

~~Unapproved~~**APPROVED**
Candia's Selectmen's Public Meeting Minutes
April 28, 2014

Attendance: Chairman Carleton Robie, Vice Chair David DePuy; Selectmen Dick Snow; Selectmen Amanda Soares; Selectmen Chivers

Chairman Robie called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance.

Rockingham County Attorney candidate Patricia Conway to meet with the Board

Patricia Conway thanked the Board for their time. She introduced herself saying she was raised in Atkinson and now resides in Salem with her husband and two children and she is a Republican. She graduated from Timberland High School then got her bachelors at Rivier College in paralegal studies and prelaw and then studied law at Suffolk University in Boston for law where she interned at the Suffolk Attorney's office and also interned at Boston Municipal Court as a prosecutor and was admitted to the NH Bar in 1997 She said she has specialized training from the NH Attorney General's office and the American Prosecutors Research Institute. She said it was while she was interning that she realized this was what she wanted to do for the rest of her life and is very passionate about it. She said since 1999 she has been an Assistant County Attorney for the Rockingham County Attorney's Office. Her professional experience includes being the lead Prosecutor for Rockingham County since 2003 and has successfully prosecuted cases for sexual assaults, domestic violence, manslaughter and other violent crimes. She has served since 2003 as a liaison from her office to the 10 police departments in the seacoast area. She also organizes and conducts grand jury for the seacoast area and supervises other attorneys and staff in her office, reviews indictments drafts by the prosecutors that she supervises and edits them and additionally train prosecutors and as the lead prosecutor she prosecutes the most difficult cases. She said she has prosecuted every type of felony offence that you can think of drug related gun, domestic violence, sexual, attempted murder, manslaughter, internet crimes against children in all the district courts in Rockingham County and Superior Court. She said she feels the County Attorney must not only have prosecutorial experience but also the ability to lead, manage a staff, and oversee a budget of over 3 million dollars. She said she has the experience to ensure all facets of the job are handled ethically and appropriately. She is passionate and dedicated to the work and to serve the citizens of Rockingham County. In 2013 the Rockingham County Attorney's office prosecuted 2,147 cases which was an increase of 490 cases from 2012. She said she believes the county attorney working in conjunction with local law enforcement can reduce crime and can be done by community outreach and education of parents, teachers and children and with appropriate charging and sentencing decisions. She feels the county needs a strong County Attorney who understands what it takes to prosecute the serious cases which she knows how to prosecute being an aggressive trial attorney. She understands the county attorney has a responsibility to the tax payers to make sure they fulfill their obligations in a fiscal responsible manner. She said if you elect her as County Attorney she said she promises to work to give the citizens of Rockingham County a safe place to live and a better life which is what she was given when she was growing up. She would appreciate their support and vote and thanked the Board for allowing her to speak and for listening.

Chairman Carleton asked the Board if they had any questions and there were none. P. Conway said they used to handle the prosecution cases for Candia but are no longer handling them anymore. She said she talked with the chief and said it is her understanding the county commissioners asked there be a review of how much time they were spending on district court cases and they felt they were not getting paid enough money and her understanding is the price of hiring her office doubled or more and she understands they came to Candia after the Town had already figured out what their budget was going to be for the year. She said it is her hope if elected they can talk about that again and reinstate as

it is good to have a prosecutor handle cases from the district court level to the superior court level. She said additionally she would prosecute cases which the present County attorney does not do and to try to implement a statewide training program for newly hired assistant county attorneys which is not currently available in NH and to do this without spending a lot of money by asking seasoned prosecutors to get involved across the state.

Approval of Previous Minutes of April 14, 2014

Selectman Chivers **motioned** to approve the public meeting minutes of April 14/2014 as amended by Selectman Snow. **Seconded** by Selectman DePuy. All were in favor. **Motion carried 5-0-0.**

The selectmen will hold a public hearing to accept the first quarterly grants and donations in accordance with RSA 31:95-b, III (a)

Chairman Robie said they had just received the quarterly Highway Block Grant in the amount of \$19,375.13. Chairman Robie asked where the donation came from for the Fire Department. Selectman Chivers said he does not think it was the grant they discussed. A. Soares said the Fire Association had purchased the equipment and donated it to the Fire Department. Chairman Robie said the donation was in the amount of \$22,148.00 for a new cutter and spreader set for the Fire Department. He said George and Eileen Denoncourt donated \$450.00, there was a unanimous donation for \$500.00, miscellaneous donation \$25.00 and a donation from Richard Mitchell & Polyxeni Rounds for \$250.00 for a total of \$42,748.13 for the first quarter.

