

**Approved**  
**Candia Selectmen's Public Meeting Minutes**  
**Monday, April 23, 2007**

**Attendance:** Chairman Fred Kelley, Vice-Chair Tom Giffen, Selectman James Brennan, Selectman Richard Lazott, Selectman Joe Duarte and Secretary Dawn Chabot.

**7:00 p.m.** Chairman Kelley opened the Public Meeting and immediately followed with the Pledge of Allegiance.

**Senator Ted Gatsas to offer his assistance to the Board and the citizens in regards to the recent flooding episodes:** Senator Gatsas stated he wanted to come out to offer his assistance in any way in regards to the recent flooding episode. Selectman Giffen advised that Cindy Harrington from the Department of Resources and Economic Development had sent information over concerning businesses affected by the flooding. Selectman Giffen was not aware of any businesses that were greatly affected by it. Secretary Chabot informed that Larry Stacey of Powertronics (an Ebay business) had indicated his business suffered due to the lack of telephones. Senator Gatsas mentioned a Senate Bill involving 2006 Mother's Day Flooding in which they have decided to hold and put in the appropriation for this flooding as well. Senator Gatsas thought the funding process would be similar to last year. Senator Gatsas commended Comcast for a great job noting they had really stepped up to assist the Town and its residents with telephone communications. Senator Gatsas thought Verizon had done the best they could with what was before them. Senator Gatsas noted FEMA would make assessments and the Governor should send in the Official Declaration so the Community can be helped. Charles Bowman of High Street mentioned he heard conflicting information on Verizon's phone repair time table. Bryan Christianson of Comcast noted he had heard a rumor that Verizon would have phones restored in the next couple of days. Senator Gatsas offered to hold a joint meeting with the School Board if there were any questions regarding the Governor's proposal on the educational funding. The Board thanked Senator Gatsas for attending the meeting.

**The Board will meet with Comcast Representative Bryan Christianson to discuss the recent Comcast survey results:** In regards to the recent flooding Bryan Christianson of Comcast stated they had received a call from Verizon informing that the telephone lines would be down for weeks. Bryan Christianson stated at that point Comcast had contacted the Towns to see how they could help which resulted in Comcast telephone lines being installed at the Moore School, Candia Police Department, Candia Police Department lobby (public access phones), and the Candia Town Office. Bryan Christianson stated unfortunately Comcast does not offer a commercial product but was able to help the Town on a temporary basis. The Board asked Bryan Christianson to thank members of Comcast crew for their assistance during the flooding situation. Selectman Lazott asked if Comcast had any future plans in regards to offering their product to Businesses. Bryan Christianson stated not at this point in time.

**Survey Says:** Bryan Christianson advised he had the Comcast survey results for the Board's review (copy attached). Bryan Christianson informed he wanted to meet with the Board in approx. a week and a half after they have had time to digest the information from the survey.

### **The Board will consider appointments and reappointments**

**Zoning Board of Adjustment:** The Board reviewed the attached recommendations from the Zoning Board of Adjustment dated March 28, 2007 on the reappointments of full-members Frank Albert and Judith Szot and the appointment of alternate member Amanda Soares. The Board also reviewed the letters of interest from the three individuals. Selectman Lazott motioned to reappoint Frank Albert and Judith Szot as full members to the Zoning Board of Adjustment (ZBA) effective 04/23/07 with terms to expire on 04/23/2010. Seconded by Selectman Giffen. All in favor. Motion carried. In regards to the appointment request of Amanda Soares as an alternate member to the ZBA, Chairman Kelley wondered if being on the Planning Board and ZBA would be conflicting offices. Secretary Chabot advised that Land Use Assistant Hansen had looked into the matter and found out that the two Boards were not conflicting. Selectman Lazott was concerned about the appointment noting if there is too much coverage by one person and the Town loses that person than three Boards would have a vacancy (Planning Board, Zoning Board and Solid Waste). Selectman Giffen stated he worked with Mrs. Soares on the Conservation Commission and found her to be an extremely capable, high energy type person. Selectman Lazott stated he did not want to stretch her too thin. Selectman Duarte stated he was not on with the ZBA appointment because she was just appointed to the Planning Board as an alternate. Selectman Brennan stated he did not think the appointment was a big deal pointing out that he holds a full-time job and serves on many Boards and Committees. One Selectman noted that Selectman Brennan did not have a family and this requestor does. Selectman Giffen reiterated that Mrs. Soares was extremely capable and that the ZBA meetings were typically short. Selectman Giffen advised he would not want to turn any volunteers down. Tax Collector Sanders mentioned she was aware that Mrs. Soares no longer had a daily commute to Massachusetts. Road Agent Lewis stated some months the ZBA does not meet. Selectman Giffen motioned to appoint Amanda Soares to the Zoning Board as an alternate member. Seconded by Selectman Brennan. Chairman Kelley stated he was still deciding because he was not sure about her time considering she has a small child. Selectman Brennan said the Board should let her make her own decisions regarding her time. Selectman Duarte stated attendance for two alternates for the Planning Board last year was poor and both had families. Ingrid Byrd of Depot Road wondered if the Board would be having the family discussion if the applicant was a man. Ingrid Byrd agreed that the applicant may be overextended but did not think the family discussion was appropriate. Selectman Lazott stated as an Umpire he sees children take up time for both men and women. Ingrid Byrd noted her husband Planning Board member Kim Byrd recently waited for the two Planning Board alternates for a site walk and they never showed. Selectman Giffen mentioned that Mrs. Soares had perfect attendance when she was on the Solid Waste Committee and Conservation Commission. Chairman Kelley requested to have the alternate member appointment request tabled in order to invite Mrs. Soares to the next Selectmen's Meeting to address some of their questions and concerns. Selectman Giffen withdrew his motion and Selectman Brennan withdrew his second. The Board agreed to table the matter until 05/14/07.

