

~~Unapproved~~Approved  
**Candia Selectmen's Meeting Minutes**  
**Monday, May 9, 2011**

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

**7:00 p.m.** Chairman Kelley called the Public Meeting to order and immediately followed with the Pledge of Allegiance.

**The Board to consider Fire Chief Young's recommendation to appoint William Berquist as a Firefighter/Chaplain and Richard Fitts Jr. as a Firefighter to the Candia Volunteer Fire Department.** Fire Chief Young explained that Mr. Berquist is an Episcopal pastor and firefighter from New York and Mr. Fitts was on the department years ago. Selectman Robie motioned to appoint William Berquist and Richard Fitts Jr. based on Fire Chief Young's recommendation. Seconded by Selectman Soares. All were in favor. Motion carried.

**David Preece of SNHPC, Betsy Kruse (Candia SNHPC Rep), and Bill Stergios (Candia SNHPC Rep) to discuss with the Board a possible membership dues increase.** Mr. Stergios said they were there this evening, because they wanted to explain the dues increase. He also wanted to explain what the Planning Commission does for the town. He mentioned a couple of years ago they tried to fix the intersection in front of Fred's Garage (where Rt. 27 meets Raymond Road), but this project fell through the cracks. He noticed this project in addition to two others was proposed for the 10 year highway plan (Rt. 43 and Main Street & Exit 3). He called Nancy Mayville and left her several messages. David Preece gave her a call and she called him back 15 minutes later. This is one benefit of the Planning Commission. Ms. Mayville would like to meet with the Selectmen at the intersection and go over the drawings. She will be able to give them a rough estimate of how much it will cost to fix that. This will cost 1/3 for the Town and 2/3's for the State. Mr. Stergios mentioned this is a Town managed project. David Preece gave the Board a handout explaining what they do at the Planning Commission and the services they provide. The Planning Commission has been around since 1966. They were formed to try to bring about coordination and provide planning services to their localities. The Planning Commission has 13 communities in its jurisdiction. They are also a Metropolitan Planning Organization which means all federal transportation construction funds have to show there has been transportation planning. This is to make sure the funds are being spent in an effective manner. They were designated as a Metropolitan Planning Organization back in 1991. In the State of New Hampshire they represent the largest population. It's important for their communities to participate, because they provide the transportation planning in order for them to receive the transportation construction grants. Their membership dues are \$.63 per capita and it has been for the past 22 years. They have the lowest membership rate of all of the Regional Planning Commissions in New Hampshire. There have been cut backs in funds at the state and

federal level. They used to receive \$60,000 to \$70,000 per year from the state for planning assistance. This has been a \$11,000 cut. The membership fees that they receive from our communities are spent for the 20% match that's required for our federal funds. They can't use all of their federal funds because they don't have match to use it. Last year they met to talk about the financial situation of the Planning Commission and they thought that asking for another nickel per capita would not be unreasonable. They thought it was too late for this fiscal year, so they would ask for the budget year 2012/2013. This would raise your membership dues to \$.68 per capita and it would still be the lowest in New Hampshire and all of the regional planning commissions. They are asking for an additional \$222.00. This isn't much because every dollar you give us in membership dues we give you back \$5.00 worth of services. He thought this says a lot about the services we provide to our communities. SNHPC Member Jack Munn was present and wanted to explain the services they provide. He mentioned that he started working with Candia in 2006. They have redone the zoning map and update it continuously. He has worked on Zoning amendments, Site Plan and Subdivision amendments. They recently worked on the Source Water Aquifer Protection Ordinance. They have worked on traffic counts and have a successful Brownsfields Program. They prepared the towns impact fees and a cost of community services study. Some other things they have worked on are the source water protection plan and the open space plan (which is currently in progress). On a region wide level they just finished a regional economic development plan and within this plan there is a municipal based economic profile. It has statistical information about all of the towns. It also included a target industry analysis done within this study. This looks at the types of industries that are best suited for the towns. They would like to continue the Brownsfields program and would like to focus on the village center and develop a plan for the town. They have been in touch with the school to do the safe routes program. The Planning Board is looking to update the master plan and they are looking for funding to help update this plan. David Preece added they are constantly looking for programs and opportunities for all of their municipalities. If they see something that might benefit they will go after it once they get concurrence from the Planning Board and the Town Officials. They are looking for ways to maximize your membership dues. Selectman Snow noted this is an 8% increase over 22 years and he thought it was a reasonable amount. He is supportive of all of the efforts the SNHPC has done for us. They helped with the safety audit that is being done at Exit 3 area and getting those three intersections on the 10 year plan. He has always had good support from them. They provide us with a lot of good work for a reasonable amount of money. Selectman Snow asked when CTAP is going to disappear. David Preece replied the DOT is trying to make that happen. There is supposed to be two more phases of CTAP, but he doesn't know when they will release it. Selectman Snow stated he is supportive of this increase for the next budget cycle. Selectman Robie said they would look at it during budget time (in September). The budgets are tight everywhere and they are trying to hold the line. Planning Board Chair Mary Girard replied that they do a lot for us, we get a lot more service for what we pay and she supports the increase. Selectman Robie mentioned the intersection work and felt the town would not be in favor of putting a 1/3 into this project. Bill Stergios explained they picked that intersection because it was the easiest to do. The intersection