A. Soares **motioned** to except the 2014 first quarter grants and donations. **Seconded** by Selectman DePuy. Selectman Snow said they are still in a public hearing and has not been closed yet so they can't vote. Chairman Robie said this is a public hearing to accept the first quarter donations and should be accepted during the public hearing. D. Snow said you first have to open it up for comments from the public because if you have a public hearing you must listen to what the public is saying and then close the hearing to vote on it was his understanding. Chairman Robie said a motion can be made and seconded and then they hear any comments like they do at other meetings. He opened the motion up for discussion or comments from the public concerning the donations and grants. There were no comments from the public. Selectman Snow asked if the donation from the Fire Associations was cash or did they buy the equipment and give it to the town. Chairman Robie said they bought the equipment and donated it to the town. Selectman Snow wanted to know what they were receiving and if accepted that they are not required to accept anything that may have an additional cost to it. Chairman Robie showed him the sheets on the set of a cutter and spreader called the Jaws of Life for the utility vehicle. Selectman Snow asked if they would be sending the Fire Association a thank you letter and Chairman Robie said they will be sending letters to everyone who donated. All were in favor. **Motion carried 5-0-0.** Chairman Robie thanked everyone that donated and asked that thank you letters be sent by the Board.

Selectman Chivers asked if anyone knew how they arrived at the amount for the Highway Block Grant. Chairman Robie said most of it comes from the gasoline and road toll tax and they get a percentage of that. Selectmen Chivers said based on the number of registered cars in town and Chairman Robie said yes. D. Lewis said based on mileage and the grant has been going down. He said yearly it was around \$107,000.00 and now it is now looks like it is going to be below \$80,000.00. Chairman Robie said the new gasoline tax which all of it has to go to roads and highways is .04 cents which will be around a 32-33 million income which Candia will get a percentage of that. Selectman Chivers asked if it went into the general revenue account and Chairman Robie said yes it comes in as revenue to offset the budget.

The Board to consider the reappointment of Boyd Chivers as a full member and Amanda Soares as an alternate member to the ZBA.

Selectman DePuy **motioned** to reappoint Boyd Chivers as a full member to the ZBA and Amanda Soares as an alternate to the ZBA. **Seconded** by Chairman Robie. Selectman Snow said he doesn't believe it is a reasonable thing to appoint Boyd Chivers back to the ZBA and the purpose is because suppose that Amanda is not here and Boyd has to sit for her on the Planning Board and sits on a case decides it then the case gets appealed to the ZBA then B. Chivers theoretically could not sit on the case for the ZBA. He said then supposed it goes to court then can't sit on the BOS who are arbitrating because he has started the

original decision. He said I think it puts the town in a bad position, because if you end up going to court you are going to have someone who made the original decision who gets involved in the rest of the process which puts the town in a position where they would have increased liability. Selectman Soares said they have 2 alternates to the ZBA beside herself and if Boyd has to step down there is an alternate to make a full ZBA Board. Chairman Robie said Selectman Chivers is the ZBA Chairman at this point, he is a Planning Board alternate for the BOS and said he thinks if Boyd is acting as an alternate on the Planning Board and sees anything that is coming down the road that may affect the ZBA I believe he would not sit. Selectman Snow said his point is that Selectman Chivers is sitting for Amanda because she is going to be gone for a few months. Chairman Robie said good point. Selectman Chivers said your theory is all predicated on the assumption that he would not recues himself at the appropriate time if a case came to the Planning Board that had been to the ZBA. He said it would be appropriate at the time to recues himself and sit someone else which is how it would work. Selectman Snow said his concerns were if he would recues himself and removes a member and make them short and continues he just sees it ending up as a problem. Selectman Chivers said if that is your concern why would you move to not have him appointed for the whole 3 year term as Amanda will only be gone 3 months to London. Selectman Snow said it doesn't make sense to have someone who is on the BOS, ZBA and Planning Board.

Selectman DePuy withdrew his first motion and made a **motion** for the appointment of Boyd Chivers as a full member to the ZBA. Chairman Robie **seconded**. C. Robie, D. DePuy, A. Soares were in favor, D. Snow was not in favor. B. Chivers abstained. **Motioned carried 3-1-1.**

Selectman DePuy made a **motion** for the appointment of Amanda Soares as an alternate member to the ZBA. Chairman Robie **seconded**. Selectman Snow said he would like to advise Selectman Chivers whether to vote or not is his decision to make. C. Robie, D. DePuy, D. Snow and B. Chivers were in favor. A. Soares abstained. **Motioned carried 4-0-1.**

The Board to reappoint Susan Wilderman and Dennis Lewis as full members and Mimi Alberu as an alternate member and Eileen Dupere as a new alternate member to the Conservation Commission.

Selectman Snow made a **motion** to accept recommendation of reappointments of Susan Wilder and Dennis Lewis as full members to the Conservation Commission. Selectman Chivers **seconded**. All were in favor. **Motion carried 5-0-0.**

Selectman Chivers made a **motion** to accept recommendation of reappointment of Mimi Alberu as an alternate member and Eileen Dupere as new alternate member to the Conservation Commission. Selectman Snow **seconded**. All were in favor C. Robie, D. DePuy, D. Snow and B. Chivers were in favor. A. Soares abstained. **Motion carried 4-0-1.**

The Board to finalize Smyth Memorial Building bylaws and discuss appointing trustees.