**Conservation Commission:** The Board reviewed the attached recommendations from the Conservation Commission (CC) dated April 9, 2007 recommending the reappointments of members Elizabeth Kruse and Judith Lindsey. The Board also reviewed the attached letters of interest received from both parties. Selectman Lazott stated he thought both appointments would

be a conflict of interest because both applicants sit on the Board of Directors of Bear Paws Regional Greenways. Selectman Lazott stated the conflict was not by statute but in his mind it was a conflict noting Ms. Kruse was a Co-founder of Bear Paws and has also willed her home to the Organization. Selectman Lazott stated he had spoken with many people that felt the same way. Ms. Kruse asked for Selectman Lazott to explain how he felt it was a conflict. Selectman Lazott felt there would be situations in which the Town would give the Organization business and wondered if Ms. Kruse had ever voted on Bear Paws issues. Ms. Kruse explained how she became a founding member. CC member Dennis Lewis stated Ms. Kruse should not be punished as a member of the CC just for coming up with the original idea. It was noted that the CC chose Bear Paws to hold the easement on the Girard property. CC member Lewis stated the CC had requested bids on the potential easement and Bear Paws was far cheaper. CC member Lewis said Ms. Kruse should not be penalized for that. Selectman Lazott felt the mission statements for the two organizations were the same. CC member Lewis stated the CC's came first. Elwin Mandigo of North Road asked if it was a Town vote to join Bear Paws. Ms. Kruse stated it was a vote of the CC. Elwin Mandigo did not think it was the will of the Town to join Bear Paws and noted he was dead set against it. Elwin Mandigo stated before the Girard's property was bought the citizens were told they would have full use of it and now he can not ride his 4-wheeler on it. Selectman Lazott agreed. Ms. Kruse invited Mr. Mandigo to CC meetings so he could express his feelings to the entire Commission. CC member Lewis stated the individuals interested in 4-wheeling on the property were asked to submit a plan to the Commission and they never did. Ms. Kruse mentioned that the property was sensitive land for wildlife because it is between Bear Brook and Pawtuckaway. Ms. Kruse stated the CC is looking for uses compatible with the land noting 4-wheeling degrades properties as they have seen in other areas. It was questioned why the Town would need to put an easement on the Girard property. CC member Lewis explained that it was a stipulation on the sale. CC member Lewis stated both Ms. Kruse and Mrs. Lindsey were valuable CC members and should not be punished over Bear Paws affiliation. Selectman Giffen wondered if anyone thought a Planning Board member working with Southern NH Planning Commission was a conflict because that happens as well. Selectman Lazott motioned to deny both reappointments. Seconded by Selectman Duarte. Chairman Kelley felt more discussion was necessary. Selectman Giffen explained the importance of an organization such as Bear Paws because wildlife does not know Town borders. CC member Lewis stated the decision concerning the easement holder would have to go to Town Meeting and it was not Ms. Kruse's decision. Ingrid Byrd questioned if the main concern was because the applicants were on the Board of Directors of Bear Paws. Selectman Lazott stated it was because they could have influence on our Conservation Commission. Selectman Lazott informed he did not agree with having to pay someone to manage the Town's property and thought if it became overgrown the Town could call a Forester. Ms. Kruse did not understand the controversy noting Conservation is not an adversarial and that both organizations have a common goal to work together to protect natural resources. Ms. Kruse thought development and conservation could happen together and she was sorry that some people had felt the way they did. Selectman Lazott stated Bear Paws holds easements and that would mean conflicts with the Town. Ms. Kruse said it was not a bad thing. Selectman Lazott said he had a problem with it and felt it was like insider trading. Selectman Lazott said the Town should manage its own land. In regards to the Girard's property, CC member Lewis mentioned that the easement requirement was made part of the sale at the owner's request. CC member Lewis mentioned the other documented easement bids were at least \$2,000.00 higher than Bear Paws and wondered if the

