

~~Unapproved~~ **APPROVED**  
**Candia's Selectmen's Public Meeting Minutes**  
**September 10<sup>th</sup>, 2018**

**Attendance:** Chairman Susan Young, Vice-Chair Carleton Robie, Selectman Boyd Chivers, Selectman Scott Komisarek, and Administrative Assistant Andria Hansen. **Absent:** Selectman Russ Dann.

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

**Public Comment.** Chair Young said they started this at a resident's request. She asked if there was any public comment or input at this point. Selectman Robie said he would like to make a brief public comment. If they are going to have this public comment which he thought it was a well received idea. He referred to the last meeting and Chair Young opened up the meeting for public comment and asked if anyone had any public comment and nobody said anything. At this point if they are going to do this and do it in a professional manner that would be the end of public comment until we got done talking to however or about whatever they need to talk about as Selectmen. Then if the Chair would like to open it back up for public comment, in this situation they had a gentleman speaking to us and it turned into a room full of people talking in a three way conversation between the person, the Board, and the audience. In his opinion they talked for an hour and really never had a Selectmen's meeting about the situation and how this all transpired and what should have been. His opinion on public comment is that it is a good idea and they should have public comment. If anyone has anything to say they should say it off of the agenda. Everything they are going to talk about is here. In this case he is talking about here there was certainly some public comment where some things may have been brought up during the exchange between the Selectmen and the person that may have warranted some public comment after that conversation. This is a meeting of Selectmen to conduct our business for the two prior from the last time they met. Just as a note public comment is a wonderful idea and at the end of the meeting they could have another public comment if they choose, but he thought they needed to clean this up and do away with some of the chaos. Chair Young asked the other Board members what their thoughts were. Selectman Komisarek thought Selectman Robie brought up a good point and it's a good thing to open up to the public to get their comments. There was a lot of emotion around this issue, so it can get chaotic. So he thought at times they need to remind the public that they need a certain amount of time to do their business. Selectman Chivers said he agreed with Selectman Robie, but sometimes the public helps inform our decision making. How do you sort this out between a public hearing and a public meeting? He noted that Selectman Robie had a point, if people wanted to make a comment about any pending business before the Board they could do so and state their case and they can take that into account when they consider it. This is probably the right way of doing it. Chair Young said when they first brought this up she thought Selectman Chivers was one of the Board members who said that people should be able to speak when they want to speak during the meeting. She tends to agree with that. It is hard to make a point if we are on subject number three and they haven't commented prior to hearing what we had to say or something they need to share with the public. It is hard to make a comment at the very beginning if they don't know the details. Personally it is her job to control the comments and a couple were getting off of the respectful

part. They were running away with that a little bit and that was her fault. She shouldn't have allowed and it she did say let's be respectful. She thought this was expected from everyone they are all adults here. She didn't know if she as a citizen or a taxpayer have something to say about item number four and she didn't bring it up or she didn't have a comment until the Board gets to item number four, I would hope I had the opportunity to address the Board. Again this is probably her fault more than the public. It is her job to keep people in line, but they can do whatever the Board wants. If the Board wants to strictly go by the beginning or the end, they can do that too. It's a Board decision not hers. Selectman Robie said he welcomes the public comment, but they went round and round on the same thing over and over two weeks ago. There were a couple of people that said the same thing two or three times during the hour. If they have public comment on the agenda everybody speaks. If they have an item such as that, which is an issue that they are going to vote on before they vote on what they are going to do or make a decision they'll listen to public comment once again. The interaction between the Board and the public and a gentleman standing in front of us it's too much. There are three conversations going on. In his opinion a lot of it is non productive. Chair Young noted there is even talking amongst the Board when other people are talking. She has tried to limit that and again they are all adults here. They just have to act like adults. Selectman Robie said that is the goal here. Chair Young said treat everyone like you would like to be treated. She asked if there was any public comment on the public comment part of the agenda. There wasn't any public comment from the audience.