Chairman Robie said they had two sets of bylaws and Selectman DePuy and Selectman Chivers put together their thoughts and came up with a third set using the other two that seem to be pretty close to what they wanted. He asked if everyone has had a chance to read them and Selectman Snow said he didn't. Selectman Chivers said they look good particularly Selectman DePuy's draft entitled Article of organization which Chairman Robie had drafted but really expands on each of the duties that the trustees will be charged with. Selectman Chivers said it is an eloquently written document and will serve as a good operating matrix guide for the trustees for many years. Selectman DePuy said after he read the minutes and he said the draft allows for the trustees on how to addressed where the money should come from; whether a warrant article or operating budget. Chairman Robie said his only concern was if they are asking people to be trustees they need to have funds made available to keep the building weather tight and he continued the building is still a responsibility of the Town and he wants to make sure they will get funded. He said the Fitts building trustees asked to have the funding be put in a warrant article but it was put it in the budget and they appropriate it. Selectman DePuy said there are two provisions in the proposed bylaws that asks them to raise funds and under finances it states, and appropriations deemed necessary by the trustees shall be submitted to the BOS to be considered for inclusion in the Town's operating budget. He said he didn't put the wording in for a warrant article

and said they might want to consider doing that. Chairman Robie said the trouble with a warrant article is if they get to greedy people vote and it has to be kept reasonable so the people will vote yes. Selectman Chivers said won't any warrant article come through the BOS first? Chairman Robie said for recommendation but a warrant article goes to the citizens to vote on. Selectman Chivers asked how you would ensure funding. Selectman Snows said the Smyth building and Fitts Museum are both town departments if they raise money for either one of them the money has to come through the town books and accepted by them as donations. Chairman Robie said the Fitts Museum has a 501.c.3 where they accept. Chairman Robie said under 501.3c solicit donations. Dennis Lewis said through that account no donations come to the town. Selectman Snow said there is a fund that is called Fitts Museum and money comes in their checkbook and their checkbook is monitored by the auditors. The Fitts museum foundation is a 501.3c that is a private nonprofit outside the limits of the town that could donate money to the Fitts museum and still would have to be accepted by the town. Selectman Snow said he has a problem with the whole concept of the trustees as to where they fit in the statutes. He said whether they receive or raise funds directly which is acceptable because a town department is a non-profit and can accept the donation and that comes through the town books and they are as a town department under 91a have to do everything the town does for 91a.

Chairman Robie said D. Lewis said the Fitts Museum and Fitts Foundation are two different things. The Fitts Museum foundation does make a donation to the Fitts Museum annually but they are separate and different. He said the Fitts Museum raises their funds through a warrant article and they have their own checkbook and donations that go into a bank account separate from the foundation. The Foundation isn't audited by the auditors but the museum is. Chairman Robie agrees with Selectman Snow, being a member of the heritage commission for years, they have taken in numerous donations for the Smyth building and the town has an account for the Smyth Building donations and continued hopefully this money can go to the trustees to work on the Smyth Building because the money was donated for the Smyth Building so it can be used there.

Chairman Robie said the BOS is pretty much in favor of sending the draft bylaws to legal counsel for review. He said there are 6 names in the folder and is still open until the bylaws come back from legal counsel. One name came in after the time frame. He said he does not want to appoint the trustees without being able to give the bylaws to them. Selectman Snow said he didn't care about the time frame. Selectman Soares said they set a time frame and should stay with it. Chairman Robie said he made a suggestion and they are sticking to that discussion. Selectman DePuy said counsel should review them. Selectman Chivers said he can't see having him review both and to only send just one copy and asked the chairman if it was appropriate to decide which one to send for review. Selectman Snow said the Board needs to decide which one to send to legal counsel.

Selectman Chivers made a **motion** to send the drafted Smyth Building bylaws done by Chairman Robie and reviewed and updated by Selectman DePuy for the Smyth Building to legal counsel for review. Selectman DePuy **seconded**. C. Robie, D. DePuy, B. Chivers, D. Snow were in favor. A. Soares was not in favor. **Motion carried 4-1-0.**

Selectman Snow said there is a seminar coming up shortly concerning how trustees work and encouraged members of the Board to attend seminar to see what trustees do because the issues that got raised about the Fitts museum are things that need to be address going into another trustee. Chairman Robie understands his concerns but wants the new group of trustees to function like the Fitts Trustees function. Selectman Snow said even if it is inconsistent with statute. Chairman Robie said he does not have the correct answer for that but until someone tells them they are not doing it right keep they will keep doing the way it is being done which works well. Selectman Chivers asked if there has been a problem with the Fitts Trustees. Chairman Robie said certainly not only Selectman Snow thinks there might be something wrong. Selectman Chivers said if we have a problem don't you think legal counsel would identify it? Selectman Snow said legal counsel would have to look at the entire picture of what is happening at the Fitts Museum.

