

~~Unapproved~~Approved
Candia Selectmen's Public Meeting Minutes
Monday September 24, 2012

Attendance: Chairman Joe Duarte, Vice-Chair Richard Snow, Selectman Fred Kelley, Selectman Amanda Soares, Selectman David DePuy, Selectmen's Assistant Cheryl Eastman, and Administrative Assistant Andria Hansen.

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

The Board to appoint Kevin Williams as a EMT/Firefighter and Chris Hess as a Firefighter to the Candia Volunteer Fire Department based on Fire Chief Young's recommendation. Fire Chief Young asked the Board to consider appointing Kevin Williams and Chris Hess to the Fire Department. Selectman Kelley motioned to appoint Kevin Williams as an EMT/Firefighter and Chris Hess as a Firefighter to the Candia Volunteer Fire Department. Seconded by Chairman Duarte. All were in favor. Motion carried.

The Board to address recent letter received from Liquid Planet. Liquid Planet Owner Kevin Dumont was present. He explained what he was looking to do was to sell beer and wine temporarily for Haunted Acres in October. The State has okayed it, but he needs a letter from the Town stating that they have no objections. They would be selling (beer and wine) approximately 500 feet away from where they currently sell it. It's still the same conditions, seating capacity, and they would still be meeting all of the State requirements. It just needs to be posted. Once he gets a letter from the Town he would get the Fire Department to come over and give them a permit of assembly. This is just a temporary thing for the Friday, Saturday, and Sunday nights in October. Selectman Kelley motioned to write the letter to the State. Seconded by Selectman DePuy. All were in favor. Motion carried.

Selectman Snow to discuss 2013 proposed budget and warrant articles. Selectman Snow said they are going through the budget process. They have asked to reduce any costs that were onetime costs for the prior year. Anything you don't have to do next year or anything you don't think is necessary you should reduce. Anything you want to do next year and you're not doing this year add it to your budget. He explained what is presented this evening is the straw man. He didn't want to discuss it tonight. He would like the Board to look at it and between now and the 13th of October he is going to sit down with department heads and liaisons. They will discuss if there is any way of reducing this, why is it you want to increase it and does it make sense. There are a couple of issues that need to be addressed that they need to think about between now and the 13th. For any increases he is going to expect the department heads to explain to us what do they do, why they do it, how do they do it, how much does it cost, what is it they want to do that's different next year from this year, and how do they justify it. Some of the departments have indicated a need after years and years of being unable to reward individual contributors in their departments. So rather than having the department head put an amount in there for what it is that they want to increase a specific individual, he's looking at the possibility of incorporating into the budget a merit pool. It would be an amount of money to reward the members of our staff for their efforts over the years. In his mind this says they have been either an exemplary employee, have gone over and above what they're supposed to do, or they have

improved themselves. The merit pool could be used during the year with the approval of the Board to be used for those specific individuals. Selectman Soares noted that he needed to check with the Department of Labor on that. Selectman Snow said if there is an increase he will need to know does this increase reflect what the department head considers to be a wage increase for the individual or are they working more hours. If they are working more hours he'll ask different questions. This is an opportunity to get the department heads involved in the budget process. He noted Selectmen's Assistant Eastman has been working hard with him and they have put together the straw man. They have bottom lined the budget and its 1.9% over the default budget. He will have a detailed schedule for all of the departments that are going to come to the next Selectmen's meeting. Selectman Soares reiterated that he needed to check on the wage pool with the Department of Labor. This may not be a feasible thing. Selectman Snow replied he could check but he failed to see how the Department of Labor could be involved with the Board's appropriations. Selectman Soares replied everyone has to work hourly and everyone has to get paid for a certain amount of time and you just can't give them extra money without just cause. You can't have a wage pool just sitting there. Selectman Snow said it would have to be a vote of the Selectmen to increase an individual's wages and this would be part of a wage pool. Selectman Soares stated you need to check the legality of having a wage pool. Selectman Snow clarified it's a merit pool it's not a wage pool and he would look into the legality of it. Selectman Soares said the welfare wage line was wrong and it's budgeted for \$10,000 and it should be \$5,000. Selectman Snow explained at the point in time when we voted on a default budget the number was in there specifically on a piece of paper that the Selectmen voted on as a budget of \$10,000.

