

~~Unapproved~~Approved
Candia Selectmen's Public Meeting Minutes
Monday December 12, 2011

Attendance: Chairman Fred Kelley, Vice-Chair Carleton Robie, Selectman Joe Duarte, Selectman Amanda Soares, Selectman Richard Snow, Selectmen's Assistant Cheryl Eastman, 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 meet with Roy Boyer of Waste Management to discuss hauling contract. Roy Boyer was present. He explained the contract expires at the end of January. The town has a 1 year option. The option is there is a price increase that would be coming on February 1st. It's tied to CPI-U Northeast for the month of October. This increase 3.9%, but your contract caps it out at 3%. He had some discussions with Selectman Soares and laid out some various options for the Town outside of that contract. He proposed three different options a 1 year, 3 year, and 5 year. The 3 year would make this upcoming year a 2% increase instead of a 3% and years 2 and 3 would go back to the original term which would be a CPI-U up to a 3%. The 5 year extension would be a 2% increase this year and change the language from a 3% cap to a 2% cap in every year. So the next 4 years would not exceed 2%. There would be no other changes to the contract and no matter what Waste Management's cost go up the Town would be capped at 2%. Selectman Soares asked Facility Operator Whitcher what he thought about this. Facility Operator Whitcher replied he has very little problems with Waste Management and the few issues he's had have been handled very well. It sounds like the longer they go the better it will be as long as the Board is comfortable with signing that long of a contract. They saved a significant amount of money in the first year because of the rates. Even with the small increases they are saving from what they used to pay. It does seem more advantageous to go with a longer contract. Mr. Boyer explained that he tried to make it more advantageous to go longer and give the Town some stability. The five year contract is typical, but he will do three if that is what the Board is comfortable with. Facility Operator Whitcher asked at what point do they need to give the decision. Mr. Boyer said he needs to give 30 day notice, so it would have to be by the end of the month. Selectman Snow asked what the 30 day notice was for. Mr. Boyer replied whether you want to extend the contract and he would need to know by the end of December. Selectman Snow asked how we would handle any problems that come up in four years. He questioned if there was options in the existing contract noting that we can opt out. Mr. Boyer replied that all of the terms would stay the same. Selectman Robie said the Board would take this under advisement. They are meeting next Monday and will make a decision.

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

Highway: Road Agent Lewis read from the attached report. Chairman Kelley complimented Road Agent Lewis on his work at the recycling center.

Police: Chief McGillen read from the attached report. There were two residential burglaries during November. There was a commercial burglary and some snow plow blades were stolen out of the Town shed. He has a few investigations in the works. There's a child abuse investigation that just recently came in. Someone opened a delivery package that was on a resident's porch on North Road and dumped it in the woods. Chief McGillen put something on the website, some tips if people are expecting any orders during the Holiday season. They are looking at getting gas at the new Irving Station. He is talking with the owners. He would like to keep the cruisers in Town; they currently get gas in Manchester through the State. The price is going to be equivalent. He had a complaint about the Main Street intersection. The resident didn't think it was properly signed. Selectman Snow said they needed to do a road safety audit on that intersection too. Chief McGillen thought they could meet with the DOT officials like they did at Exit 3. Chief McGillen would like to discuss a new cruiser. Selectman Robie replied they can discuss this next week. The Board will be discussing encumbering funds. Selectman Soares said there was an incident of two dogs getting out and Officer Gray responded to the call. She knew one of the female dogs is not friendly. Officer Gray was standing behind the cruiser with pepper spray. The individuals that went to this person's house had to jump into their car. The dogs chased children. Officer Gray left saying he couldn't do anything, because he didn't have a way to contain the animals. The ACO was contacted twice, but he didn't respond to the calls. She remembers there was discussion about keeping the ACO van at the office in case they had an animal related call. The owner's were not home or pretending to not be home. Officer Gray didn't have the means to contain the dogs. They didn't have the ACO there to handle it, because he's working in Massachusetts. There were two dogs roaming the neighborhood chasing children and live stock. This was not a good thing. Chief McGillen would like to look into this further; he was aware of the incident but didn't know all of the details. He knows that the ACO was working with Officer Gray. If there are any issues he can address them. Selectman Soares asked if the officers have the means to detain the animals with the vehicles we currently have. Chief McGillen replied yes and there are cages in all of the cruisers. Our officers have transported dogs to kennels in the past. Selectman Soares just wanted to make sure our officers were well equipped, because we don't have an ACO during the day. Chief McGillen said they unusual do is call the ACO from a neighboring town. It's a mutual aid thing. Selectman Soares said she was relaying the message and she didn't have all of the details. Selectman Robie noted Chief McGillen will get back to us on this. He said if a dog was chasing children there is no question what the officer would do what he needed to do for a child in jeopardy. Chief McGillen replied absolutely. Chief McGillen didn't think the dogs were chasing children they may have been chasing some poultry in the neighborhood.