He said he doesn't believe he has ever seen Fitts Museum money come through the town and the Town accepting donations that come in and as a Town department that should be done. Selectman DePuy said whoever is selected as the trustees, he certainly recommends that they educate themselves to what their duties are such as going to a seminar. Selectman Chivers asked if the auditors identified any problem with the Fitts Museum and Chairman Robie said no. Selectman Snow said he doesn't believe they had any issues from the last audit but that doesn't mean anything because the auditors just do a sampling and if someone raises the issue they may look at it. Chairman Robie said that would have been his question if they are taking in donations and putting it in their checkbook it would show up in the auditing. Selectman Snow said the question is not if they are inappropriately handling the money the question is whether they have as a town department the authority to accept donations. Chairman Robie said they do and is what they were told by the Heritage Commission. Selectman Snow said they don't. Chairman Robie said they are getting off track. Selectman Snow said he will do his own checking on whether the way they are doing things are consistent with statutes. Chairman Robie said he will talk to legal counsel on this as well. Selectman Snow said he understands they just accepted a will for around \$30,000 and he feels this has to come to the town for acceptance. Chairman Robie said they are getting off subject and do not want to discuss that. Chairman Robie asked the Board members to review the applicants for trustees and until they appoint the trustees they will take names for the trustees and said this discussion is closed.

Discussion on bidding Household Hazardous Waste Day.

Selectman DePuy said the first question is whether they want to bid it. He said the bidding policy is anything over \$10,000 has to go out for bid and they \$12,000 in the operating budget for Household Hazardous Waste Day. He said he knows nothing about bids or bidding so he modeled it after what Dennis Lewis does for the paving bidding process. He said he has done a draft. He said they have dealt with Clean Harbors for a long time and is curious to bid it to see if anyone else comes in with a bid that is less and continued they have gotten a commitment from Clean Harbors to hold the second Saturday in September but have not committed to using them. He said they can tell Clean Harbors they have adopted a new policy that involves bidding anything over \$10,000 and are putting it out to bid. He said Clean Harbors have been doing a good job and is pleased with them but do not know if someone else can do it for less. Selectman Chivers asked if there were other vendors out there. Selectman Snow said they don't have to have a 16 page bid document just to quote on what Clean Harbors have been doing. Selectman DePuy said his draft bid process has a 3-4 page agreement which is short and the document explains the rights of the bidders qualifications history etc. Selectman Snow said Dennis Lewis's bid was for a very expensive project that is very sophisticated. Selectman DePuy said what they are bidding is the vender's set up cost and how much they will charge for the 12 items listed. Selectman Soares said they just need to have their certifications for hazardous waste and DOT certification. Chairman Robie said they appropriated \$15,000 last year and spent \$9,000 and have reduced the line item to \$12,500 in the budget and they can spend up to \$12,500 then it will be shut down and said he is not sure how to bid that if they do not spend the entire \$12,500. Selectman DePuy said Clean Harbor has a price sheet per item and how much they charge for each 5, 16, 32 and 55 gallon drum they take off site per barrel costs. He suggests getting prices per unit and set up fee and see if they can have it done less expensive. He said they charge a percentage if the barrel isn't full. Chairman Robie asked to get quotes from 3 other companies. Selectman DePuy asked about qualifications and how in depth do they want the bid. Selectman Soares said to bid it out just ask for their set up costs, per barrel costs for the 12 items along with their qualifications and said she knows of some other companies, En Pro and Enviro-Vantage. Chairman Robie said it is reasonable and easier to get quotes not bids. He asked Selectman DePuy to get the quotes and bring them back to the Board to vote on.

Selectmen DePuy to discuss the part-time hours issue at the Recycling Center.

Chairman Robie said this is an issue brought up at the last meeting. Selectman DePuy said in their folders there are minutes from January 27, 2014. He said they had a non public meeting where they discussed who would be hired for the recycling center and in the course of that discussion they set forth in the minutes exactly what the two part time positions would be. He said at the meeting he made notes which are all perfectly public. He continued Paul Rogers was hired to fill Roy Thomlin's position at \$12.50 an hour and in 3 months be paid \$13.00 per hour and Connor Britton to fill in as needed at \$12.00 an hours after 3 months \$12.50 an hour and no fourth man on Sunday which is his understanding as he reread the minutes. He said Selectman Soares raised the concern about the hours that Connor and Paul had the week of April 5th. He said he reviewed the hours and looked at the whole schedule and for that week saw that Conner had 15.5 hours and Paul had 18.5 hours and Conner came in on a Wednesday and a Thursday and on Thursday Joe took a vacation day and Friday he took a sick day and Saturday Chuck took a sick day so on Friday and Saturday Paul came in. He said he met with Chuck and discussed the issues with him and said Chuck is trying to run the facility and he has the sense of who he needs and when he needs them and he runs the recycling center like his own business and spending money like it was his own money. He said they could have easily spent between \$7,000 to \$12,000 to fix the bailer but Chuck got it done for around \$2,000 and Chuck did this with a lot of effort and hard work. He said he talked to him the Saturday before Easter and he said it was a mad house and Chuck said he would of liked to have had four people that day, the cars were parked past the end of the building, people were coming in to talk to Chuck while he was there, Joe had a question and who knows what was happening with people putting stuff anywhere. He said Chuck continues to ask to have four people work on Sunday morning where they have a meeting all should attend and Conner is still being trained. Selectman DePuy said but as far as the staffing goes the Board has voted that they cannot have 4 people working at the same time. He said that as far as he sees Chuck is well within the budget and he knows the needs better than anyone else and he mentioned to him that he has 24,000 hours experience at the recycling/dump so he has a pretty good sense of how it operates and what his needs are. Selectman Soares said she is not worried about the budget but they did run into this problem where they had someone on as a per needed basis and they became permanent and she doesn't want this happening again. She said that is why she will continually keep looking at their pay stubs and see what their hours are and yes it gets busy and she understands the guys take days off but the BOS clearly stated they do not want 4 people on at one time. She said Chuck may understand what goes on there but he constantly had 4 people when we told him that was not acceptable and he needs to understand the needs, but the BOS have the final say and they need to look at what is in the best interest moneywise and employee wise. Selectman DePuy said that is not happening and as he investigated on the sick and vacation time he found part time people were needed to fill in. Selectman Soares said she didn't know if Roy had set hours or not. Selectman DePuy said he is budgeted for 25 hours but that doesn't mean he might not go over that on a particular week. Selectman Snow said if we do not give the part time person hours we are not going to keep them and they are doing a great job. Chairman Robie thanked Selectman DePuy for all his work and research that he put together.