DES Letter: Selectman Snow explained a letter came from DES to Kevin Dumont (the Candia Conservation Commission was cc'd). DES was asking Mr. Dumont for the results of a conservation easement that was supposed to be done as a result of a permit that was issued by DES back in 2006/2007. At the time the Conservation Commission Chair Ed Fowler was working with Mr. Dumont to come up with a conservation easement. This never happen and it puts Mr. Dumont in a perilous spot, because he is supposed to be providing a conservation easement. Selectman Snow noted they discussed this at last month's Conservation Commission's meeting and he said he would look into it as a Conservation Commission member and as a member of the Board of Selectmen. He found out the conservation easement was not consummated, but it had been discussed between the Conservation Commission and Mr. Dumont. They had the language available with the town holding the conservation easement. The Conservation Commission has been historically less than receptive to holding conservation easements, because they don't like monitoring them. This is because if something happened between the easement holder and the person that has the easement someone is going to have to resolve that and it might require legal action. If they have a land trust hold the conservation easement you've basically put another party out there and this party becomes responsible for ensuring that the terms of the conservation easement have been maintained. He worked with Mr. Dumont to try and see where we were and where we needed to go because he is interested in Liquid Planet as a business and economic development. They are in the process of attempting to find a land trust that can hold the conservation easement for Mr. Dumont. He has spoken to Lori ~~Summer~~ Sommer who sent the letter to Mr. Dumont. He asked if they could hang on for a while and she said fine and keep her in the loop. He is keeping her in the loop to ensure that DES doesn't take any immediate action until we resolved this. Mr. Dumont has said that he still

wants a conservation easement, but he doesn't know what is going on. There will be a conservation easement. The town will hopefully be involved with assisting with getting the conservation easement. After the discussions take place we have to go back to the Conservation Commission to see if they would be willing to fund some portion of the stewardship fees for the conservation easement. All of those things are there as a means to ensure that Mr. Dumont can continue to do his business and we help him come into compliance with his original license from DES. The Conservation Commission sent the Board a letter saying they are not interested in holding the easement. If the Selectmen decided that they would be willing to hold the easement without the input of the Conservation Commission, he supposed they could do something like this. He suggested the first thing they try to do is find a land trust and he thought he could do that. Chairman Duarte said this is the first time he saw this and it's dated July 24th. He asked Selectman Snow when he found out about this letter. Selectman Snow replied the letter came into the Conservation Commission at the September meeting, which left only a few days for them to do something about it. He took this to the Conservation Commission at their last meeting and asked them if they wanted to hold the easement. The Conservation Commission decided they didn't want to and now it's in the Board's hands. Selectman Soares asked why is it that we have a letter from Betsy Kruse and she never comes to the meetings and talks about these easements. It's always Selectman Snow and Betsy is the Chair of the Conservation Commission. She noted Selectman Snow is an alternate member and Betsy should be handling it. She is confused as to why Selectman Snow always spearheads the easements when he is an alternate member who should not always be seated. She noted that it clearly states in Betsy's letter that the Conservation Commission does not want to hold the easement. She reiterated the Selectman Snow seems to do all the easement work and he is just an alternate. Selectman Snow replied he understood, but he is the Board of Selectmen's liaison to the Conservation Commission. He took this information to them and said you have an action you have to resolve. The Conservation Commission said their action is to vote to not hold the conservation easement. He said he would let the Board of Selectmen know, so the Chair of the Conservation Commission sent the Board a memo that outlined the action they took. He is explaining as a member of the Board of Selectmen the action they took. Selectman Soares replied in other easement situations you have taken it upon yourself to act as the person in charge of all of the easements. Her concern is why the Chair of the Conservation Commission isn't doing this. Selectman Snow suggested that she ask the Conservation Commission. Selectman Soares replied she will be asking because he is an alternate member. Citizen Judy Szot asked if they put a land trust in charge of this easement who has control of what happens to the land. Chairman Duarte thought they should bring Kevin Dumont into the loop. If they are going to be doing more then what they are right now he should know. Citizen Judy Szot said her concern was giving a land trust the right to control land that's in our town and we lose the rights to this land. It has happened before with land that is more valuable than this piece. They sometimes trade these pieces, because they have a piece they deem more valuable. If someone has control of this we may find that something else is going to happen to it. We would have no control. It happened to the New Hampshire Fire building in Manchester. There was a beautiful building that was left to the city of Manchester in an irrevocable trust to be used for the music education of the children of Manchester and money was left to be used for that. When New Hampshire Fire needed space for their parking, somehow that irrevocable trust was broken and that house was torn down. She noted that land at Umbagog Lake was treated the same way. She couldn't understand why the Selectmen couldn't hold the trust or rights. Why do we have to give the rights of our land away to someone else?