**Approval of Previous Minutes: Public meeting minutes of 8/27/18 and 8/30/18 and the Non-Public meeting minutes of 8/27/18.** Selectman Robie moved to accept the Selectmen's Meeting minutes of August 27<sup>th</sup>, 2018 as presented. Seconded by Selectman Chivers. All were in favor. Motion carried. Selectman Robie moved to accept the Selectmen's Non Public Meeting minutes of August 27<sup>th</sup>, 2018 as presented. Seconded by Selectman Chivers. All were in favor. Motion carried. Selectman Robie moved to accept the August 30<sup>th</sup>, 2018 Selectmen's Work Session minutes as presented. Seconded by Selectman Chivers. All were in favor. Motion carried.

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

**Highway:** Road Agent Lewis read from the attached report. The month of August wasn't to kind to us. Our roads took a beating. When all that started they were doing the Adams Road reconstruction project. They completed the first phase of that. It was without a doubt the worst piece of road they've rebuilt since Merrill Road with rocks, ledge, mud, drainage issues. They got it all done and hopefully next year they will fund it and they'll get it completed up to South Road. There were repeated rain storms well working on Adams Road. They would go back at night and fix the rain storm problems. It will be awhile fixing all of those. It is going to make our shoulder work line go over and a few of our other lines go over. He'll take that money out of other lines. He has been working with the town engineer on the North Road culvert replacement which was damaged by heavy rains on August 3<sup>rd</sup>. They are applying for a couple of grants. They are going to have to do some temporary repairs there before the winter months. They have to meet with DES to see what they are going to allow us to do. They did get the drainage calculations figured out on what that would take there. There are two five foot culverts there now. One is for the emergency spill way for that dam and the other for the regular stream. It is coming back that they will need at least ten foot box culverts in both locations to cover the

volume of water. When they rebuilt the dam a couple of years they reconfigured the emergency spillway. Now the water goes over a lot faster with a lot more volume, so pond isn't retaining as much water when you get a flood situation. It seems to come up real quick now. If you get a two or three inch rainstorm like we had within two and half hours it is going over the road. It can be basically a small trickle through those culverts prior to that. So it comes up three or four feet in two hours. They are going to try and do something before winter there. This is why he hasn't paved over those areas yet, because there is nothing left of those culverts. Selectman Chivers asked what they could do to increase the capacity of those culverts. Road Agent Lewis asked for the winter? They won't be able to increase it by much. They may have to throw in a couple of plastic culverts that are four or five feet in diameter to get through the winter and next year do the concrete box culverts. This is a very expensive job and there is some mitigation money out there. There are two different grants they can apply for. He has applied for one and he is working on the other. It is the best they can do. Chair Young asked if he would have that in the budget or worst case scenario they will put it in the budget for next year. Road Agent Lewis said they don't know any numbers yet and he guessed depending on the grants. One of the grants would be 100% funding and the other one is partial funding. He doesn't have any numbers put in there. They could do it under a warrant article or if they get the numbers in late enough or early enough is the budget season. He will keep the Board informed.

**Police:** Chief McGillen read from the attached report. He thought the report didn't look right and the numbers were skewed on the print out. He noted that in August they have been busy with multi agency investigation without getting into what the matter is. So it has kind of been time consuming with a couple of investigations in town. They are getting some outside help.

**ACO vehicle:** He wanted to bring up the ACO situation. It was brought to his attention from the ACO about an insurance matter. She uses her own vehicle and she found out that her insurance doesn't cover her if an animal damages her car. He called the town's carrier which is Primex and they wanted to see her policy. He sent it to Primex for their review and they don't cover any animal related damage to a vehicle if she is using it for town business. If an animal got lose in her car and it ripped up her seats or there was bodily fluids that needed to be cleaned Primex will not cover that. Primex suggested possibly a vehicle. He asked the ACO if she could get a rider. If she is using her vehicle the town should be responsible for any costs. It is basic common sense on that one. She just emailed him this afternoon that there is no rider for her coverage, so he'll go back to the drawing board with Primex. He would like to see if they can offer anything on that see if there is a policy that they could get monthly or add into our insurance costs. The first time he spoke with the guy he said they should be looking at a vehicle. Chair Young said it has been her experience that riders aren't very expensive depending on what it is, so it is just not offered through her company. Chief McGillen said that was correct and he will check with Primex this week and see what they have. Selectman Chivers asked if this was the first time this issue came up. Chief McGillen said the last ACO never had an issue with it and had an older vehicle and he would just grab anything. Since this is her personal vehicle if she puts something in there that is injured or there is bodily fluids maybe they could look at a used vehicle as an option. Maybe in the interim an insurance rider would be a better option if she is agreeable to that. He would like to come back to the Board with that information. Chair Young said it is just so little that it is used. Selectman Robie noted that they always had an animal control car here. Mr. Rodier had a vehicle for fifteen years that we supplied for when he had a call. Then the other gentleman that just got done used his vehicle and never brought this