Citizen Tom DiMaggio, 42 North Road suggested to set a limit on hours per week instead of saying you can't have 4 on one day and if Chuck is the department head give him the responsibility of managing the hours and if needs more people on Saturday morning then fine because right now you are tying his hands. Chairman Robie said that comment can be brought back to Board at a future date to reconsider. Selectman DePuy said it is how he would like to have Chuck address it. He said he will talk to Chuck but feels Chuck is responsible for managing the hours and felt he was not sure the town wasn't suffering on the Saturday before Easter. Chairman Robie said knowing they are going to have a busy Saturday if Sunday is closed, the Board could consider if they need an extra person. Selectman Snow said he went down last Sunday and the same thing was happening people were going around the building and said they should allow him to run the facility. D. Lewis said that Chuck is a department

head and he should be able to manage his people as he needs them and have that option as he is ultimately responsible for what happens. Selectman DePuy said he would like to make a motion to see what the sense of the Board is.

D. DePuy made a **motion** to give discretion of how many employees to work a given day to the Department Head not to exceed hours of part time personnel. Selectman Snow **seconded**. Selectman Chivers said he agrees if they trust him to run the department we should trust him to know how many people he needs on. He has an allocation of how many hours each part time person should work each week let him work within those parameters. He said it was as good point that Tom DiMaggio brought up. Chairman Robie said he felt the facility could be run with 3 people except on days like the Saturday before Easter and would like to see it stay at 3. Selectman DePuy said there are not going to be too many days like that and Chuck isn't trying to spend the Town's money or does he go overboard on anything is his opinion. Selectman Chivers suggested letting Chuck make his own decisions for the new few weeks for need and demand and see what it looks like. Selectman Soares said we let him last year and he consistently kept 4 on when he was asked not to. Selectmen DePuy said Chuck understands the Board's concerns to be thrifty. He said on Sundays it get busy and they are supposed to be giving out tags for the cars, the phones are ringing, they have to watch what is being put in the construction debris pile and to make sure air conditioners are being paid for, and helping and assisting older people with removal. There is a lot going on and when it was just Chuck and one other person 3 air conditioners got past them. C. Robie, B. Chivers, D. DePuy, D. Snow were in favor. A. Soares was not in favor. **Motion carried 4-1-0**. A. Soares felt it was bad idea.

Selectmen DePuy to discuss cemetery perpetual care funds issue.

Chairman Robie said the Board had solicited the Trustees of the Trust Fund for the perpetual care funds on why they were turned down on their request for the perpetual care fund and Selectman DePuy has an update on that. Chairman Robie noted this is not a Cemetery Trustees meeting but a BOS meeting. Selectman DePuy said initially, he thought they might be able to use all of the interest from the cemetery funds for use in the cemetery but when he checked in the town report all the cemetery funds came from perpetual care funds. He said there are cases and statutes and the recommendation from the attorney general that summarizes, unless authorized in the trust instrument when you purchase your perpetual care any diversion of surplus income established for the perpetual care of individual lots for other purposes would subject the trustees to personal liability. He said each lot that buys perpetual care the use of the funds from that lot can only go to that lot and continued there is a list of 406 lots in the town that have perpetual care. He said talking with Gerry Becker a lot could include one grave or up to 16 graves and the perpetual cost is the same so they have to figure out how to use those funds. He said he asked Gerry to go back 20 years get a count of how many lots were purchased and the average number of lots purchased and figure out how much per year per grave on a reasonable basis is spent and say this is what they are proposing. Selectman Chivers said they are only asking for the interest accrued on the money. The modern trend is to sell perpetual care with a lot and D. Lewis said at the last meeting he brought up why get perpetual care the Town is going to care of your lot anyway.

Selectman DePuy said generally towns set up a single cemetery trust fund for the purpose to hold all these funds for the care of all of the lots in town. He said the suggestion he has is to change their policy so when you buy a lot you are automatically charged with perpetual care which is not only care for your lot but the whole cemetery. Chairman Robie said they need to bring this to the Trustees of the Cemetery and should be something they should work on as one of their goals when they get appointed or elected.

