectman Snow explained the easement says if something is happening on the land and you don't want damage than you can say you need permission. You can hunt on the back part of Mr. Rand's property he isn't going to know you're there. He doesn't see that changing and he understood what Rick was saying. Selectman Robie read from the easement language (see attached). Selectman Duarte thought this is something that could be put on the front of the deed. Selectman Snow acknowledged it is an issue that needs to be addressed in the future. You need to be upfront with the owner. Selectman Robie noted that Chairman Kelley had no objections to the easement as long as hunting and fishing were allowed. We did ask for this on this easement and on other easements it clearly states if hunting is allowed. Selectman Snow noted it's his understanding that Rick can hunt on this, but he has to ask for permission. He would like to look at the other easements, because this was standard language. Selectman Snow noted theoretically most hunters would ask for permission before they hunted on someone's property. Rick Lazott replied that's bull s—t, because you're generalizing. Selectman Robie noted that people do hunt without asking for permission and most of them do it that way. This is an issue with the easement and it should have been checked properly. Rick Lazott stated if you are going to accept tax money from the town you have to let the citizens use it unrestricted. Selectman Snow explained when you do an easement you are still the land owner. You should have the right to say you don't want people walking through your front yard. Selectman Robie noted there are two different types of people ones who put their land in an easement and people who put their land in an easement for money. Selectman Snow replied the easement ensures that the land won't be developed which is the primary goal of the easement. Selectman Snow firmly believed the language in the easement says Rick can hunt on the land. There was further discussion about



the easement. Selectman Snow noted this is Mr. Rand's land, he can do what he wants with it. Rick Lazott replied according to that easement hunting is an illegal act. It says you need to ask permission to hunt on the land and that wasn't supposed to be there. Selectman Snow noted that every easement that is done for conservation purposes has to have a public purpose. Rick Lazott noted under state law you are not allowed to cut a branch without permission, but as far as going on the land to hunt there shouldn't be a restriction on that. Rick Lazott stated this was wrong, because Fred asked and you pulled a fast one on the Board. Selectman Snow replied he was willing to accept this as Rick's interpretation, but that not my intent. He didn't do anything deliberately and thought this was a good deal for the town and the people. Selectman Robie asked if he discussed this with the Rand's and didn't bring it back to the Board. You brought back something that you knew wasn't what we asked for and you didn't tell anybody. Selectman Snow stated he insisted that hunting would be allowed on the land, but we had to word it just so. He noted that Mr. Rand did want some restrictions, so the language was added to ask for permission. He thought this was the best deal they could get with what the expectations were. Selectman Robie replied you knew the language was iffy and you didn't bring this back to the Board. Selectman Snow replied there is probably a lot of iffy language in the easement. He agreed it can be misleading and this is a learning process for all of us. Chairman Kelley stated he will make sure to read all of the easements that come through. Selectman Duarte didn't think Selectman Snow was misleading the Board and next time it won't happen again. Selectman Robie told Rick Lazott to never consider yourself a second class citizen for asking permission to enter someone's property. Rick Lazott stated he would like to be considered an alternate for the Conservation Commission. Selectman Snow thought that was a great idea and he would encourage it. Road Agent Lewis noted the only reason to ask for permission to go on someone's land is so the owner knows what they're doing on it.

Chairman Kelley motioned to adjourn at 9:02. Seconded by Selectman Duarte. All were in favor.

Respectfully submitted,  
Andria Hansen, Recording Secretary