up. To him he didn't know if he would want to put an animal in his vehicle that has been injured on a part time job. He thought if they are going to have an ACO he thought they need to make sure they are satisfied with what they offer them whether that be a vehicle or not. He didn't know what else say. Chair Young noted it is a couple of hours a month. Selectman Robie said that was irrelevant. Chair Young didn't think they had to buy a vehicle. Chief McGillen said in the past they would use an old cruiser. He thought they might have one coming up next cycle. He could go down the other route and he'll talk with Selectman Robie about that. He has a funny feeling that Primex is not going to cover it. Selectman Chivers said let's see what they say. **Police Officer search:** Chair Young asked if he had anything else. Chief McGillen wanted to let the Board know that they might be seeing some ads out there for a police officer at different places just to get it out there. They don't have to hire someone, but just to get it out there, so they can get the process going. He just wants to get the word out there. He has called the Great Bay Community College and they have a police testing process and they can sign up for that. This is in the works. He has talked with the Professor and they are going to send over the packet. They do the testing and they candidate pays them the money for us to participating they will get the results. They just have to help administer the test and they do it quarterly or twice a year. They just want someone to go over there and help them with the testing for a few hours and they get the results. How it works is they have a 100 people that go there and then all the towns that sign up to this alliance get results. So you get towns like Portsmouth and Hooksett competing with Candia and the towns reach out to the top twenty or thirty percent. It is a lot of competition. In the past the Deerfield Chief has used it and has had some success, but now the bigger towns are going for the top cream of the crop. Little towns don't have much to offer. You can make calls to these guys but when they get a call from a bigger department like Derry and Londonderry they usually don't respond to the smaller towns. He thought it was another resource and it doesn't cost us anything, just some of our time. He called the community college up in Concord and they have a job posting that goes to all of the tech schools in the state. They said there is no charge to put our ad out to all of the colleges. He wanted to put it in the paper; they didn't do that last time because they wanted to save some money. They tried Indeed and they got a lot of people from New York and Southern Massachusetts that were applying and they were security guards that wanted to work part time in Candia. They aren't going to drive up from Quincy on a Friday night. Some of them came across as officers and the way their resumes came through with that online program. They just got inundated and frankly it was just a waste of time. They needed to try it to see what was out there.

**Fire:** The Fire Department report was deferred to September 24<sup>th</sup>.

**Building:** Building Inspector Murray read from the attached report. There is a lot of code enforcement that is keeping him very busy. It's time consuming, but they are getting through it. He thought they were just having a little spike with building and code enforcement. Chair Young asked if the code enforcement could be done part time by a different person where is getting so busy. Building Inspector Murray thought that would be a big can of worms. He thought it would calm down. It would be one thing if it was like this all of the time, but they have all seen the spikes up and down. He felt they should stay with it for now, he hasn't lost his mind completely yet.

**Solid Waste:** The Solid Waste report was deferred to September 24<sup>th</sup>.

**The Board to appoint Dick Weeks to the Fitts Museum Board of Trustees.** Selectman Robie moved to appoint Richard Weeks as Trustee of the Fitts Museum. Seconded by Selectman Komisarek. All were in favor. Motion carried.

**The Selectmen to request funds from the Trustees of the Trust Fund from the Fire Suppression Water Supply Capital Reserve Fund and reimburse the Fire Department for the following invoices: Firematic Supply Co., Inc - \$465.00, Firematic Supply Co., Inc., - \$2,048, and Greenwood Emergency Vehicles - \$48.05.** Selectman Chivers moved the Selectmen request that the Trustees of the Trust Fund release funds from the Fire Suppression Water Supply Capital Reserve Fund in the following amounts - \$465.00 to pay Firematic Supply Company, \$2,048 to pay Firematic Supply Company, and \$48.085 to pay Greenwood Emergency Vehicles. Seconded by Selectman Komisarek. All were in favor. Motion carried.

