

~~Unapproved~~Approved
Candia's Selectmen's Public Meeting Minutes
March 11, 2013

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

The Board will hold a public hearing in accordance with RSA 41:11, the purpose of this hearing will be to set a policy for the seasonal posting of weight limits on all town maintained roads during the mud season. Road Agent Lewis said this is the usual spring road posting. Some years they have to post and some years they don't, but they have to hold a hearing prior to doing it. He didn't know if he was going to post the roads this year it depends how fast the frost comes out. There are a lot of factors. It's never meant to hinder anyone that has a small project going, but if someone has a large scale logging operation or hauling a lot of fill to a road or something like that, it does a lot of damage to our roads. Citizen Charlie Bowman said he saw a man with a big crane coming onto Chester Turnpike. He thought the town had an agreement with them and they weren't going to use Chester Turnpike anymore. Road Agent Lewis said he didn't know if they had an agreement or not. They haven't had one since he's been Road Agent. If Chester Turnpike gets soft then they will post it and he won't be able to use it. He could use the Hooksett end though. Selectman Snow motioned that they set a policy for the seasonal posting of weight limits at the Road Agent's discretion. 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 March 7th and March 14th is \$676,163.47. Selectman Snow motioned to accept the total payroll and accounts payable checks in the amount of \$676,163.47 for March 7th and March 14th. Seconded by Selectman Kelley. All were in favor. Motion carried.

The Board to reappoint Diane Philbrick and Carmelle Drusniack to the Heritage Commission. Selectman Soares motioned to reappoint Carmelle Drusniack and Diane Philbrick to the Heritage Commission as full members. Seconded by Selectman DePuy. All were in favor. Motion carried.

The Board to present former ZBA member Frank Albert with certificate of appreciation. Selectman Soares said Frank Albert resigned in December and they would like to give him a certificate of appreciation for over 25 years of service.

Approval of Previous Minutes: Public meeting minutes of 02/25/13. Selectman Snow moved approved the February 25th, 2013 Selectmen's meeting minutes as amended. Seconded by Selectman Kelley. All were in favor. Motion carried.

Other Business

Selectman Soares mentioned that Selectman Snow mentioned something in the office about how we paid Cheryl Eastman. The Board approved her pay at \$20.43 as a contractor. She is the Budget Committee secretary and stays on the payroll. She thought Selectman Snow had a problem with this and wanted to clear this up. Selectman Snow said his only discussion was whether she was going to a part time employee of the town or a contract hire. The motion was to make her a contract hire. This

means she would be paid under the accounts payable for that portion of the time that she is coming in on Friday's. He didn't know if Accounts Payable Clerk Becker had a problem with this. Selectman Soares said she's still working for the Budget Committee so she stays on the payroll. Selectman Snow replied when she's working for the Budget Committee she is being paid as a part time employee, so she's getting two checks. She has been paid like this all along, but she has resigned as Office Manager and the motion was to make her a contract hire. She is a part time employee as the Budget Committee secretary. Selectman Soares wanted to make sure everyone was aware of it and comfortable with it, because they made the decision to make her a contract hire. She just wanted to make sure the Board was comfortable with what they decided. Selectman Snow said this is something Payroll Clerk Becker is going to have to handle, even if she has to give Mrs. Eastman a 1099 for that portion of it. If she was a part time employee they would be taking out FICA and the rest of the stuff. He doesn't have a problem with this. It was the consensus of the Board to keep Cheryl Eastman on as a contract hire.