at Rt. 43 and Main Street has eminent domain issues. Selectman Robie replied all of the intersections are state roads and the town wouldn't participate. David Preece said they will have to try to find money so that it is no cost to the town. Selectman Robie noted the state has downshifted a lot of costs to the community i.e. retirement funds, insurance funds. There is a considerable amount of money that the state isn't going to contribute. This is going to be a difficult budget season. Citizen Joanne Beckwith asked how long are they talking before they take the land for eminent domain. She said she knows someone that is worried the town is going to take her house and land. Chairman Kelley replied the town isn't going to take anybody's land. Selectman Duarte thanked David Preece for coming in to see them this evening. He stated the SNHPC does a lot of good work but he has a concern that we are not conscious of the business concerns. He thought they were more focused on the conservation side. David Preece replied that economic development is one of our priorities – region wide and local. You need to balance the property tax with businesses. The target analysis they did for each of the municipalities is a starting place where you can look and see what kind of businesses you should be attracting to Candia. Chairman Kelley commented they did a fantastic job at his garage because it is a Brownfields site. David Preece noted there are many Brownfields sites that haven't been cleaned up and can't be utilized for anything else. The Board thanked Mr. Preece and Mr. Munn.

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

**Highway:** Road Agent Lewis noted they had one plowable storm for the month of April. They graded all of the dirt roads and added material where it was needed. There was a lot of mud on some roads and others none at all. There was shoulder work on various roads, because of plow damage. They did tree cutting on various roads. There was ditching done on Thresher Road. He mentioned Auburn opened up their end of Tower Hill. They paved Old Candia Road today. He paved it 14 years ago and it lasted 12 good years. He explained \$40,000 was encumbered from last year's budget and the balance will come out of his asphalt maintenance line. They did a short piece of Chester Turnpike (about 800 ft of the short end). Chairman Kelley asked how much money it would cost to get rid of the concrete on Old Candia Road. Road Agent Lewis replied it would probably be 10 years of our reconstruction budget. He explained they took out a short piece of that concrete road on South Road and Old Manchester Road. It took us 2 days to take out 150 feet of road. The concrete varied in depth from 4 – 8 inches. It would be a huge and expensive job. Selectman Robie asked how much asphalt was used on Old Candia Road. Road Agent Lewis replied about 1,250 tons between the two projects. Selectman Snow asked how much did it cost. Road Agent Lewis said between the two projects approximately \$85,000 (Old Candia Road and Chester Turnpike). Selectman Snow mentioned putting in a warrant article for asphalt maintenance. We are years behind and we need to catch up. Selectman Robie replied we caught up this year and the road came out nice. Chairman Kelley commented that Road Agent Lewis made a lot of people happy by repaving Old Candia Road.