Chairman Robie said they have \$180,000 in perpetual care on 406 lots with \$15,000 dollars of interest a year need and they need to figure out how much they can take that the trustees will allow instead of leaving it in the bank. He said you pay \$200 for the perpetual care and now it is worth \$300, he personally would rather have it in his own bank account. Selectman Chivers asked what the ratio

between the expense on the perpetual care lots and the non perpetual care part of the cemetery is and are we entitled to a percentage or all of the interest. Chairman Robie said Selectman DePuy is going to figure out the cost per lot to be able to go to the Trustees to get the interest. Selectman DePuy said the record keeping and the identification is not great so he feels the best solution is what he proposed to figure out the average number of graves per lot and how much it costs per grave and multiply that by the average and multiply that by number of lots and arrive at a number and Gerry Becker is working on this. Selectman Soares said why the BOS don't implement this change so when the trustees are in place they can automatically start doing this instead of pawning it off on someone else. She said the BOS understands the problem that is going on here and the work involved why not change it. Chairman Robie said they will revisit this at the next Cemetery Trustees meeting in June and have the Trustees bring this to the BOS because there is work to figure out on what to charge as the fee right now is \$200.00. Selectman Snow said that is what the Cemetery Trustees should do. Chairman Robie said that is what he has been saying that this is something the Cemetery Trustees could do. Selectman DePuy said this is the tip of the iceberg there is a lot to come. Chairman Robie asked that Selectman DePuy continue to move forward and come up with a cost so then they can solicit the Trustees. He thanked Selectman DePuy for his hard work.

The Board to have a brief discussion on the budget process.

Selectman Snow said the Board first needs in his opinion formally approve the budget and which hasn't been done and then have a discussion on the \$50,000 that was added on how are they are going to handle the money because it is a onetime event, otherwise they have increased both the operating and default budget. He said the \$50,000 is a onetime event that had little discussion that is sitting in the recycling budget and he said personally he won't vote for anything that comes out of that particular separate line until they have a bidding process and an overall plan to spend the money. He said what they have been doing over the last year is piece meal it out and not sure that is the appropriate way to do things. Selectman Chivers said isn't that the budget that the town voted and approved and is there a RSA that states they have to vote on the budget? Chairman Robie said the BOS does not need to vote on the budge, the town approved it and they are to work within it and spend it where they see fit. Selectman Snow said BOS has a bottom line budget and they can move it around like they did with the \$50,000 it was added to a new line so he feels the Board needs to say the \$50,000 is money for the closure of the old incinerator site and now what is the plan. Chairman Robie replied saying he is right it is a bottom line budget and there is \$50,000 in the budget and the citizens voted to amend the budget up \$50,000 at the deliberative session and it was voted in favor. He said the citizens and the BOS knew why the budget was amended up for the closure and no one here would spend a dime of that money unless the budget was overspent and DRA would say to use it. He said hypothetically if it snows from Thanksgiving until Christmas and it costs \$200,000 to keep the town plowed their budget would be overspent and they would have to use the \$50,000 to plow the roads. DRA would tell us to use it if it wasn't spent. Selectman Snow said DRA's function is not regulatory but advisory only and cannot tell you to do that, they can only refuse to set the tax rate, change your appropriations and tell you what you did was illegal. He said they took that \$55,000 and put back into appropriations and that was available but it was not spent and when the \$55,000 was put in the revolving fund they said we screwed up at the meeting and okay shouldn't have and should have put it in both places then it would not have been in the operating budget but we didn't spend that and we change set the tax rate He said the \$55,000 is going to reduce taxes but it should never have been there in the first place same thing with the \$50,000. Chairman Robie said we are off subject. Selectman Snow said they need to have a plan because right now they are spending it out piece meal. Chairman Robie said the testing was \$22,000 and Selectmen Snow said they might have been able to do it cheaper. Selectman Snow said we need to approve the budget. He said how many times did you hear the argument for the Municipal Budget Committee that they want to hear about the transfers and the line items that come out of the deliberative session.

Chairman Robie said that is how they do it and it works really good they understand it and we understand it and the Board understands it. Selectman Snow asked the Chairman what report he was looking at; our report or the one you give to the Municipal Budget Committee and Chairman Robie said it is the same report and Selectman Snow said it was different. Chairman Robie said they have a report run at the end of each month that the Board and Municipal Budget Committee each get so they all look at the same report. Selectman Snow said true but that is not the accounting system it is a report that is taken out and gave them a completely different document. He said they need to approve the Budget in his mind and if you do not want to do it that is fine and Chairman Robie said if you want to make a motion you can and Selectman Snow asked what the bottom line was. Chairman Robie said the operating budget is \$2,427,975.00. Selectman Snow said what they told DRA was \$2,329,966.00 but doesn't see a date on it. Chairman Robie said \$2,947,293 with the warrant articles and seeing no motion will move along.