Board would prefer to go with another easement holder in order to feel better about the reappointments of Ms. Kruse and Mrs. Lindsey. CC member Lewis informed that the CC is an advisory committee to the Board of Selectmen and that they make recommendations to the Board. Elwin Mandigo wondered what the difference would be between Bear Paws and the next bidder. CC member Lewis informed no difference just more money. Selectman Lazott mentioned motorized vehicles were not allowed on the recently purchased Girard's property. Both Ms. Kruse and Chairman Kelley thought there was wording in the Purchase and Sales agreement that discouraged the use of motorized vehicles at the seller's request. Elwin Mandigo stated Mary Girard's son rides his 4-wheeler on the property every day. James Wilson of High Street disagreed stating that Mr. Girard had not rode on the property since it sold and that he was aware of this because he recently rode with him only on the property that they own. CC member Lewis mentioned the CC was aware that the property would be controversial and that is why they tried not to own it out right. CC member Lewis pointed out that most of the Town properties were posted "No motorized vehicles". CC member Lewis stated Ms. Kruse did not even vote on the potential easement and reiterated that both were valuable members. Selectman Duarte stated there was possibility of conflict and would like to see something in writing to show that they are recusing themselves from votes. Chairman Kelley asked Ms. Kruse if she recused herself from votes. Mrs. Kruse stated she did. Chairman Kelley asked CC member Lewis if Mrs. Lindsey recused herself from votes. CC member Lewis stated yes. Elwin Mandigo thought the CC was adopting the Bear Paw train of thought. Chairman Kelley called for a vote on Selectman Lazott's motion to deny the reappointments of Judi Lindsey and Betsey Kruse as full members to the Conservation Commission. Selectmen Lazott and Duarte in favor. Selectmen Kelley, Giffen and Brennan opposed. Motion failed. Selectman Giffen motioned to reappoint Judi Lindsey and Betsey Kruse as full members of the Conservation Commission with terms to expire on 04/23/2010. Seconded by Selectman Brennan. Chairman Kelley stated he did not want to vote on the matter. Selectman Giffen asked if he had a personal conflict on the matter. Chairman Kelley indicated he was conflicted and went on to say that if they stepped off from votes it would be okay however on some cases being part of Bear Paws discussions could be a problem. Ms. Kruse advised most often she provides reports on Bear Paws activities such as workshops and nature walks. Chairman Kelley asked if she would not vote on potential conflicts. Ms. Kruse said she would recuse herself. Chairman Kelley stated in that case he would be in favor of the reappointments as long as he sees documents indicating that they are stepping off from votes in which there are conflicts. Selectman Giffen stated those votes would be documented in the meeting minutes which the Board reviews. Chairman Kelley called for a vote on the reappointment motion. Selectmen Kelley, Giffen and Brennan were in favor. Selectmen Lazott and Duarte were opposed. Motion carried.

**Deputy Treasurer:** The Board reviewed the attached recommendation to reappoint Janet Lewis as Deputy Treasurer from Treasurer Kate Philbrick. The Board also reviewed the attached letter of interest from Janet Lewis. Selectman Lazott questioned the weekly amount of \$25.00 wondering if it was too low. Mrs. Lewis's spouse Dennis Lewis stated it was agreed upon amount and that as Road Agent he does not turn in payroll the week his wife covers the Treasurer's vacation. Chairman Kelley motioned to reappoint Janet Lewis as Deputy Treasurer effective 04/23/07 with a term to expire on 03/15/2010, at a rate of \$25.00 per week of coverage on an as needed basis. Seconded by Selectman Duarte. All in favor. Motion carried. The Board extended a thank you to Mrs. Lewis.