**Police:** Chief McGillen mentioned that he has narrowed down the full time and part-time candidates to four. They will be starting the background checks tomorrow. Selectman Snow

asked if all four have experience. Chief McGillen replied that two of the candidates have experience. Selectman Snow asked if any of them will have to go through the academy. Chief McGillen replied that two of them would. Selectman Soares asked which positions will you fill. Chief McGillen replied it would be the full time and part time positions. He noted that there are still résumés coming in. Selectman Robie thought he should hire someone with experience for the part time position. He didn't think it was practical to send someone through the academy to be a part time police officer. Chief McGillen replied it would depend on who they got for candidates. He explained part time officer's go to a different academy than the full time officers. Selectman Robie said he wouldn't be in favor of this. Chief McGillen explained there is no cost to go to the school it's what the town pays for the position. Selectman Duarte asked if there was a fee for the academy. Chief McGillen replied there isn't a fee for the academy. The penalty assessment on the traffic violations pays for the Police Standards and Training Academy. They applied for the OHRV grant and the state is cutting back. They only gave us 30 hours last year. It's good to get the officers out in the back areas, because they have been getting some complaints. There are some scams going around and he's trying to get something up on the website. One of the scams is someone calling an elderly person's residence and claiming they're a grandchild in an emergency and asking for money. They're saying they are hurt so their voice doesn't sound right on the phone. Another scam is someone is calling residents and claiming he's a terrorist and if they don't give him money he will kill their family. They've had a few thefts and things have been stolen out of yards and businesses. They had a rash of car break-ins on Patten Hill Road and Main Street at the end of school vacation week. They will be involved with Operation Safe Commute with the State Police. Selectman Snow asked how the drug take back program went. Chief McGillen said they received 20 lbs of drugs this time. He noted they will be doing another one in the fall. Citizen Joanne Beckwith said there is a man going around asking to cut down trees for a couple of hundred dollars. Chief McGillen replied he heard something and the guy is legitimate.

**Fire:** Selectman Robie noted they did regular truck maintenance and there was hazmat refresher training. Chairman Kelley thanked the Fire Department for putting on the car show last Thursday night at the Irving Gas Station. He noted there were about 50 collector cars there and he thought they did a fantastic job. It was really organized and well put together. The car show is every Thursday night.

**Building:** Selectman Soares read from the attached report. It's a little slow right now but things are picking up. Chief McGillen wanted to thank Building Inspector Ciardi. The police department has been investigating some copper being stolen out of a house on Currier Road. There was also debris and junk cars outside the house that he didn't feel was a police matter. He spoke with John about it and he's been working with the bank (who owns the property). Selectman Soares mentioned he does a good job cleaning up unsightly properties.

**Solid Waste:** Selectman Soares read from the March 2011 report. The center land-filled 64.94 tons of MSW in March and this is less than last year. There was 28.38 tons of C & D land-filled which is considered very low. People aren't doing big house projects so that is keeping it low. The total amount of waste land-filled for March was 93.32 tons. She was at the recycling center recently and the staff has been keeping up with their list of housekeeping items. These are items they have been working on when they aren't baling or open to the public.

**Parks & Rec:** Selectman Snow noted they will be receiving concrete for the skateboard park the week of May 23<sup>rd</sup>.

**SWC discussion:** Chairman Kelley mentioned that he hasn't seen any Solid Waste Committee minutes for March or April. Selectman Snow said that he would talk to SWC Chair Al Couch. Chairman Kelley didn't see a need for the SWC when they have a fully operating Recycling Center. Chairman Kelley said he would like to make a motion to disband the SWC, but he didn't think the rest of the Board would go along with it. Selectman Soares replied that she would vote in favor of that. They don't have members interested in being reappointed. When she told them they needed to be reappointed some members replied "what's the point". Selectman Duarte thought someone from the SWC should be here if we are going to be talking about this. He would suggest they schedule a meeting and let them come here and defend themselves. This would be the proper way to do it. Chairman Kelley stated all he was doing was asking the Selectmen's Rep for some information. Selectman Snow said he would invite them to the next meeting. Chairman Kelley replied they all need to be reappointed and the only legitimate member is Selectman Snow. Selectman Snow asked if we received any requests for reappoint. Selectman Soares stated she mentioned it to the SWC members but the office hasn't received anything. Chairman Kelley felt they didn't need a SWC, because everything is being done at the Recycling Center. Selectman Duarte thought they were waiting for us to close the old site, so that we can have DES come here and hold a meeting. This was discussed at the last meeting. Selectman Snow said he would discuss this with SWC Al Couch and they can make some suggestions on what they can do as a committee. He thought they could combine the SWC with the Energy Committee that we established a year ago. Chairman Kelley asked what the Energy Committee is. Selectman Snow reminded him that this committee was established a year ago. Chairman Kelley replied that he didn't remember that. Selectman Snow replied that we appointed Scott Komisarek and John Cole to the Energy Committee. Selectman Duarte clarified that it is the Regional Economic Development Committee. Selectman Snow said there was a paper that came from SNHPC about establishing an Energy Committee and it was suppose to be for helping recycling. Selectman Robie clarified it was an Economic Committee not an Energy Committee. Selectman Soares added they never made a decision on the Energy Committee. Selectman Duarte said that Mr. Cole attended the meetings, but felt it wasn't for Candia. Chairman Kelley asked how long ago this committee was established. Selectman Snow explained Scott Komisarek and John Cole were on two different committees they were both