**The Selectmen to request funds from the Trustees of the Trust Fund from the Town Building Maintenance Expendable Trust Fund and reimburse Town Building Maintenance in the amount of \$1,775.00.** Selectman Chivers moved the Selectmen request that the Trustees of the Trust Fund release \$1,775 from Town Building Maintenance Expendable Trust Fund to reimburse the Town Building Maintenance line. Seconded by Selectman Komisarek. All were in favor. Motion carried.

**Selectman Dann will discuss purchasing a skid steer for the Recycling Center.** Chair Young informed the Board that Selectman Dann has asked that they table the discussion until the September 24<sup>th</sup> meeting. Selectman Robie said he would request that before they hear this they have the minutes from our budget meeting last September and the minutes from our meeting in April where they discussed this at length. He noted Selectman Komisarek wasn't back on Board yet for the April discussion. There was a lot of discussion at those two meetings. They all ought to refresh their memories on this before they discuss this again. Chair Young said they will put a copy in the sign folder and everyone's trays.

**Update on the town property at Exit 3.** Chair Young noted that Wildcat Land Development sent a check made out to the Town of Candia. They are securing the extension of their option to purchase which was in the original agreement. They have gone ahead and done that so they have another year option. She asked the Board if there were any questions on that.

**The Board will to consider adopting the Employee Compensation Plan.** Chair Young asked if everyone had a chance to look at this. She asked if anyone had any questions on it. Selectman Robie asked Selectman Chivers if he was confident with this. Selectman Chivers said he was happy with it. Selectman Robie thought it was really good and there are some issues they are going to work out as far as longevity and such, but that wasn't part of this. Selectman Chivers said it was a step in the right direction. Selectman Chivers moved that they accept revision 5.1 of the Employee Compensation Plan. Seconded by Selectman Robie. All were in favor. Motion carried. Chair Young thanked Selectman Chivers for all of his hard work. She agreed with Selectman Robie as far as longevity, this is something they can discuss in the future.

**The Board to discuss The Hive.** Chair Young said the intent of why this is on the agenda wasn't discussion about The Hive it was just clear on what is going to happen or not happen next weekend. She asked if they had an understanding. Selectman Chivers said there is something on the internet that says the location has been changed. Building Inspector Murray said that whole operation has been moved to a new location in Concord to the Lewis Farm. It will be on the 21<sup>st</sup> of September. Chair Young clarified they won't be expecting anybody to be going to the Patten Hill address. Josh Pouliot owner of The Hive confirmed that the location has been changed to Concord. Chair Young said she didn't have anything else to she just wanted to make sure they were crystal clear.

**The Board to authorize payment of payroll checks and accounts payable check.** Selectman Chivers announced the grand total for accounts payable and payroll checks for September 6<sup>th</sup> and September 13<sup>th</sup> was \$995,696.79. Selectman Chivers moved to approve the accounts payable and payroll checks for September 6<sup>th</sup> and September 13<sup>th</sup> was \$995,696.79. Seconded by Selectman Robie. All were in favor. Motion carried.

### **Other Business**

**Elections:** Selectman Komisarek noted that the elections are tomorrow. Selectman Robie and Selectman Chivers will be there for 6:00 am. He and Chair Young will be there from 11:00 am to 4:00 pm. Selectman Dann will come be there at 4:00 pm and he'll stay with him. Then Selectman Chivers volunteer to come back so they have the three Selectmen at closing. Chair Young said she would come back to count. She can come in earlier than 11:00 am if someone needs to go to work.

**NHMA Legislative Policy Conference:** Selectman Chivers confirmed that he was going to the conference on September 14<sup>th</sup>. Chair Young explained they have ahead of time everything that they are going to cover at this meeting. She said if there is anything they feel strongly about let Selectman Chivers know. Sometimes they amend it while you are there. Selectman Chivers asked how long does this take. Selectman Robie said all day.

