

APPROVED
**Candia's Virtual Selectmen's Public Session Minutes
November 13th, 2023, 6:30 pm**

Note: Individual roll call has been taken after each motion.

6:30 pm Chair Brien Brock opened the Public Session Meeting followed by the Pledge of Allegiance.

Attendance: Chair Brien Brock, Selectman Patrick Moran, Selectman Boyd Chivers, Selectman Russ Dann, Selectman Susan Young and Town Administrator Andria Hansen.

PUBLIC HEARING: Opened at 6:30pm

Chair Brock announced the Public Hearing is in reference to RSA 673:13 for the removal of a member from Land Use Boards. This is a written complaint the Board received regarding member Judi Szot of the ZBA Board. He read a letter received from Paul and Sarah Brassard of 266 Donovan Road. See attached. Selectman Young began by stating that Ms. Szot has served the Town for over 35 years between the ZBA and Planning Board as she was elected Chair of the ZBA for the last 2 years by her colleagues. She has not heard of any other complaints about Ms. Szot. There may be some people who may not agree with her decisions, but in her opinion she is very knowledgeable of the ZBA regulations and is against removing her from any town position. Selectman Young said she has listened to the previous recordings and did not hear any swearing that the Brassards had stated and had heard Ms. Szot redirect them back to what the Zoning Rule was. She will stand up for Ms. Szot until something is proven different.

Selectman Dann said the only thing he had to comment on is about the BOS meeting they had with the Brassard's stating they would need to go back to the ZBA.

Selectman Chivers asked the Brassard's if they were alleging inefficiency, neglect of duty or malfeasance as these are the three things of which someone can be removed from office according to the statute.

Sarah Brassard asked if they had read their letter, and if they addressed their concern about the misuse of the law and request to not cut trees on their land that is not accurate. Selectman Young said she does not know if they are right or wrong, as there seems to be some discussion between all boards. This is not what they are addressing tonight, they are addressing the character in her opinion of a board member who has served faithfully for 35 years without complaints. Mrs. Brassard said what they indicated is misuse of the law and misinterpretation of it in a misapplication of it, and that is part of her duties to know those RSA's and appropriately address them and apply them as such. Selectman Young said I do not know, but what she heard on the tapes is all that she can go by as she was not at either meeting and she did exactly that and kept bringing us the regulation number. Mrs. Brassard said, so you did not hear her state there is not cutting of the trees on your land until April 2024? Selectman Young agreed she did hear that. Mrs. Brassard said you did hear that? That is not an accurate statement. Selectman Young said she thinks that is going to be addressed at a future date. Whether things were cut/not cut or supposed to be cut is not what they are talking about. She did not hear her say something that she knows not to be the law. Mrs. Brassard said correct, that is what they are worried about is a lot of people are not aware on some of the laws that are pertaining to. Selectman Young said, yes as much as she is an expert. Mrs. Brassard said, for you to not know if she is in the right or wrong, you are referring back to her in question whether she did appropriately apply it correct, right? You are assuming that she was the one appropriately they find that she questionably apply the law, misused it? You wouldn't know any better than she did on how she used that law correct? Chair Brock said not without looking into the regs of the Class VI Road, at that part he does not think the main issue is what is in question here. Mrs. Brassard said but that is part of the conduct right, is misuse and misinterpretation of the law? Selectman Young said everyone might make a mistake or misstatement over their career and she believes everybody is human. She does not know and is not going to sit there and say whether she did or didn't and

whether that was accurate or not, because there is some discussion about your activity. We are not here to discuss that. She does not think she closed them down or anything else.

Mrs. Brassard said the Jesus Christ was hard to hear and it was difficult because Ms. Szot was via zoom that she thinks anyone of you know it's hard to hear a recording on via zoom. They could not even go back and hear it. But if you were present you could hear it, and we all heard it. So, via zoom recordings, not great, I'll tell you that, and trying to go back and relisten to that you're right that you might not have heard that. There was a lot of communication back and forth and there is a delay in technology as the first 10 minutes that could not get the microphone to work. But again, it's a matter of just the way Ms. Szot tactfully addressed and misused the law and that is conduct. Selectman Young said one of the things they addressed was Ms. Szot's swearing and she did not hear that. Mrs. Brassard said correct, that is fine, if you're going to say I don't hear that, I wasn't present and I didn't hear it on the video. Selectmen Young said she hasn't heard from others who were present that have heard it. I'm not going to argue about that with you, as I wasn't there. I don't know about these allegations and how they apply to it.