This is what Mr. Snow wanted to do with the land at the end of Old Mill Estates. If it is our land she didn't think it was that onerous that our Board of Selectmen couldn't hold the deed and protect the citizens of the town. If something were to happen the Board would have the best interest of the citizens. If you give it to someone else they may not have our best interest in mind. They may be looking at something they consider more environmentally sensitive and they could trade this land. She would hope they would consider holding the conservation easement if we have to do this. If Conservation Commission doesn't want to hold it why do we need them and she would hope the Selectmen would hold it because they have the citizen's best interest at heart. Road Agent Lewis noted that Kevin Dumont would still own the land. The only thing that would be conveyed to a land trust would be the development rights and the mining rights to the land. He can still do whatever he wants to the land (logging or whatever fits into the DES rules). The problem with us holding the easement is if Mr. Dumont was to violate the easement we would have to use our legal resources to defend the town holding the easement. We would have to enforce that and a land trust would enforce it if they hold it. This is why we don't hold the easements, because we don't have the resources. The Conservation Commission wouldn't hold it anyway; it would have to be the Board of Selectmen. Citizen Carla Penfield would like to hear from Conservation Commission Chair Betsy Kruse. It would be prudent to have a meeting and have Betsy come so we can understand all that is involved. She felt that Citizen Judy Szot made a good point. She would like to ask the question of what kind of legal difficulty could we possibly get into and what would that cost the town. Selectman Kelley asked how many acres was this? Selectman Snow replied 7.1 acres. Selectman Kelley remembers when they put the park in that piece was taken out, because they didn't want Mr. Dumont building too close to the river. Chairman Duarte said there have been some good suggestions brought up and though it was a good idea to bring Betsy Kruse in. He would like to schedule her for the next meeting to help answer any question. Selectman Soares added that Kevin Dumont should be here if he has any questions.

Computers for the Supervisors of Checklist: Selectman Kelley mentioned that Supervisors of Checklist computers are getting old. One is 10 years old and the other is 13 years old. They have a major problem getting them to turn on. He asked Selectmen's Assistant Eastman to get a quote and the quote came back at \$1,060. The Supervisors of the Checklist have the money in their budget. He needs the Boards permission to go ahead and order them. This is something they need. They need the ability to be on-line with the State and right now they can't do that. Selectman Kelley motioned to purchase two lap tops for the Supervisors of the Checklist out of their budget. Seconded by Selectman Soares. All were in favor. Motion carried.

The Board to authorize payment of payroll checks and accounts payable checks. Chairman Duarte announced the grand total of payroll and accounts payable checks for September 20th and September 27th is \$71,863.88. Selectman Snow motioned to accept the total payroll and accounts payable checks in the amount of \$71,863.88 for September 20th and September 27th. Seconded by Selectman Kelley. All were in favor. Motion carried.

Approval of Previous Minutes: Public minutes of 9/10/12. Selectman Kelley motioned to accept the September 10th, 2012 meeting minutes as amended. Seconded by Selectman Soares. All were in favor. Motion carried.

Any Other Business

Citizen's letter: Chairman Duarte asked Mrs. Bowman to read the letter she sent to the newspaper. Citizen Barbara Bowman read the attached letter. Chairman Duarte thanked Mrs. Bowman for reading the letter. He commented they had public input for about four meetings, so September 10th wasn't the only meeting people had to speak. He appreciated Mrs. Bowman's letter and he will take it into consideration. He noted they all heard the letter and they are all in agreement on some parts. If you look at the right to know law its very specific. The right to know says you have the right to attend the meeting, but you don't have the right to speak.