**IT increase:** Chair Young asked the Board to look at the IT costs. It is something to think about it is very expensive. They might have to do it to keep up with technology. Selectman Chivers asked if someone was going to explain this to us. Chair Young asked if they Board would like him to come in. Selectman Chivers said yes, he would like to know what they are getting for that money. Chair Young said they will see if Block 5 can come in for the meeting on the 24<sup>th</sup>. Selectman Robie said why don't you have them come in on a night they are doing the budget. Chair Young thought he might take a long time. Selectman Robie asked how much it went up. Chair Young said the upgrades are going to cost thousands. Selectman Robie said they need to replace equipment the stuff they have is ancient. Chair Young said they can be invited to the budget meeting, but it is going to have to be a five or ten minute presentation. She noted that they are starting at 6:00 pm. Selectman Robie said he didn't know how much of that was carried over from last year. Selectman Chivers thought it was new. Selectman Robie said last year they did the same thing with them. They can only update so much, they can only ask for so much.

**Park – ground fault:** Chair Young asked if Mark Hetzel replaced the ground fault or just turn it off. Building Inspector Murray thought it was turned off and he thought he removed it. Chair Young said bill says replace in the parking lot and replace at the softball field. Building Inspector Murray thought he removed it. He didn't actually look but he thought he got rid of it. They don't even use it. Chair Young was just wondering if it was replaced or not. Selectman Robie said that burned up years ago. Building Inspector Murray said now that the shed is gone it really showed up.

**The Hive:** Resident Al Hall asked what The Hive was. Chair Young said she didn't hear about it until a month ago. She explained its community arts, farming, and agriculture. She noted that the owner Josh Pouliot was in the audience. Owner Josh Pouliot explained it's a community space. They do arts, music, agriculture, and learning, anything they can use the land for. It's on Patten Hill Road. Resident Al Hall thought maybe they should have some P.R.

**B.M.T. Construction – New Boston Road:** Owner of B.M.T. Construction Dan Cotnoir was present. He explained they are making forward progress on designs that have been submitted to Neil Bilodeau at DES. He believed the Building Inspector received some information as well. Building Inspector Murray said he had one copy here if they wanted to pass it around. Mr. Cotnoir said right now he has a verbal from Neil that he is going to accept all of the drawings. He was thinking they would have something in writing from him tomorrow. He is going to accept what the engineer submitted to him. He wanted to make the Board aware that he met with two abutters that contacted him. One was Jesse at 437 North Road and they did a site walk. There were some areas that were a real concern. There were some areas that they decided not to do anything with at this time. The areas that they talked about, they did some clean up. He asked Jesse if he was satisfied with the results. Abutter Jesse Vander-Hayden said he was satisfied with the results. He met with Pat Morin at 425 North Road. They did a site walk and they came up with a great plan and there are four or five items that they are going to address on his property. He told him to give him a week or so. They are going to try and get it done at the end of this week if not at the beginning of next week. He knows there is a cease and desist and it sounds like the two upper lots were the bigger concerns. So the two lower lots that are 394 and 398, they have a foundation at 394. He would really like to know if they could start building on that lot. No abutters have met him from those two lots who abut those properties. He is assuming there are no issues. Selectman Chivers thought it was fair to assume that the abutters are waiting for you to submit your plan to DES and have it approved and later approved by the town. Mr. Cotnoir said he didn't know what he did to their property, he was willing to do a site walks with them so he would know what their concerns are. He doesn't know what happened to their property and no has contacted him. The owner of lot 394 New Boston Road explained he grew up in Keene New Hampshire and he has been living in San Diego for the past eight years. He works as a Physician's Assistant treating cancer patients and he is currently employed at Dartmouth. His older son and father were present. They have been patiently waiting Dan has been really proactive and he is lucky to have him as his builder. His wife is still out in San Diego and she will come out when the home is close to being done. He has a son at Boston College. He would like to get things moving, but he knows they have to do it the right way. Chair Young noted that she said at the last meeting that she couldn't understand why if you had the foundation in, why you couldn't frame it at this point. This wasn't her decision the Board decided to go to DES, so she didn't know if they take his expertise. In her opinion that