described as economic, but one was an energy committee. This was based on the information he had seen and the other one was the Metro Center. Chairman Kelley said he would look into this.

**Closure Plan:** Selectman Robie asked Selectman Soares if she submitted the closure plan to DES. Selectman Soares replied that she hasn't and she is meeting with a site work contractor tomorrow to go over the fine intricate details of the estimate. Once she has this it will be submitted. Selectman Robie asked if there would be a drawing that went with this. Selectman Soares replied Doug Kemp didn't tell her to submit one, but she can. There will be a copy of the closure plan in the office once she is done. She has made some corrections that Selectman Snow had suggested and she made changes as well. Selectman Robie asked if we will have a public hearing once it's submitted. Selectman Soares said they will have two public hearings.

**Down Shifting:** Selectman Duarte said there is a lot of misinformation out there about down shifting from the state level down to the communities. He stated this is not true. What has happened in the past is the communities got increases every year. Those increases aren't coming, but they're not going to get any less money than last year. We are not going to take money from the communities. The only thing they are not going to get is an increase they normally get each year. They will get the same amount of money as last year. Selectman Robie replied that is not completely true, because he just read there will be drastic cuts coming for 2012. The state threw back \$10,000 for the police retirement fund which the town had to contribute in 2011. Selectman Duarte stated they went over this for two days and he isn't giving bad information. They are not going to take any money away from the communities and there will not be any community cuts. Selectman Robie reiterated we are already paying \$10,000 towards the retirement fund which is \$10,000 more than we paid last year.

**The Board will accept various donations on behalf of the Town in accordance with policies and RSA 31:95-b III (b).** Selectman Robie reviewed the attached breakdown and reported the donation amounts received: George & Eileen Denoncourt, Food Pantry - \$250.00, David & Nancy Kelso (at Pine Ridge Lights), Food Pantry - \$50.00, Donald & Helen Manseau (at Pine Ridge Lights), Food Pantry - \$50.00, Jeanne Hanover (at Pine Ridge Lights), Food Pantry - \$25.00, Swift Water Girl Scout Council, Health and Welfare - \$145.00, and Pine Ridge Lights, Health and Welfare - \$380.00. Selectman Robie motioned to accept the 2011 donations for the 1<sup>st</sup> quarter in the amount of \$900. Seconded by Selectman Soares. All were in favor. Motion carried.

**The Board to discuss draft of Town Counsel policy and other proposed policies.** The Board discussed the Town Counsel policy first. Selectman Snow said he had some significant questions on the Town Counsel policy. He asked if the purpose of the policy was to control how much money is being spent. He suggested last meeting that if the purpose was to control the funds, then maybe we should be moving some of the lines from the legal line out to the individual departments. Let them monitor it and if they came to a point where they needed more money than they would have to come back to the Board. He needs to know what the agreement