Fire: Selectman Robie read from the attached report. Chief McGillen mentioned one of the fire department members emailed him last month. One of our AED's is about to expire. They won't be able to use it after this month. They use them in emergency situations and a lot of times they will

get the call before the Fire Department. Chairman Kelley said they discussed this at the Safety Committee meeting the other day and EM Director Bob Panit is supposed to get some figures together. He will also contact Chief McGillen also. Selectman Robie said we will be discussing this at the December 19th Selectmen's meeting.

Building: Selectman Soares read from the attached report. Building Inspector Murray is going to fire inspection training soon, so he will be able to do those inspections as well. Selectman Robie mentioned they have made some progress with Diamond Hill. The cease and desist was lifted for a two week period. The Steven's removed the sifted loam pile. They moved the sheds off the property line and removed the stone cribs. There have been some big improvements and almost zero trucking. There is one un-sifted loam pile left and they are going to work towards some resolve so it gets done in the spring. The abutters have been to the last four meetings and they trust in us to do the right thing for all parties involved.

Solid Waste: Selectman Soares read from the attached report. Selectman Soares mentioned that some of the checks haven't come in, but the rough estimate for the total revenue for recycling is \$60,000. The residents are doing a great job of recycling and Facility Operator Witcher is doing a great job finding the best price for the commodities and bring revenue to the Town.

Parks and Rec: Selectman Snow noted the park has been shut down for the winter. He turned the water off. A local welder came in and did some repairs at the skateboard park. The park may be using some money left over for equipment.

The Board to discuss land on Hemlock Drive. Selectman Snow reminded the Board that the CCC has the care and management of two pieces of land off Hemlock Drive a 50 acre piece and a 12.75 acre piece. There is currently a selective cut being done on Hemlock and a lot of interest by the abutters. They have notified the abutters twice and they seem to be happy. They are looking at the Hemlock Drive property as a match property for the Water Supply Protection Grant that the CCC is working on. This would balance of the cost of the conservation easements and the other land. Mr. York and Mr. Egan showed some interest in doing a boundary line adjustment, so they could get a little more of a buffer. Selectman Snow told them that he would bring it before the Board. He mentioned that when the Hemlock Drive was developed it was supposed to be developed further. The new Route 101 cut off Old Mill Road, so everything stopped there. They have Old Mill Road with a piece that was cut off and there is a paper street that comes down between Mr. Egan's place and the next place. He thought it should go to the Planning Board to get rid of the paper road and clearly define that road. If they wanted a little more they could do a boundary line adjustment. There was no discussion about making it bigger or making it big enough to make another house. It would be for the purpose of a buffer. If they wanted to sell land they would need to have a public hearing under 41:14A. He's suggesting to the Board that on the hearings on January 9th and January 23rd they could put this on the same public hearings. Selectman Robie said he would like to see a plan and you spoke of buffers twice. It's a piece of Town owned property that is in conservation