foundation, whatever it was going to do to the land or the earth it's done. She can only see him building on it and putting the landscaping in and securing it better than it is now. Building Inspector Murray said she brought up a good point the more they so up there the more they are going to secure it. Right now Mr. Cotnoir's engineer did submit a plan and he thought DES received it on Friday. They notified him today and they are working on a rough plan and going over it. He thought he might hear back from them tomorrow with a yay or nay and they can get a copy of the plan. As far as allowing building it is the Board's decision at this point. He would like to wait and see this plan. Selectman Chivers thought that is what they agreed on at their last meeting. Mr. Cotnoir said he understood that is what they agreed on, but he felt there were a lot of concerns from the abutters this is why there was a meeting. He noted that no one has contacted him for the first two lots. Again he gave his information out at that meeting. He is asking for permission to start building on 394. Chair Young asked if one had a foundation and one didn't. Mr. Cotnoir said they both have foundations. Building Inspector Murray asked which lot did he want to start building on, the lower or the upper. Mr. Cotnoir said just the lower one right now, because no one has approached him or contacted him with what their concerns were. He doesn't know what they are. Building Inspector Murray agreed with him and if they don't talk to him how is he going to know. He doesn't know why they haven't reached out to him; he is very personable and very easy to work with. Chair Young thought he was very up front. Resident Scott Menzel of 413 North Road thought at the last meeting that what they were talking about is CND Engineering report before they even discussed what they were going to do next. He knows that he and Mr. Cotnoir had talked about that a few times. And there was really no point of him doing anything on his property until they saw an engineering report and what was going to actually happen to the water. They are going to see tonight because it is raining pretty good right now and his drive way is going to be in the road again. This is the reason he didn't contact Mr. Cotnoir. He was waiting to see the engineering report. Mr. Cotnoir asked if he abuts the two upper lots. Mr. Menzel confirmed that he did. Mr. Cotnoir said he had some plans that he might want to take a look at. It's the lower two lots and the first foundation. This is what he is asking for. Nobody has contacted him and he didn't think that anyone has contacted Building Inspector Murray. Chair Young said she didn't have a problem, but let's hear from the rest of the Board. Selectman Robie said there last meeting Mr. Cotnoir was here and a lot of abutters were here. He was a little confused. They had serious rain and they all agreed that it rained very hard, numerous times in those few weeks. He travels North Road and New Boston Road on a daily basis and North Road was gone. There was a piece 16 feet wide and 5 feet deep missing on North Road on a Friday afternoon. That water that took out that piece of North Road came from the other side of the road from Mr. Cotnoir's development. That came from the dam side which took out that road. The water that was on New Boston Road (on Walnut Hill) and the drive way below that was above their property and it took out two drive ways on the north side. So they've had a tremendous amount of rain that has come down that hill. With the land being disturbed the way it was it caused some serious erosion. There is no doubt that. With the fines and the water it probably channeled itself in more specific areas than it may have used to. He agreed with that. There were complaints and our Code Enforcement Officer contacted DES and that was the right thing to do to address that issue. DES came down and the town looked at that also with Selectman Chivers and Road Agent Lewis. DES was going to address the issue with that developer. He thought it was the developer's issue with the Code Enforcement Officer. The town issued this gentlemen a cease and desist, if DES thought they needed to issue a cease and desist they probably would have recommended that or sent one