Selectman Snow said the next part of his budget discussion example of what they have been doing and he has a concern that they are not operating in the correct manner and said to take a look at how New Hampton does their warrant articles and the bottom line for appropriations statute say that you will appropriate on a gross basis means considers all expenditures and revenues so that all the revenues are included in your appropriations and we as the members of the BOS cannot spend more than what is appropriated. He said what he thinks they are doing that is a perfect example are the highway funds or perpetual care funds if they are not in anticipated revenue then they will be shown as expenditures and believes what they are doing is saying it is extra money they can use. He said then they are unanticipated funds which means they would have to receive them as unanticipated funds. He said in this 2013, we knew what was coming in from the trust funds but did not know how much was going to be received in 2014 so if we attempt to take something in 2014 we would be taking unanticipated funds and we might actually be able to do that if we actually receive them and need them for some reason then they wouldn't be available until the next year. He said but the only way to get additional appropriations is one of the issues he has with the way the Municipal Budget Committee has been operating as they don't understand the concept of gross budget. He said he is going to start working this year's budget right now and urged the Board to so they don't end up with the problems that they had this year for example the mosquito thing. Selectman Snow brought up another example the SNHPC commission saying if you go back in the old town meetings we have a vote by the town to vote fund and another vote to not fund and said the Board said they are not going to fund SNHPC they are doing something that the legislative body already told them you will do. He said they should be thinking now how they are going to fund next year's operations and where the money will come from.

Chairman Robie said we are getting off subject. He said the subject was the budget process and he said they budget and spend what is budgeted which is what is voted and approved by the town and any revenues or appropriations they don't ask for them after the budget. Selectman Snow said we do and Chairman Robie said no they don't. He said the Moore highway fund is a fund comes as revenue as is shown. Selectman Snow said it has to be shown on the appropriations which is his concern and difference of opinion. Chairman Robie asked Selectman Snow to get the facts so they don't keep having differences of opinion. Selectman Chivers said they spend \$17,000 a year for auditors to go over the books and said they would have said something as what you are raising are major objections to our procedures. Selectman Snow said if you were to go look at the results the accounting firm not the auditors which happens to be the same firm and look at our actual expenditures and receipts, income and expense you are going to find that has little relationship to the appropriations. He said the statutes say we cannot spend more money than is appropriated and if so they can send us to jail. Chairman Robie said they don't and Selectman Snow said yes we do we bring in money and have in our accounting believe from the trust funds in a account never shows up in the expenditures so the Municipal Budget Committee never sees it. Chairman Robie said it does show up which his point. Selectman Snow said how can that be if the accounting shows it as do in. Selectman DePuy said the

revenues are shown in the Town Report. Selectman Snow said they are not broken out into detail and you cannot separate what the intent was for the intended revenue bottom line expected. He said the tax rate comes from appropriation minus expected revenues but during the year they can accept grants take money from capital reserve funds. He said in the New Durham it shows it voted in and out. Chairman Robie said that is what they do and Selectman Snow angrily said no we do not. Chairman Robie said they are going to do that shortly to vote to take money out of a capital reserve to pay an invoice. Selectman Snow said he wanted to start now talking about the budget, warrant articles etc. Chairman Robie said they start in September need to get through at least ½ the year before they start. Selectman Snow said that is not proper management and should look at budget every month. Chairman Robie said every month they run a report and the BOS review it.

The Board to authorize request for funds from the Trustees of the Trust Fund for a reval invoice.

Chairman Robie announced the request for funds from the Trustees of the Trust Fund for a reval invoice #2879 dated 4/13/2014 in the amount of \$312.00. Selectman Chivers **motioned** to request funds from the Trustees of the Trust Fund for a reval invoice in the amount of \$312.00. **Seconded** by Selectman DePuy. All were in favor. **Motion carried 5-0-0.**

The Board to authorize payment of payroll checks and accounts payable checks.

Chairman Robie announced the grand total of payroll and accounts payable checks for April 24th and May 1st, payroll was \$27,876.77 and account payables \$21,729.53 for a total of \$49,606.30. Selectman Soares **motioned** to accept the total payroll and accounts payable checks in the amount of \$49,606.30 for April 24th and May 1st. **Seconded** by Chairman Robie. All were in favor. **Motion carried 5-0-0.**

Any Other Business

Resignation of Gwen Paparocki from the Library Trustees

Selectman Snow said Gwen Paparocki resigned from the Library Trustees because she has taken a position within the library. He said he is waiting see if anything comes to the BOS to advertize that position. He said she is an elected official and the BOS should be the ones to find a person. Chairman Robie said if a trustee resigned wouldn't they look for a replacement. Selectman Snow said no because she is a public representative to the library trustees because it is a public library even though it is a private association and the publically elected member is a member of the public. He said she would have had to file a piece of paper with the town clerk because she is an elected official. Chairman Robie when that happens then the BOS will be notified and go from there.

Safety Audit May 2, 2014

Selectman Snow said there are road safety audits taking place Friday May 2, 2014 between 8am and 12pm and suggest notify abutters around the areas being audited so they can be part of it as they are looking to change those two intersections. He said he will notify people.