and it's pretty much a buffer anyway. He felt it was nice the way it is. Selectman Duarte felt he didn't have a clear picture. Selectman Snow agreed but the way you get the plan is you need to have a discussion. You need to have a hearing to say the Board is willing to talk about the possibility. He doesn't know the process to get rid of the paper street. Selectman Robie reiterated he needed to have a plan. They need to define the lots and they need to define a lot line adjustment. If you leave the land the way it is it will always be like that and it's a buffer. Selectman Snow agreed and he was bringing the information that the abutters were interested in doing. Selectman Robie noted the abutter's letter didn't indicate an acreage or lot size. Selectman Snow replied it was a suggestion. This is a discussion he had several times with the abutters. They discussed a possibility of a boundary line adjustment that would give them a buffer and that number was put in the letter. The number isn't concrete or something he agreed with. It's just a suggestion and does the Board believe there is a possibility to talk with these people and allow them to have a little more room on their property. This is a process they have to go through. Selectman Soares asked if the Conservation Commission has discussed this. Road Agent Lewis said this is the first he heard about it. Selectman Robie reiterated he would like to see a plan and see if there is some reasoning behind it. He thought the rest of the Board felt the same way. Chairman Kelley said we are shooting in the dark. Mr. Egan said he would like an acre and a half to bring him up to the 3 acre minimum. Chairman Kelley said he would like to see a plan as well. Selectman Snow asked if the Board was interested in selling some town property. There is a process if they want to do this. Selectman Robie replied how could we be interested in something we don't know about. Selectman Snow explained when you go out to buy a piece of land the first thing you do is question where it goes and what does it look like. Selectman Robie replied that's called a plot plan. Selectman Snow explained you first have to get someone to invite you to the land to look at it and see that it's for sale. We can't do that until we go through the process of having the Town decide on whether they want to talk about it or not. Chairman Kelley replied you need to have something to talk about and right now we don't have that. Selectman Snow explained the reason he is suggesting this now is because if we want to use this as a match the CCC has to put up money to do some surveys. If they are interested the abutters have to be involved with the surveys. It seems to make sense to do this all at once. Selectman Robie noted you keep talking about this match. This Board wasn't interest in using our town owned property as a match to buy other land. The Board has already discussed this in full and the CCC had an opinion on this as well. The CCC is currently looking at this property as a match to help reduce the cost that comes out of the conservation fund for most pieces of property. Selectman Robie said whether you get it past the board is the first place to start. Selectman Snow thought the Board agreed we would be taking this to Town meeting. Selectman Robie replied this Board isn't going to recommend this. They are in favor of letting the people decide. Now you're talking about using the piece on Hemlock Drive. Selectman Robie couldn't see how this is going to work they don't have their ducks in a row. Selectman Snow asked if they are interested in entertaining this as a Board. If so the logical thing to do is to include them with public hearings in January. Chairman Kelley wanted to see a plan before he makes a decision. Selectman Soares said come up with a plan and show where Mr. Egan and Mr. York are interested in. Chairman Kelley noted no one on this Board wants to sell conservation land without knowing why. Selectman Robie asked Mr. Egan if

he understood where the Board was at. Mr. Egan understood. Selectman Robie noted this makes for a difficult situation for the Board. Your lot has been the same size for 25 – 30 years and it hasn't been an issue. Mr. Egan thought this was a win-win situation. He gets more land and the Town gets more taxes, he didn't want the land to get developed. Selectman Robie said no one is going to develop the land, its Town owned land and it's not for sale. If we were going to sell it we would have to bring it to the people for a vote.

The Board to authorize payment of payroll checks and accounts payable checks. Selectman Snow motioned to approve payment of payroll manifest number 000656-01, checks to be dated 12/8/2011, with a total gross payroll amount of \$16,882.67. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 120211 checks to be dated 12/8/2011, with a total amount of \$893,171.65. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of payroll manifest number 000657-01, checks to be dated 12/15/2011, with a total gross payroll amount of \$17,150.01. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 120311 checks to be dated 12/15/2011, with a total amount of \$20,587.49. Seconded by Selectman Soares. All were in favor. Motion carried.

Chairman Kelley mentioned the Board needed to make a decision on how they were going to pay the Welfare Director weekly or quarterly. He mentioned this never got voted on. Selectman Soares said she talked with the Department of Labor and she isn't an elected official so she is supposed to be paid hourly not a stipend. She can't work more than 14 hours per week and then they figure out what her hourly pay is. Our Town Attorney confirmed this as well. Chairman Kelley noted we have been paying her weekly anyway. Selectman Soares said she will have to fill out a weekly time card which she has started doing. This position should not have a stipend. Selectman Snow clarified we are changing her from a stipend to an hourly employee. Selectman Soares said this is required by the State and most stipends are for elected officials. There was further discussion about stipends. Selectman Snow asked if they needed to make a decision about this tonight. Selectman Robie noted they have two opinions here, so let's verify this. Selectman Snow said he checked with the statute and it says you can pay the stipend employee however you want. Selectman Robie felt they should do the research and then they could discuss this intelligently. It was decided that the Board would discuss this at the December 19th Selectmen's meeting.