Sign Issue: Citizen Rudy Cartier thought the Board should be taking some action on the sign issue. This doesn't look good for the town of Candia and would like to see the Board address it properly. Chairman Duarte said it was difficult for him to stick his nose in this since he is on the ballot tomorrow. There are some hair raising things going on. He lives here and pays taxes and he didn't like a bit of it. He doesn't like being pushed through the mud unnecessarily. As far as the authority to take measure is a petition from the Supreme Court. This would be a good time for the audience to get their feelings off of their chest. This is the main reason he hasn't done anything. If he gets reelected tomorrow evening it will be because of him and not because of someone else. He has been trying to keep his mouth quiet on this and he knows it's an embarrassment to the community. It's uncomfortable for all of us. Citizen Eric Shifflett said he came to the meeting because there was an agreement that had been struck and Selectman Soares was going to make a public apology for the sign fiasco. He wrote a prepared statement and he would like to read it to the audience. Chairman Duarte asked Selectman Soares if she agreed to an apology. Selectman Soares said she may have talked with a State Trooper. Citizen Eric Shifflett said this was referred from the Attorney General to the State Police. Trooper Kane was assigned to the case. He asked Mr. Shifflett how he wanted to resolve this. Did he want him to arrest the three of them? Mr. Shifflett said he told the Trooper no and thought they could deal with this in a more reasonable fashion. He just wanted his signs to stay put and he wanted his voice to be heard. The agreement he proposed to Trooper Kane was that if a public apology be issued and the signs stopped being removed the criminal matter would go away and the charges would be dropped. This was the proposal that Trooper Kane proposed to Selectman Soares and she agreed to it or at least that is what Trooper Kane told him. He came here this evening to hear a simple "sorry". He prepared a statement (see attached). Citizen Boyd Chivers applauded Mr. Shifflett for making that statement. This would go a long way with resolving this matter tonight. All Selectman Soares has to do is acknowledge some fault on her part, make an apology to Mr. Shifflett and this thing is over. He strongly urged Selectman Soares to find something she did wrong, make an apology to this man, and put this thing to rest. Selectman Soares replied that she had nothing to say. Citizen Boyd Chivers noted this was her opportunity. Selectman Soares said she was well aware and had nothing to say. Citizen Judy Szot said Mr. Shifflett mentioned putting this criminal matter to rest, anyone who saw the video knows there was more than one criminal matter happening at that time. Anyone going into someone's vehicle without permission is a criminal matter. If Selectman Soares has to apologize at least Mr. Shifflett should have to apologize for his criminal behavior, because he entered Selectman Kelley's vehicle without permission. The police can't do that and he can't do that. If he felt someone

stole his signs, he was across the street from the police station. All he had to do is walk into the police station. This is an issue where the police should have been involved in this and they choose not to. We have a situation in our community where the police are choosing whose rights to enforce. They will enforce Mr. Shifflett's rights but they won't enforce Mrs. Soares's rights. The only people that could take those signs down were the police. When Mrs. Soares went to the police they said they didn't want to become involved. If they are the only ones who can protect her rights where does she go? There are two wrongs here. They have shamed our town and it should have never gotten to this point. The police should have handled this in house and it should not have been splashed all over the paper. She thought if Mr. Shifflett apologized you may hear an apology from Mrs. Soares. Mr. Shifflett addressed Selectman Kelley. He understood from speaking with the AG's Office and the State Police that what he was doing was right. Mr. Shifflett apologized to Selectman Kelley for going in his vehicle. His intent was to document what he had seen. He wasn't trying to take anything or get in his personal space. He couldn't see through the tinted windows and that was his reason for going in the vehicle. Selectman Kelley accepted Mr. Shifflett's apology and there has been a lot going on in town and he has been informed not to talk about it. He felt this should be done and it's up to Selectman Soares on what she wants to do. Mr. Shifflett replied that he agreed with that and that is why he took the YouTube video down. Selectman Kelley felt it was too late and the damage had been done. Citizen Sharon Dewitt wanted to add there were more than two misgivings and Selectman Kelley was involved in stealing signs as well. You were approached; you admitted it and then you changed your story for the paper. Selectman Kelley replied he did not. Citizen Sharon Dewitt said the paper reported that and you said the signs were given to you. The letter from the AG's Office said that you, Carleton, and Amanda were taking signs. The Chief asked Selectman Soares if they were her signs and she said they were illegal and the AG's Office wants them. The AG didn't say that to Selectman Soares. She finds it difficult to say that we should sweep this under the rug she felt a lot of people were upset about this. Tomorrow is the elections and we could have three people leading our town who have lied and deceived the people of Candia. This scares her and she doesn't understand why Chairman Duarte can't make a decision on this, but they have a Vice Chairman. She would like to see the Board formally ask for the resignations of Selectman Kelley and Selectman Soares. Selectman Snow said this is an extremely important and serious problem. There are emails going around that suggest that a Selectman could be removed from office. He's not an attorney, but he is familiar with the law and the only person that can remove a sitting Selectman is the Superior Court. Someone would have to petition the Superior Court to remove the Selectman from office. The statute that he has seen implies that somebody that has taken the oath of office and lies could be removed by the Superior Court. Whether the petition would be taken by the court, acted on, and approved is something that has a measure of ambiguity to it. He's not ready at the present time to say that we should at this point in time put such a petition forward. This petition could be brought up after the election. The people of the town of Candia have the opportunity to take care of this matter by themselves tomorrow. He believes his interpretation of the statute is that if in fact a transgression as defined in the statute that relates to a taking of the office and then doing something that is a criminal matter can forthwith remove you from office. He felt this could be an action that would take place after the election. If that were to take place there would be a significant cost associated with that, so he would be very hesitant in the heat of the moment attempt to do something right now which would have no effect immediately and would perhaps influence an election. He understood what's going around on the emails; he thought this entire episode was not in the best interest of the town. It's the kind of thing that has happened in this town for years and years and suddenly it has become a huge issue. It