**Solid Waste Committee:** The Board reviewed the letters of interests from Al Couch, Paul McHugh and Amanda Soares all wishing to serve on the Solid Waste Committee. Chairman Kelley motioned to appoint Al Couch, Paul McHugh and Amanda Soares on the Solid Waste Committee with a term to expire on 04/23/08. Seconded by Selectman Giffen. All in favor. Motion carried.

**Selectman Giffen to make recommendations on members for a Town of Candia Website Committee:** Selectman Giffen advised public notice was placed in the paper for Public Meeting held on 4/19/07 for the purpose of establishing a website Committee. Selectman Giffen stated only two individuals showed up to volunteer. Selectman Giffen motioned to appoint Joe Miele and Larry Twitchell as members of the Town's website committee with one-year terms, term to expire 4/23/08 effective today's date. Seconded by Selectman Duarte. All in favor. Motion carried. Tax Collector Sanders stated she was interested but would be unable to attend because she holds office hours on Thursday evenings.

**The Board will formally accept the resignation of Conservation Commission alternate Amanda Soares:** Chairman Kelley informed that a letter from Amanda Soares had been received resigning her position as an alternate member to the Conservation Commission. Selectman Giffen motioned to accept the resignation from Amanda Soares. Seconded by Selectman Brennan. All in favor. Motion carried.

**The Board will consider authorizing Chief McGillen to execute documents on behalf of the Town in regards to the State of New Hampshire Fish and Game OHRV Grant:** The Board reviewed a letter dated April 6, 2007 from New Hampshire Fish and Game and also reviewed the OHRV Wheeler Vehicle Enforcement Contract involving a Grant program. Selectman Giffen motioned to empower Chief Michael McGillen signing authority on behalf of the Town of Candia for the purpose of entering into a contract with NH Fish and Game for the OHRV Wheeled Vehicle Enforcement Contract. Seconded by Chairman Kelley. All in favor. Motioned carried.

**Approval of Previous Minutes:** Selectman Giffen noted he had reviewed all the minutes and had no corrections. Selectman Lazott stated he had no problems as well. Selectman Giffen motioned to approve the Public Meeting Minutes of 04/06/07, and the Public and Non-Public 1, 2, 3, and 4 Meeting Minutes of 04/09/07 as presented. Seconded by Selectman Brennan. All in favor. Motion carried.

### **Any Other Business**

**Request for a Joint Meeting for all Town Boards:** Chairman Kelley advised he had received requests and would like to schedule an all Boards' meeting for the purpose of holding an open forum to discuss various concerns affecting Town Boards. After some discussion the Board agreed to schedule the meeting for Monday, May 21, 2007 at 7:00 p.m. Road Agent Lewis thought the joint meeting was a good idea because it would allow interaction between the various Boards. Ingrid Byrd suggested inviting the Building Inspector to the meeting as well. The Board agreed that the Building Inspector would be invited as well.

**Update on the bid process for the New Transfer Station:** Selectman Brennan reported the Town was still waiting to get information back from Spain (the low bidder). Selectman Brennan stated the Town's Engineer Stantec had exchanged information with Spain on a few changes and Spain is now waiting to hear back from their subcontractors.

**Report on the Old Library Building:** Chairman Kelley stated that he had worked with Dot Purrington and another resident who wished to remain anonymous on getting the Old Library Building on the State and National Registry. Chairman Kelley advised they got the Building registered with the State. Chairman Kelley reported that an architect from the National Registry had recently come out to assess the building. Chairman Kelley thanked Senator Ted Gatsas for his assistance in the process as well. Selectman Lazott noted the Town may find by placing the building on the Historic Registry some of the Code requirements may change such as the 40" bathroom door requirement. Selectman Lazott advised he was not in love with the idea of spending money on an Engineer for the building when the Town's Building Inspector would be qualified enough for the project. Ingrid Byrd of Depot Road asked if the residents approved the funding request for architectural costs for the building. The Board advised no.

**Thank you to the Road Agent:** Elwin Mandigo of 387 North Road thanked the Road Agent for a job well done on the Roads during the recent flooding. The Board also thanked the Road Agent and his crew for a great job.

**Announce Next Regularly Scheduled Meeting Date:** The next regularly scheduled meeting will be held on Monday, May 14<sup>th</sup> at 7:00 p.m.

**8:10 p.m.** Selectman Giffen motioned to adjourn. Seconded by Selectman Brennan. All in favor. Motion carried.