Mr. Brassard said they initially had to withdraw their application after 3 months of this tenuous process because the board was found particularly right and how the chair accepted their application out of State RSA in violation of Direct State RSA. If it wasn't for the head of the Planning Board to be there in the audience and correct that and ask them to withdraw at that time and he did not mind doing it but as this progressed it and he started getting reach outs from the timber tax people on hey, I was called on by the Town. He had called the Town, they said, no their just on patrol Paul. The DRA guy says he was specifically asked by your town to come to your property. So, there's a lot of different things so when you say malfeasance or neglect. Neglect has been achieved by violating state RSA by accepting their application. Weaponizing state assets to come to their land and start inspecting it and looking it over. In all reality when he talked to the DRA guy, he had told him the same thing. Yup, I was under the impression you were a huge logger clearing 200 acres. Mr. Brassard said no, I cleared 150 x 150 foot swath off his land. You talk about our pride service, that he has 20 years in the military and 21 years in as municipal fireman. We all have our service, we all make mistakes. It's being accountable. Mrs. Brassard said it's accountability that needs to be addressed. Mr. Brassard said accountability is the key word there, especially with my tenure and my service to the community. He thinks the neglect malfeasance has been proven. Violation of state code. Calling the Town in talking to Linda saying, no they are just on patrol, and then getting an email cc'd to him and then to Linda saying, hey I've inspected property as requested. Come on, somebody is, it's not me calling the state to come to my land, someone called. Chair Brock said thank you. Mrs. Brassard asked if there were any other questions about the conduct that was reported. Chair Brock said no.

Selectman Chivers said, Mr. Brassard let me clarify one thing, the chairman of the ZBA doesn't accept applications. The applications are submitted to the Land Use Office and then if there is a complaint they go to the Zoning Board. We have never gotten a case for a variance for a Class VI Road, so the entire Board was unaware of the requirement that the case first had to go to the Board of Selectmen, so that's not malfeasance on her part. That is just complete misunderstanding of the procedure. We were proceeding in considering your variance that night, if it wasn't for Rudy Cartier sitting there telling them stop, so Judith had nothing to do with that. Mr. Brassard said, I get it, but at what point are chair boards got to know what they are supposed to be doing, right. I'd be held accountable in the same manner at all my jobs I do. Selectman Young said the Chair is not responsible to know the answers to everything that she knows of. Chair Brock said the Chair's responsibility isn't top know all, the chair's responsibility is to conduct the meeting and keep everything organized. Selectman Chivers said that Mr. Brassard is more than welcome to serve on any board in Candia and you can become chairman and practice it. Mr. Brassard said after this I don't know if I would. He asked the Board if they had any more questions for him and Chair Brock said no, and he asked the Board if they did not have any. Chair Brock said he goes along with Selectmen Young that he has known Judi forever and he doesn't know of anybody, there may be one other person in town that has served as faithfully as she has. Carla Penfield is another one. He may not always agree with Judi, but they have a good relationship and he

thinks and she really does put her best foot forward to serve this town and has for many years. He thanked her for her services.

A resident in the meeting said she wants to state kind of what the Chair has said. They have been on the other side of the Board and have been on your side in coming before her between both the Planning Board and the Zoning Board, and she doesn't always agree with what she comes up with either, but I've always felt like she knew what she was talking about and that I got a fair shake.

Mr. Brassard said he had one more comment. Chair Brock said, short and sweet. Mr. Brassard said to her comment that I did agree with her after they had time to due diligence. We had a pin in the ground where I thought the pin was, a piece is, it's lined all the way down Donovan Road. It is the same type of rebar type of thing. She came with a survey plan that I was unaware of and then after the actual walk through they were able to go to the survey company in Milford and confirm that it is 100% correct and a legit survey. You probably heard him on the meeting apologize to her for the abruptness at the walk through and said ya, the survey's correct. I just want to make sure that is put out there also.

Motion: Selectmen Chivers, I move that this board acknowledge receipt of the complaint submitted by Mr. & Mrs. Brassard and that our subsequent inquiry finds no actionable violations of the standards provided in RSA 673:13 I. Their request for the removal or censure of Mrs. Szot is therefore denied. Selectman Young seconded. Selectman Dann said he agrees with everybody that Judith Szot has put a lot of time into this town and he agrees with consensus of how she conducts herself. All in favor. Motion carried by a vote of (5-0-0).