themselves which they've been known to do if someone has torn up a lot of land or not controlled the flow of water. They got put here as the Board of Selectmen along with Building Inspector Murray working with DES and Mr. Cotnoir and the Board issued a cease and desist two weeks ago. They all heard the audience two weeks ago telling the Board of Selectmen that they are going to be responsible for this being rectified completely. There is nothing in anybody's game book that says they can fix that problem completely, because if it rains like that again they are going to spend a lot of money to fix those culverts. Like he said the water came from the other side of the street and took out North Road. The water come from the other side and came down the hill and took out some driveways and got out onto North Road. They got themselves in a situation here where he didn't know if they could satisfy everybody. But they were told they were going to be held accountable for this as the Board of Selectmen and this is really out of their hands. The code enforcement issue along with the driveway issue and Road Agent Lewis seems to have that under control. He can verify that on Walnut Hill on the opposite side of the road they lost two driveways and a leach field. It rained and he didn't believe he's ever seen it rain that hard. Selectman Komisarek noted that the rain in August broke records. Selectman Robie said he wanted to make a couple of comments that they need to consider, because they are holding a builder. He is a builder and he wouldn't be willing to put \$200,000 - \$300,000 into the construction of a home without knowing I'm going to rectify this problem and be able to get a CO. Why would he put a quarter of a million dollars out there and not know if he can fix this problem. He thought Mr. Cotnoir was acting in good faith and like he said last time to line people up to get these jobs going in this season, they're coming into fall. He understood Building Inspector Murray's point and he would like to see that plan. They also talked about our engineers looking at his engineers work. DES should be able to handle that. Chair Young didn't think they needed their engineers looking at it, DES has engineers. Selectman Robie said it was a panic here two weeks ago. He should have said a little more than he, but he said it tonight. Selectman Chivers thought it was fair to say that they issue that cease and desist with an abundance of caution after hearing what the abutters had to say at the previous meeting and their claim that the town is going to be responsible for any damages to their property without determining whether there is any legal basis to that. He thought it was fair that Building Inspector Murray, with his support, issue that cease and desist order to get this thing rolling, get Mr. Cotnoir's attention, and get a plan on file before the September 11<sup>th</sup> deadline. Mr. Cotnoir said he retained an engineer and he submitted a design. Selectman Chivers said this thing is happening the way they envisioned in their last meeting. They got the plan now and it went to DES for their approval. Mr. Cotnoir said they already have it and Neil has reviewed it. Selectman Chivers asked if he would give him any kind of a statement indicating that the plan conforms to their requirements and they accept your proposal. Mr. Cotnoir said yes and he is going to give that information in writing. Selectman Chivers said his view is if that can satisfy our Code Enforcement Officer he would leave it up to his discretion to suspend that cease and desist order with respect to that house you are talking about. He confirmed it was 394 New Boston Road. His recommendation would be to let Dave decide this. Selectman Komisarek said he has talked with some abutters and everyone is feeling the same way. They understand that they want Mr. Cotnoir to remain solvent as well. They have to work with him like Carleton said there is a lot of money out there, he's got to make this thing work. He is doing everything he can do and acting in good faith. If they sit here and they keep holding him up and then we make him financially weaker, then there is a risk to that as well. What is the risk to him framing. It's not going to disturb the site anymore. Chair Young said in her opinion she didn't think it does. She

only thought it would make it stronger. She'll be honest they keep bringing up cease and desists and they adjusted another one why can't they adjust this gentleman's cease and desist. Why can't they do it for him? She gives him a lot of credit for coming to the last meeting and the room was packed with people and she was sure he knew that he was going to get it. He had the guts to come in here and he addressed the crowd and he addressed the Board. She would be more than willing to bend over backwards to work with this gentleman. Maybe they can put a contingency on this, if DES comes back and says this isn't going to work then he stops again. She thought everyone was going to have this report within the next day or two. Mr. Cotnoir said he was hoping. Road Agent Lewis said the water from those lots does cross North Road and goes back through those culverts on three of the lots. One of them it doesn't. But his thought was the cease and desist was on the wrong part of the job anyway. The framing isn't going to do us any harm, but the earth work should have stopped until the plan was in place that showed what the contours were going to be, what's going to hold the water back, how it is going to be mitigated, all of those things. As far as pounding nails on the house that isn't going to do anyone any harm. They need to make sure the site work is done properly to satisfy all of the abutters and the town. So he should refrain from anymore site work until that is approved by DES and he is going to say that they bond the site work to make sure it gets done before winter, because they don't want to have this situation coming up next spring. They will need to be able to get that done one way or another. For some reason the builder doesn't want to do it and the town has to do this mitigation then they need some sort of security for that. As far as building the house he didn't see any issues. Chair Young said if he gets permission to start building the house and a bond is being worked on whom ever. Is this something Mr. Cotnoir can live with? Mr. Cotnoir said his only concern is the bond. He thought that should have been presented with a building permit. There was no bond presented with the building permit application. The state's not implying a bond. He is a little confused with the bond. He is going to do the work and the state is going to monitor him and they are going to have someone monitoring that site on a weekly basis and submitting reports. So a bond to him again there was no information provided to him stating what had to be done on those lots. They were approved as buildable lots. Selectman Young didn't think they had to go back that far. She knows there would be some arguments. Selectman Chivers said they are going to have a bond if you don't make the improvements to the lot you probably won't get a certificate of occupancy. Mr. Cotnoir said that would be the bond in itself. He has probably done 85% of what he has submitted to the state. He did a site walk with his engineer and he told him what he needed to do, so he has already completed 80% of that. Selectman Chivers thought it would be fair to tie the certificate of occupancy to the completion in the terms of that plan and subject to approval by the town and DES. Chair Young said Building Inspector Murray has the right to not give the CO if it's not completed. Road Agent Lewis said it might just be on one lot thought. What are you going to do with the other three if he is not looking for a CO and those lots aren't restored to whatever is needed. He could get a CO on the one lot that is done but what about the other three. Selectman Chivers asked if you would improve all four of those lots in exchange for a CO. Mr. Cotnoir said they already have three sold, so he needs to be very active up there. The fourth one is not on the market right now and there is already a lot of interest. So his plan is to complete all of this in an eight to twelve month period. He has three sold properties. Selectman Chivers said the point was is he going to improve the entire lot or correct the deficiencies on the entire lot in exchange for the CO on the first lot. Mr. Cotnoir reiterated that he already completed about 80% of what the concerns were on that plan design for his engineer. So when you are asking will he do it, he has already