Approval of Previous Minutes: Public and Non-public meeting minutes of 11/28/11. Selectman Soares motioned to approve the non public minutes of November 28th 2011 as written and seal them. Seconded by Chairman Kelley. Chairman Kelley, Selectman Robie, Selectman Duarte, Selectman Soares were in favor and Selectman Snow abstained. Motion carried. Selectman Soares motioned to approve the minutes of November 28th, 2011 as amended. Seconded by Chairman Kelley. All were in favor. Motion carried.

Other Business

Contacting Town Counsel: Chairman Kelley asked Selectman Snow why he calls Town Counsel when he has been told not to. He explained if you read the policy it tells when and who can call. You aren't abiding by the policy and it isn't right. If you want to contact the Town Attorney you have to run it by the Chairman. Chairman Kelley said he called Atty. Mayer and told him not to accept anymore calls from Selectman Snow. It costs the Town money and this has to stop. Selectman Snow replied that he understood about the policy and procedures, but for the last three months we haven't used the minimum for the retainer so he's not concerned about the cost. We pay \$1,550 per month whether we use him or not. Selectman Soares replied just because it's there doesn't mean you use it.

Paving on Crowley Road: Chairman Kelley questioned where the money for the paving job came from he thought it came from the Trustees of the Trust Fund. Selectman Snow replied that he didn't say that. He said the Moore Fund has money. Chairman Kelley asked how he got it out of the Moore Fund. Selectman Snow replied he asked the Trustee of the Trust Funds how much was in there this year and there was \$14,000 in there. Chairman Kelley asked how they got the check. Selectman Snow replied we didn't get the check. Chairman Kelley asked if we paid the \$10,000. Selectman Snow said they need to submit a voucher to the Trustee of the Trust Funds. We are going to ask them for the money and give them the invoices. Selectman Snow said Road Agent Lewis was going to use the Moore Highway fund money to cover the \$10,000. There is roughly \$14,000 in there this year. He didn't ask for this it's the normal procedure. Chairman Kelley asked what if the Trustee of the Trust Funds doesn't approve it. Selectman Snow said Road Agent Lewis told him if he doesn't get it from the Trustee's then he will take it out of his budget. Road Agent Lewis said he was told that he had \$14,000 to put into a project this year. This was the project they choose to use it on and last year we used it on the Tower Hill project. We submitted the bill and it got reimbursed by the Trustee's for the exact amount the project cost. This year it is the same procedure as far as he knew. There was \$14,000 available and we spent \$13,300. The balance will stay in the highway fund and keep growing. Selectman Robie thought the way the fund was set up is when you want to expend the fund you need to have the Trustee of the Trust Fund vote to expend the fund on that project. Selectman Snow replied not until afterwards. Selectman Robie question why this was done after the fact. This is where the issue lies. Selectman Snow stated this is the way it has been working for 50 years. Selectman Robie replied it's worked that way for two years and years prior to that we've turned the money back into the general fund. Selectman Snow replied we've never turned the money back to the general fund. The Trustees of the Trust Fund never give money back to the general fund. Selectman Robie thought they have and Road Agent Lewis told him they did many times. Road Agent Lewis explained in the past he had no idea where that money went. Selectman Robie looked into the way the fund was set up and the language says the Trustees of the Trust Fund need to vote to expend that money. They should vote on what you're going to spend the money on before you spend it. Selectman Snow thought he was wrong. Road Agent Lewis explained 16 years ago he questioned the same thing. He was told it goes into the general fund and our highway department is funded by two of those items. At the time his budget was