will have some benefit to the town of Candia in that from now on people who are putting out signs either for or against an issue or a candidate will understand that you have to provide a means by which anybody that looks at those signs knows where to go to find who put them out. The other issue that will be addressed are those signs that will be out there with concerned citizens of Candia or concerned taxpayers of Candia. There was a recent decision of the Attorney General that said if you put signs out like that you are a political action committee and you will register with the Secretary of the State. If nothing else comes out of this hopefully signs that are put up from this point forward will identify who you are. If you are going to say something put your name on it and don't be ashamed of it. He reiterated at this point in time as a member of the Board of Selectmen he's not ready to move forward with a petition to the Superior Court to take any action against a sitting Board of Selectman. Citizen Sharon Dewitt wanted to clarify that in the eyes of the citizens of Candia, it wasn't about the signs having the proper markings on it because there were other signs out that didn't have the proper markings. The statement was also made that they thought they had the authority to do that and Mr. Robie was out removing signs and he is not a current Selectman. If they thought the authority reached to the Selectmen he shouldn't have been involved. She did not believe it was an issue of the signs being properly marked, it was an issue of Selectman Soares not standing by what she states in meetings and she felt it was going to hurt her campaign. She understood what Selectman Snow was saying in that it has been happening for years and years in this town. If we don't give people the incentive to stop this bad behavior it's never going stop. Yes it may cost this town a little money, it will be further incentive for people not to do it and further incentive for people to say you can't touch those signs. She thought at this point given the history of behavior, Selectman Soares has referred to Chairman Duarte as a drunk. She has slandered other people and in her recent mailings she made a comment about making sober decision. She felt this was a very poor choice of words and also referring to Chairman Duarte as a drunk. Citizen Charlie Bowman asked for a point of order from the Chairman and said this conversation is not what we are here for. Citizen Sharon Dewitt said this is exactly what we are here for. Citizen Charlie Bowman said we are here to solve the problem and get rid of it. What is happening in this town is happening in most of the towns across the state. It has happened for generations and he felt now that the town is becoming aware of what's happening and the publicity it has been given at this point town's are going to stop slowing down on people picking up other peoples signs and so on. Citizen Sharon Dewitt disagreed and this is exactly why we are here she felt this is why the citizens came out and from what we had heard is one person can't talk about it and another person refuses to talk about it. So it's not going to be talked about and swept under the rug. Everyone is afraid that it's going to cost legal fees to sue and legal fees for this and that. Meanwhile the people that are exhibiting this bad behavior are continuing. They are continuing the bad behavior because there is no sanction and that's not acceptable to me. Citizen Ingrid Byrd said having being a recipient of the bad behavior from so called educated people in town; her signs were taken down year after year when she ran and she knows who took them. She chose to say the hell with it it's not worth it, they showed themselves for what they were - a narrow minded bigoted person who couldn't deal with opposition. In the past her husband's car was vandalized right in the school parking lot during a school district meeting. It was reported to the police and nothing ever happened. She would like to remind everyone here that everyone is innocent until proven guilty and that has not happened. They have done a lot of slandering one way or another and we are doing a lot of bad mouthing and it's time to stop. Citizen Rudy Cartier wanted to take a little umbrage with what Selectman Snow had referred to before. All five of you are elected officials and everyone single one of you took an oath of office to uphold the laws and the constitution of the state of New Hampshire not only to the best of your abilities but to the