is with Atty. Mayer. How much is he charging on a retainer for the month? This has to equate to the number of hours and dollars. Selectman Duarte thought it was \$1,400 per month whether we use him or not. Selectman Snow thought the Fire Chief should be added to the list of people that can contact town counsel. They should also allow the Town Clerk and the Tax Collector to contact the town attorney and should have a line for legal in their budget. It's his understanding that all legal is under town office expenses. Selectman Robie referred to Section 3 of the policy which states who are authorized to contact town counsel. They are as follows: Chairman of the Board of Selectmen, Chairman of the Planning Board, Chairman of the Zoning Board, and the Chief of Police. If anyone else wants to contact town counsel they have to get permission from the Chairman. Selectman Snow thought that the Fire Chief should be allowed to contact town counsel. Selectman Robie thought the Fire Chief would talk to the Chief of Police with a situation. He's not going to speculate though. If something goes that wrong over there they would speak to the Police Chief first. Selectman Snow said he was not taking about someone who commits a crime, we're talking about policies and procedures. He added what if the Tax Collector has a question. Selectman Robie replied they need to go through the Chairman. They don't need 8 to 10 Department Heads with their own line for legal. If you look at Hooksett the attorney fees are crazy. Selectman Snow said they would allocate the money and it wouldn't be a significant amount. We want the people that have to use town counsel to know they have the opportunity to if they need to. Selectman Robie reiterated they need to ask the Chairman. Selectman Snow didn't have a problem with the policy saying they need to inform the Chair. He has always done this himself. This is a road block, because it's saying we can't contact town counsel without going through the Chair. He has a problem with not being able to contact legal counsel at all. Selectman Robie clarified that no one has ever had a problem with getting through to town counsel if they needed to. Selectman Soares added this is what your Selectmen's Rep is for. Chairman Kelley explained if someone had a problem with him then they could go to the Vice-Chair. Selectman Snow said the other issue is that the policy should say that anything that goes to legal counsel is put in writing and they receive an answer in writing. This is so the Board is aware of everything going on with legal counsel. He suggested last meeting that they have a review of everything that is going to legal counsel. He questioned why the Chair of the ZBA is handling the case for the cell tower and this didn't go through the Board. When the town gets sued the Board is responsible. If they choose to get the ZBA involved then that's fine, but this is a decision the Board makes. Selectman Soares replied the Board doesn't have anything to do with the ZBA. They are a judiciary committee and the Selectmen don't have jurisdiction with the ZBA. Selectman Snow replied they most certainly do, because the town is who gets sued not the ZBA. Selectman Soares replied they are allowed to make the decision without the Select Board. Selectman Snow explained once they make their decision and it goes to court it is then the Board of Selectmen, because the Selectmen can override the decision of the ZBA. Selectman Robie said when they do make the decision, all of the appeals have come through the Selectmen's Office and after you read the paperwork that is the time to discuss it with the ZBA. Selectman Snow agreed and felt the Board should review the information on a regular basis. Selectman Robie stated you review it when it comes into the

office. Selectman Snow replied when the Chair of the ZBA discusses stuff with town counsel they should bring back the information to the Board. This is the approach you should use. Chairman Kelley said it sounds like you're worried that people are doing their job and you don't have your nose stuck in it. Selectman Snow replied the Selectmen are responsible for the management of this town. Selectman Robie stated we have two people dealing with it (the ZBA case) and you don't need more people involved. If you have more people involved you'll have more to argue about. He felt this policy was a good guideline for the people. Selectman Duarte thought they were fine tuning this and he'd like to add a couple of things. He felt they need to put a note in the policy that the legal questions need to be prepared beforehand and they need to be brief. There was some discussion on who is authorized to contact town counsel. Chair Girard said when she contacts legal counsel, Atty. Mayer replies with a letter and the Selectmen are always copied. They try to use the LGC as much as they can because it's less expensive. Selectman Duarte would like to see the Vice Chairman added as an authorized person to contact legal counsel. It was the consensus of the Board to add the Vice Chair of the Selectman as an authorized person to contact legal counsel. Chairman Kelley replied this is not a problem. Selectman Robie stated the policy is pretty well written. You just need to go to the Chairman first. Selectman Snow continued to extensively discuss developing policies. Chairman Kelley motioned to accept the Town Counsel Contact policy as amended. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to accept the following policies: Custody of Check Signing Devices, Electronic Transfer of Funds, Returned Checks, and Petty Cash. Seconded by Selectman Robie. All were in favor. Motion carried.

**Approval of Previous Minutes: Public Meeting Minutes of 4/25/11.** Selectman Soares motioned to accept the Selectmen's Meeting Minutes of April 25, 2011 as amended. Seconded by Chairman Kelley. All were in favor. Motion carried.

**Announce Next Regularly Scheduled Meeting Date.** Chairman Kelley announced the next regularly scheduled meeting is May 23<sup>rd</sup> at 7:00 p.m.

Chairman Kelley adjourned at 8:30 p.m. Seconded by Selectman Soares. All were in favor.

Respectfully submitted,  
Andria Hansen, Recording Secretary