\$270,000 and they were getting so they were getting approximately \$100,000 from the block grant, so by taxes they were only raising \$160,000 for the roads. This was the way it was presented to him way back when. Then two years ago Selectman Snow said you want to take that money and put in specific projects from now on. If they were going to change it from the way they did it last year they should have filled him in. Selectman Robie agreed with Road Agent Lewis, but when Selectman Snow says this is the way we have been doing it for the past 50 years its wrong. This isn't the way they have been doing it. Selectman Snow clarified what Road Agent Lewis says is correct, because two years ago the Trustee's voted that they would not expend money for the Cemeteries or the Moore fund without a voucher. At the end of the year they would transfer the funds to the Town. The Town could put the money in the general fund, but the Moore Fund has been paying for the maintenance of the highways since 1927. They would pay out the entire amount if that is what you wanted to do, but since you voucher them they pay out the amount on the voucher and the remainder goes in and sits there. If you look at the Town report there is a balance left in the income. Road Agent Lewis said if you look through old town reports the Moore Highway Fund was always a separate fund for specific projects. When he came on it was absorbed into the budget. Last year when Selectman Snow presented this to him, he was told they were going to do it this way and there was \$13,000 to spend. It had to be for a specific project and a bill turned in for that amount. Selectman Robie questioned why this changed last year and we never addressed it. He asked why didn't use the \$14,000 that is available and only use \$8,000 out of the highway budget to cover the difference. Selectman Snow noted the \$10,000 isn't going to come out of the highway budget so he erred on that. Selectman Robie thought it would have been nice to have a discussion on how we were going to expend the Moore trust fund before this happened. We had an issue last year and we have one again this year. Road Agent Lewis didn't think we had a problem last year. Selectman Robie replied we changed the procedure of how it had been handled for the last 15 years prior. Road Agent Lewis said tell him early in the year next year of how they want to do this. Selectman Snow noted in one of the minutes of the Trustee meetings it says they voted to only pay out on vouchers. They are conforming to the statute. He felt this was the best way to do this. If they choose not to use money that year they can let it sit. Selectman Robie said they knew about this last year because they told the Board before they did it. Selectman Snow replied you didn't get noticed ahead of time because it was something that came up after the meeting and before the next meeting. He is the liaison to the highway department and this made sense to him. Selectman Soares felt this was becoming a consistent theme. Road Agent Lewis explained as far as the project goes he always runs it through his liaison. This time he ran it before Selectman Snow and this is the way he always did it. Selectman Robie replied we didn't expect you to do that. Last year he brought it to him and he brought it to the whole Board for discussion. Road Agent Lewis didn't think this needed to be brought before the Board. Selectman Snow replied that would be micromanaging. Selectman Robie felt Selectman Snow should have brought this to the Board. Road Agent Lewis thought maybe they should iron out the procedure. He felt they should invite the Trustee of the Trust Fund to a Selectmen's meeting in the spring and figure out how this procedure works.

Citizen Ingrid Byrd said she remembered a meeting about a year ago where the issue of calling the Town Attorney was discussed. At the time the decision was made that no one is to call the Town Attorney unless it was approved by the Chairman. She questioned why they are talking about this and Selectman Snow is ignoring the Board's decision. Selectman Soares noted this is a common practice.

Town Report: Chairman Kelley said Selectman Snow sent him a letter saying he was upset with the Town report last year and you would like it to go out earlier. Selectman Snow replied it went out late last year and that could be worked out. Selectmen's Assistant Eastman clarified by statutes we weren't a week late we were a day late. Selectman Snow replied we were a week late getting it into the hands of the Boy Scouts so they could distribute it. Selectmen's Assistant Eastman explained by state statute it has to be available in the office 7 days before Election Day. It doesn't have to be delivered to the residents 7 days before. Unfortunately with the time frame last year it was not possible. Selectman Snow thought it would be a good thing to look forward to. The issue he had was there were things that should have been in the report that were not and there were things that were in the report that shouldn't have been. He would like the Board to review what goes into the Town Report. Chairman Kelley said we asked all department heads to hand in their report and some did not turn them in. He personally made phone calls to some of the individuals. Their attitude was it wasn't ready and they weren't going to do it, so they moved forward with the report without some of the department reports in. Selectman Snow didn't remember the Board voting on this. Chairman Kelley said it was brought to the Board. The ones that got left out was their own fault. Everyone else did their job. Selectman Snow felt the Board should vote on the content of the Town Report before it goes out. It represents all of the officials in the Town.

Road Agent Lewis mentioned two weeks ago someone stole his cutting edges worth about \$150 each out of the salt shed. It wasn't for scrap because they left the worn out ones. He usually doesn't lock the shed in the winter because the lock freezes. It took two guys to get them out, because they weigh a couple of hundred pounds per cutting edge. The new ones are locked up. If anyone sees them around Town they belong to the Highway Department. They won't fit a regular plow they're too long.

Selectman Duarte moved to adjourn at 8:24 p.m. Seconded by Chairman Kelley. All were in favor. Motion carried.

Respectfully submitted,
Andria Hansen
Recording Secretary