PUBLIC HEARING: Closed at 6:48pm

Perambulation – Deerfield: Jean Menard of Deerfield along with Fran Menard were present for perambulation on walking boundary lines. They are overdue to walk as Deerfield's Board of Selectmen has assigned her to do this. She asked if there are any candidates from Candia that would like to accompany her, and Selectmen Moran was nominated by the Board. There is a very interesting marsh on their boundary line near Allentown at the Half Mountain Marsh and maybe if it freezes this winter, they could go take a look at it. Otherwise, they might not get out there. She will be in touch with them.

Approval of Minutes: Public session minutes of October 23, 2023. None noted.

Motion: Selectmen Dann made a motion to approve the October 23, 2023, Public Session Minutes as presented. Selectman Chivers seconded. Motion carried by a vote of (5-0-0).

Non-Public session minutes of October 23, 2023. None noted

Motion: Selectmen Moran made a motion to approve the October 23, 2023, Non-Public Session Minutes as presented. Selectman Dann seconded. Motion carried by a vote of (5-0-0).

Department Reports: Highway; Police; Fire; Building; Solid Waste; Budget; Other

Road Agent: Road Agent J. Wuebbolt read the report and gave an update. He is still looking for one winter plowing subcontractor to hire and indicated that he lost a lot of drivers this year.

Police Department: Chief McGillen read his reports and gave updates. He informed the Board that Officer Scott Camacho has resigned effective today. They received over 50 resumes for the Administrative Assistant position and had to pause on the application intake because they will need to go through all of them. They have someone coming in that is interested in the part-time Officer position and will be interviewed on Wednesday. He received a call from a Congressman in Chris Pappas's office that he is introducing legislation to fund modify and build Police Stations and Fire Stations called the BUILD Act. He will be doing a press

release and he wanted a quote on Police Departments at few of the towns. He does not know if they will have money in time, but they are going to try to get it to Washington and to see what the response is. He thinks it is great Mr. Pappas had toured Candia's Police Department. This would be for small towns that are under the 50,000 population. Hopefully they will receive some good news on that.

Selectman Dann asked if they add a sign on bonus line to the budget in order to get officers to apply for the open positions, as other towns are doing it. Chief McGillen said they had a department meeting to talk about these issues on Tuesday.

Chief McGillen mentioned he has been thinking about putting in a warrant article for a potential building fund if the Police Station would have a maintenance fund like this current building has. The Board asked to wait to see if the building will be approved first.

Fire Department: Selectman Chivers read the reports and gave an update. They have a new candidate for the Ambulance Service and it comes as Mike Kelley's endorsement and Fire Chief Young's approval for Jonathan Snow who has been a paramedic for the last 22 years. He is currently a full time Bedford firefighter. He is looking to work 1-2 days a week with Candia's Ambulance Service.

MOTION: Selectman Chivers made a motion to approve the appointment for Jonathan Snow as a paramedic. Selectman Moran seconded. All were in favor. Motion carried. (5-0-0).

Building: Building Inspector Donovan read the report and gave updates.

Solid Waste Department: Selectmen Dann read the report and gave an update. He mentioned the Waste Management's 5 year contract came in. They will be addressing this as it begins in February.

Budget: Selectman Young stated there was not much push-back from Budget Committee Meeting at their last meeting when they discussed the budget at 7.88%. But then the insurance's came in and now it is over 10% increase. She was the one to make a motion and pass that at the last meeting and is hoping that is alright with the Board because she was not sure what to do at the meeting because the Board had not voted yet. She made a motion to get it going. Chair Brock stated some of the Board Members were at the meeting and none of them complained. Selectman Young mentioned there might be pushback on it from the Budget Committee. The Public Hearing for the Town is December 5th, 2023 and there could be possible cuts made.

Road Agent Wuebbolt said if the Budget Committee is okay with the 7.88%, we cannot change what the insurance is going to charge the Town. Obviously our insurance company is going to raise it. In his opinion he does not believe the different departments in Town should take the hit because of insurance rates going up. Town Administrator Hansen said the amount that Waste Management comes back with we need to put that into the budget. Road Agent Wuebbolt said he has talked to the Facility Operator at the Recycle Center about Waste Management on what they charge for trucking and he has no idea how Waste Management makes any money for what they charge the Town as it is very low.

Other: Chair Brock gave an update on the Planning Board as there was a motion made not to reconsider or discuss one of the motions the Planning Board had made at a previous meeting for overhead powerlines on Raymond Road. It will need additional discussion even though there was a motion made not to discuss it, but ultimately the vote was taken and upheld. Rudy Cartier of the Planning Board has verbally resigned as a Planning Board Member and Chairman and will give the Planning Board a letter of resignation at their next meeting on Wednesday, November 15, 2023.