letter of the law. You are held to a higher level of scrutiny because you are an elected official. When you take and destroy that public trust by taking and stealing signs and giving false information that can't be tolerated and he didn't care if it had been done in past generations. This is a new generation not something that happened 50 years ago. It has to be open, honest, and ethical government and he didn't see that happening this year. He noted Citizen Ingrid Byrd was correct and they have had disagreements in the past, but he respects her as a person and wouldn't steal her signs because he knows she's an intelligent woman and she is honorable. It's frosting his butt phenomenally to see this go on this year and last year. This town is disintegrating into something that is unethical and hugely embarrassing situation. He loves this town, but right now he hates to tell anyone he's from Candia. He can't take it anymore, whether it's censuring for what's going on and there were two people stealing signs they have to make this stop. Just like the Union Leader said something has to be done in a high profile case to stop this from happening again. Citizen Jennifer Chiesa thought Selectman Soares and Selectman Kelley weren't worthy of the town and could not be trusted. She was one of the people that drove by Selectman Kelley when he was taking those signs and didn't see how he could be trusted after that. Unfortunately he was seen doing it and she felt he should resign. Selectman DePuy understood people have strong feelings about these matters, he thought it was correct that they are elected officials and their duty foremost is to prudently oversee the business of the town. They are not a court and it's not their job to determine guilt or innocence or right or wrong about people accused of whatever whether they are members of the Board or not, they are not a court. For the Board to do this they would be exceeding their responsibilities by statute. In regards to what has happened they have a police department, they have the state, they have the AG's office, they have civil courts and these are the places for matters of this type to be remedied. Some members of the Board may have been advised to not say anything. They are sitting silently and he really thought asking the Board to do something is beyond what the Board has authority to do. Citizen Linda Bergeron felt there has to be some accountability and to not see or hear anything is going to take place is frustrating. Citizen Bob Debrowski thought Sharon Dewitt asked the Board if they would ask for a resignation. If the Board asked for a resignation it wouldn't cost them anything. The content of those signs say that people can be replaced; it's kind of ironic that it's what has gotten everyone all riled up. If they don't do something they are going to be stuck in another year or more in a quagmire of all of these shenanigans like last year. Chairman Duarte said he didn't disagree with that statement fortunately he thought all of the concerns going on they have an election tomorrow and decision can be made. He felt once the decision made on who will be there he thought they can proceed with some more action; he didn't think this was done. He thought there was an atmosphere that wasn't healthy. He read a letter he received "You are irresponsible and an embarrassment and a disgrace to the town of Candia. I regret voting for you for both Selectman and State Representative and I assure you we are organizing a well funded group to make sure you will not be reelected to either position. Why don't you resign and go back to where you came from with the rest of those Massholes." He didn't this was funny he thought it was disgraceful. This is a disease and you know what is bad about it is there is no name and no address. This is an underlying problem. The only way this is going to be resolved is the election and at the next which he hopes he's part of they can take action. They have mentioned time and time again if you are allowed to do the wrong thing and no one makes you pay the price in what you did there is no incentive to stop. He said his father used to tell him "The fish goes bad at the head" he acknowledged he is part of the problem, but they all are. The Board consists of five people and not just one has any power, but as a group they can. Unfortunately this group cannot work together and it's very evident. There has to be some changes and he apologizes for this community going through

the shame, the embarrassment, and people have been humiliated. They have had employees talked to like they don't know what they are doing and they have bullying. There are a lot of things going on here that is improper and sooner or later it has to stop. He understood the frustration and it should have been done a long time ago and don't think if he had the power he wouldn't have done it 3 years ago. He reiterated that he apologized for not coming in with a decision that they would agree more to. Tomorrow is the election and he didn't want to influence that. He didn't want the citizens voting him in because they hate some else, he wants them to vote for him because he is the person they want. He thought the decisions they make tonight aren't final. It needs to be continued until it's cleaned up. He is not going to drop the ball if he is reelected. He is going to get to the bottom of this and there will be some actions taken. He once again apologized for not being able to deliver and he apologized for being the Chairman when this has been going on. It seems he didn't have control to stop it and it's unhealthy. This is not good for our community and they shouldn't have to deal with crap like this. He asked the citizens to bear with him for a couple more days and they are not going to drop the ball. Citizen Sharon Dewitt said you asked us to bear with you for a few more days what happens if after tomorrow Amanda, Fred, and Carleton are back in office who is going to lead that charge when the three people who were taking the signs have the majority on the Board. How is this going to get resolve? Chairman Duarte replied it won't so that's why you should reelect me. Citizen Rudy Cartier said one of the reason's he is so passionate about this is that if you remember he was dragged through hell and for no good reason. Its remarkable to him that he did absolutely nothing wrong and went through what he went through and you have three people that the State Police were ready to arrest and nothing is happening. Can they understand why he is so pissed off? This is not fair and it's like living in some type of sick cartoon. Citizen Ingrid Byrd said Rudy just spoke very passionately but he is forgetting that the State Fire Marshalls report was read by a number of people and having said that she has to disagree with Rudy. He wasn't dragged through the mud there was an impartial report from the state. She asked if they could move on because they are spinning their wheels in the mud. Chairman Duarte asked if everyone had a chance to speak their piece. Citizen Eric Shifflett said he would like to address the silent Selectman on the Board. He imagined they were remaining silent because of the advice of counsel. He noted you go to counsel for legal advice. They don't rely on lawyers to tell us what's right, he thought they could come to a reasonable conclusion and he was sorry to see that was not the case. Citizen Frank Reczkowski hoped that if the Selectmen were seeking counsel they weren't using town counsel. Citizen Gary York said unfortunately in the early 90's where there was a petition put together and town counsel did represent the other Selectman. The town did have to pay for their indiscretions.