done 80% of it and if he is allowed to go up and running again he can complete more. He felt like he is being held back right now and he wants to go up there and work. Chair Young stated they represent everybody even the people that aren't here tonight. She asked the Board if this is something that sounds reasonable. He can start building on that lot and he'll continue upon permission from DES. Selectman Robie noted that Selectman Chivers made a point that the plan would be accepted by DES and Building Inspector Murray will review that. He felt this was a Code Enforcement issue more than anything else at this point. There are two separate lots there with two lots each on them. It is all tied together. He didn't know if these people walked these two lots they are talking about. He asked Building Inspector Murray if they did. Building Inspector Murray said not all the way to the back. They looked at the steep slopes and there was nothing holding it there. As far as damage to the neighbor's houses and properties, he didn't know. Mr. Cotnoir noted that 394 was an "L" shaped lot, so a lot of that water that ran off of the slope went down below which is a flatter piece of property. It is a very flat piece where the water dispersed and slowed down. Selectman Robie confirmed that it was still his property. Mr. Cotnoir said that was correct. He noted there is almost two acres that they can't see at the very bottom. Selectman Robie asked if he had some plans with the preliminary drawings of that lot. Mr. Cotnoir presented the Board with the plans for the upper lots. Selectman Robie said he was interested the two lots that they are talking about. Building Inspector Murray said when he spoke with Mr. Bilodeau today he was working on the rough draft after receiving the plan. He should be hearing back tomorrow. It sounds like a good compromise. He is only looking for half the cease and desist lifted on one lot. It's his discretion when he gets the plans and he'll talk to Mr. Bilodeau. He asked if it would be the Board's pleasure if he feels confident to let that go? It would be a compromise it is one lot out of four. Chair Young said she would be agreeable to that. Selectman Chivers said he would be agreeable to that. Chair Young asked Mr. Cotnoir if that would be okay. Mr. Cotnoir said that would be a great starting point. Selectman Robie clarified one issue on that; he will not be putting a foundation on 398. They are talking about those two lots on the lower end. There is one with a foundation and one without. If Building Inspector Murray grants you permission to work on those two lots you will be working on the one with the foundation and you won't be putting in another foundation. You won't be pouring any fresh concrete. Mr. Cotnoir said he was just looking to start framing. He will use Neil's information with Dave and Dave can make a decision from there. Chair Young didn't think they needed a motion. Building Inspector Murray said he would write something up for him. Selectman Robie said to write something up about the occupancy permit for that one lot, but not until all of the problems on all four lots have corrected. Selectman Chivers asked if Mr. Cotnoir understood that. Mr. Cotnoir said he understood. Selectman Chivers clarified that Mr. Cotnoir was going to correct all of the problems on all four lots in exchange for the CO when that house is completed.

Selectman Chivers moved to adjourn at 8:03 pm. Seconded by Selectman Komisarek. All were in favor. Motion carried.