Selectman Moran said the Scouting for Food was huge this year as there were 3,400 pieces that were collected in Town from the Scouts and remarked that it went very well.

NEW BUSINESS

Highway Block Grant: Town Administrator Hansen stated the Highway Block Grant are anticipated funds that requires the Boards acceptance and does not require a Public Hearing.

MOTION: Selectman Chivers made a motion for the Town to accept the \$35,131.80 for the Highway Block Grant on quarter 2 of fiscal year 2024. Selectman Moran seconded. All were in favor. Motion carried. (5-0-0).

Selectman Chivers said he and the Road Agent have drafted a Warrant Article to create a Revolving Fund in which to deposit receipts similar to the Revolving Fund the Ambulance has. The way it works right now is the Highway Department bares all the expenses for road construction and maintenance so that when we receive a check from the State of NH, they do not credit the Highway Department account to reimburse them and that it goes into the General Fund. This is why they would like a revolving fund so that all this money they accumulate in the revolving fund and the Road Agent can do specific projects. It will need to be listed as a warrant article on the ballot.

Carla Penfield (resident) questioned the Board about the revolving funds and why they would do that way if it will show up as revenue for the Town. It is not showing up as revenue in the revolving fund and should be showing this accounting wise. Discussion ensued. Chair Brock said this would be considered at a later date.

Sign purchase agreement with Avitar: Town Administrator Hansen received the purchase and installation agreements for Avitar and indicated she would need a signature. She had spoken with Avitar about the installation and our Assessor and will have a meeting together regarding the conversion. The Tax Collector billing would be done this coming April 2024. The Building Department portion could be done anytime. The cost is \$34,205 for the conversion and the yearly cost is \$10,000 for all three programs. The Board approved the Town Administrator Hansen to sign the purchase agreement.

Sign engagement letter with Devine Millimet: Town Administrator Hansen presented the Board with an engagement letter to sign from Devine Millimet who is a Bond Attorney at a Municipal Bond Bank for the future Police Department building. There would not be a charge until the Bond is issued and it allows them to start doing some of the work to expedite the process. There were additional conversations on how much the project could cost including interest rates. Chair Brock stated The Safety Facility Committee has not made a formal recommendation to go to the Selectboard yet. Their next Safety Facility Committee meeting is scheduled for November 21, 2023. They should have the numbers at the next Selectmen's meeting.

OLD BUSINESS:

MOTION: Selectman Chivers made a motion to approve the approved changes to policy number 2011-001-6 the transfer of funds for the Electronic Transfer of Funds Internal Master Policy and changes were recommend by the Town Administrator on the recommendation of Accounting & Payroll Specialist Kim Hughes. Selectman Dann seconded. All were in favor. Motion carried. (5-0-0).

MOTION: Selectman Chivers made a motion to approve the approved changes to policy number 2011-002 the transfer of funds for the Fraud Policy and changes will recommend by the Town Administrator on the recommendation of Accounting & Payroll Specialist Kim Hughes. Selectman Young seconded. All were in favor. Motion carried. (5-0-0).

The Encumbrance Meeting is scheduled for December 11th, 2023 as part of their regular meeting. Due to the Thanksgiving holiday, they will need the Selectmen's signatures on Monday, November 20th, 2023. For payroll.

Selectman Young suggested closing the Town Offices Christmas week. The Town Clerk, Tax Collector and Recycle Center could decide themselves if they wanted to be open or not that week. Town Administrator Hansen said the Personnel Policy needs to be updated to clarify if they can use vacation or sick time. She will talk to Accounting & Payroll Specialist Kim Hughes about how the employees could take this time off and will bring it back to the Selectmen's next meeting.

Chair Carla Penfield of the Smith Memorial Building said their budget is very small and they will have some money left over at the end of the year and will need to encumber it to do the stairs project they are working on. Their bills do not get paid by the 11th of the month, therefore it will be hard to know how much they will have to encumber. They have a contract and a quote for the stairs and want to encumber everything they have left and additional out of their fund. She will not know how much they have left until the bills are paid for, such as electricity and fuel. Town Administrator Hansen said she would look into it and let her know if she can take money out of her trust fund. Selectman Moran suggested calling the fuel company to find out how much it would cost to fill a portion of their oil tank.

8:06pm MOTION: Selectman Chivers made a motion to adjourn the Public Meeting. Seconded by Selectman Dann. All in favor. Motion carried by a vote of 5-0-0.

Linda Chandonnet
Recording Secretary