Manchester Water Works: Land Manager John O'Neil and Director David Paris of Manchester Water Works were present. They have a request for proposal that they are going to be advertising for in the next 30 days. They wanted to inform the Board so they were aware. Mr. Paris explained it's on an informational basis. They are a property owner in Candia as well as Auburn, Hooksett, and Chester. They own about 7,200 acres in these four towns. The properties out of town they are offering together in a big package. They are looking for proposals on those from non-profit, conservation organizations, or governmental organizations that may an idea that they may want to combine their efforts to acquire this property. This really is one of the gems in Southern New Hampshire. It's open and green. It was acquired by Manchester Water Works over the past 150 years primarily to protect Massabesic. During this tough economic reality a lot of people look at that property for its development. At this point in time we have been given the opportunity to see if we can get it preserved into perpetuity. The town will be seeing proposals from Manchester Water Works in April

and it will ask for interested parties to propose on acquiring that property. We're hopeful that they see just a single entity. The property will be restricted so it can't be subdivided and it has to be maintained in perpetuity. Those restrictions alone will take away from the value of the property. It's unfortunate they have to back away from the property at this point in time. It has become unsustainable. It has gotten to the point it rivals anything they do as far as expense and commitment. They would like to see it protected for generations to come. They have already talked to Auburn. They thanked the Board for seeing them on short notice. They have talked to the Conservation Law Society and the Nature Conservatory to see if they have an interest. Chairman Duarte said as soon as they come up with a plan send it to the Selectmen's Office. Mr. O'Neil noted that they have received permission from the Manchester Selectmen to sell the property. He noted they have parking lots and play grounds on some of their property in the different towns. There is a lot of stuff involved and they are looking at organizations to protect it. Citizen Boyd Chivers asked what the tax impact would be on the Candia tax base. Mr. O'Neil said they were paying about \$200,000 about 10 years ago and they are paying about 1 million now. Most of it is the Town of Auburn. The city fathers in Manchester said they have to do something. There is a law that says if you're a city and you own property in a town that property can't be eligible for current use. Mr. Paris added if it's a water supply property which it is. Citizen Boyd Chivers asked if they could calculate the impact. Mr. O'Neil said he could but didn't have the numbers this evening. He estimated it would drop from \$50,000 to \$15,000. It should impact the town significantly. Chairman Duarte thanked them for attending the meeting.

Flyer: Road Agent Lewis mentioned he received a yellow flyer in the mail the other day. He read Article 18 which says the Road Agent wants to take another \$180,000 to put another layer of asphalt on Patten Hill Road. This would increase the tax rate by \$38 per thousand while it's a worthwhile project the costs have spiraled out of control. We already spent \$2.5 million on this road. To put this perspective this is more than the town expended in all of 2005. Please vote no and demand greater accountability on our projects. Road Agent Lewis asked the person whose name is on the flyer where he got the \$2.5 million and he didn't know where he got the number. Road Agent Lewis informed him that he had a \$1.7 million error in the math. He double checked and we spent \$748,000 on Patten Hill Road to date. He just wanted to clear this up and maybe they could send the numbers to Mr. Beckman so he could send out information with the correct information.

Citizen Judy Szot thought the water works land was estimated at 1 million and it would be an increase \$2.50 per thousand.

Selectman Snow moved to adjourn 7:56 p.m. Seconded by Selectman DePuy. All were in favor. Motion carried.