Doug Kemp email: Selectman Soares noted the Board received a copy of an email from Doug Kemp. It clearly states that we are not focusing on what needs to be done. She felt it was pretty basic and simple. It stated exactly what she has been saying from the beginning. She would like to propose a motion that they revote on the bids based on his email. Selectman Snow said the email says they are going in the right director and they should keep doing so. Selectman Soares read from the email "The Town's broader concerns for the site are well intentioned, but have over shadowed what actually needs to be done and should not be allowed delay this investigation." This doesn't sound like we are following what he has stated. Selectman Snow noted what he is talking about is the letter that he read in the newspaper, which indicates that we have 5 to 15 years (to do the closure). He indicated that he was misquoted and the purpose of the email was to ensure that the town was aware that there are certain things that needed to be done and other things that did not. We have been working on this for 4 years and he was concerned that the DES would be saying that the town wasn't making significant progress. Selectman Kelley didn't agree with what Selectman Snow just said, because none of this stuff was put in the newspapers. It's absolutely wrong. He read Doug Kemp's letter and Selectman Snow had that letter for a few days before anyone else got it. There are things on the bid that don't need to be done. The only thing Doug Kemp is concerned about is the pile of ash. He isn't concerned about the buildings, concrete, and fence. He's not concerned about the pile behind the swap shop. Chairman Duarte said the main reason they did get the community involved is so everyone would get the chance at the SB2 meeting to vote on it and by then the town would have made up their mind. There are arguments and good points on both sides and they could go round and round on for another 6 months and not accomplish anything. At this point they have allowed the town to say let's do this or not do this. This will give everyone the opportunity to speak their minds at the SB2 meetings. He felt all they have gotten from this closure is heartaches. Selectman Kelley stated if they did what the voters asked for the past 2 years (i.e. get rid of the buildings) we wouldn't have half of the turmoil that we've got in this town. If you read Doug Kemp's letter he says to get rid of the stack and the incinerator then work on the ash part. He's not asking for a miracle. As far as the two buildings go, the people have voted to get rid of them. Chairman Duarte felt the buildings should have come down right away. His only concern is that they get this finalized and if we have to go in and do more testing then it's up to the town on what they want to do. Selectman Kelley noted that Doug Kemp told him (at the September 6th site walk) that maybe in 5 to 10 years DES would be looking to help us close the old recycling center. He never said they wanted it closed in a year. He felt putting comments like this in the newspaper scare people. Chairman Duarte noted sometimes you only see one side of the story in the newspaper. He mentioned that Selectmen Snow had mentioned that he received something from Doug Kemp. He told Selectman Snow check with Doug Kemp before he put it on the

website and this is probably one of the reasons the rest of the Board didn't see it right away. There are good arguments and they've had a lot of heated debate and now we need to be careful because there is an investigation so he doesn't want to talk about it. Chairman Duarte entertained a motion to adjourn. Citizen Carla Penfield didn't think it was reasonable of Chairman Duarte to deny the public the opportunity to speak. At least put something on the agenda that is a spot for public input. She felt part of the reason they had an issue at the last meeting was your statement at the beginning. You said before you started the meeting that you would not take public input. You started that meeting with a very negative overtone. Chairman Duarte replied that he understood. Citizen Carla Penfield told Chairman Duarte he needed to resign and they need to allow a Chairman who can run a reasonable meeting to take over. She didn't recall every having these types of issues. She reiterated you are being unreasonable and you have people who have things to say. They have a right to come here and be heard. Chairman Duarte replied there's an election coming up why don't you run and be the Chair. Citizen Carla Penfield replied she has a job to do and he needs to do his. Citizen Judy Szot asked when they write the warrant article will they write it in a way that describes it as what it is. It is an attempt to reclaim the site; it is not an attempt to close the site. If you want to be honest with the people tell them you want to spend \$129,000 to reclaim the site. She's not saying it not a worthwhile objective, but in a time where we are in economic duress it would be appropriate to let people know what you are doing is well beyond the scope of what the State requires. She noted they're two completely different things. Chairman Duarte noted when they do get the warrant article put together everyone will have a say on how they want to word it. Citizen Carla Penfield asked Chairman Duarte to reconsider a place for public input on the agenda.

Announce Next Regularly Scheduled Meeting Date: October 8, 2012 @ 7:00 p.m.

Chairman Duarte motioned to adjourn at 7:47 p.m. Seconded by Selectman Snow. All were in favor.

Respectfully submitted,
Andria Hansen, Recording Secretary