Letter concerning Old Recycling Center

Selectman Snow said there is a letter in the folder concerning the cut lock at the old recycling center. He said this came up a year ago and that a citizen had been authorized to coyote hunt from a former BOS and feels the BOS should take action. Chairman Robie said he knows Mr. Frasier hunts up there. Selectman Snow said when he went to the police they said the fish and game know all about it. Chairman Robie said if the BOS wants him to stop he will personally go to Mr. Frasier and talk to him but he personally sees no harm. Selectman Chivers said hunting coyote is legal and town land is public. Selectman DePuy said it should be locked so someone with a truck load of contaminants doesn't dump and make the issue worse. Chairman Robie said it was discussed to take down the fences when they took the buildings down. Selectman Snow said it is hazardous waste. Chairman Robie said he is mistaken it is solid waste not hazardous waste. Selectman Soares said to leave it the way it is and she has no issue with coyote hunting. Selectman DePuy doesn't mind the hunting outback but would like to see it locked. Selectman Chivers said they should lock the place up until DES has approved the closure plan then take the fence down. Chairman Robie confirmed with Selectman Soares she has the

original lock and will lock the fence and leave the key with the Town Office. Selectman Snow said if one can hunt they all should be able to. Selectman Soares said you can get on the site without using the gate as the fence is down on the side. Chairman Robie said so the Board does not want him to access the site to hunt and how would they want him to contact him formally or non-formally. Selectman Chivers said a letter from the BOS. Selectman Chivers said again they have an application pending with the DES and should leave it locked up until it is approved.

Tom DiMaggio, 42 North Road said he is working on an RSA up at the state right now that would exempt property owners from users of their properties if they get hurt. He said the way the law reads now if someone is given permission, which is what the BOS is doing by not locking the gate the Town can be held liable. Chairman Robie said they are also responsible if a child falls off the playground and breaks their arm.

Reviews of Department Heads

Selectman Soares said since she has been on the Board they have not been reviewing any of the department heads which is their job. She said they have never done this and would like to like the how the department heads review their employees. She said Dennis Lewis is an elected official so they do not have the jurisdiction and said Chuck, Mike are department heads and I have not seen them reviewed or issues being brought up aside from what has been brought up at meetings concerning how policies are being followed. She said in the past she has brought up stuff and it was disregarded. She said when they review the department heads, if things need to be changed and policies need to be updated and they can be brought up and discusses as a Board. Selectman DePuy said he reviewed Chuck last year and just reviewed him again for this year has this year's review to turn in. Selectman Chivers asked if they had a standard evaluation form to use and Selectman Soares said they have a simple evaluation form which is very dated and in her opinion is very poor. Selectman DePuy said the review forms could be tailored better to a position for example on the forms he just used; one question was how neat to you keep your desk. Chairman Robie said this was something he was going to ask the selectmen to do to review policies and procedures for each of the departments and see if any changes may be needed and to bring to the Board for their approval and follow up with the reviews. Selectman Chivers asked if there written procedures and policies for each department. Selectman Snow said there are written procedures and policies but have never been indexed for each department. He said the fire department has one and the police department have one. Selectman Soares said they do not have policies and procedures specific to the welfare department. Chairman Robie asked each selectman to review their department policies and procedures. Selectman Snow said that is what he has been saying they need to get a mission statement, bylaws, an organization chart and job descriptions. Chairman Robie said policies and procedures will layout job descriptions. Selectman Snow said with the organizational chart shows how reports to you from the top level down and continued on. Chairman Robie said there is a lot that can be done would like to start with they talked about.

Repair of Slide at Moore Park

Chairman Robie said he had one issue, the slide at the park. He said two weeks ago a child slid down the slide and tore her pants on the damaged plastic and luckily she did not catch her wrist and slit her wrists or cut leg and there was a big kid behind her. Selectman Snow said there are no big kids there. Chairman Robie said excuse me and continued saying he had called Selectman Snow a week ago Saturday and asked were the parts were that Selectman Snow was given permission to purchase last October and Selectman Snow answered he had them. Chairman Robie said he had offered to come get the parts and fix the slide immediately because he wanted the park functional so the kids could use the park and Selectman Snow told him that he was going to repair the slide a week from the Saturday and Chairman Robie gave him a grace period of a week to fix it. Selectman Snow said next Sunday he can fix it and Chairman Robie asked for the parts so he could fix the slide immediately. Selectman Snow said no, he would not give Chairman Robie the parts and said the people who know how to install the parts and are qualified will be available next Sunday. Chairman Robie said he knows how to install the

parts and said had offered his services almost 2 weeks. He said 3 years prior to Selectman Snow working at the park, he had worked on the slide and that he has opened and closed the bathrooms, repaired the toilets, picked the rocks out of the toilet, fixed the roof on the building at the park. Selectman Chivers said asked Selectman Snow what objections he had to give Chairman Robie the parts and get it fixed tomorrow Tuesday. Selectman Snow said you can't get it fixed tomorrow saying again he wants someone qualified. He said Brian Smith, Karen Smith's husband is the one who put together the park and has agreed to fix it. Chairman Robie said he knows how to put bolts together and said he will need the special sockets that were in the yellow box that he gave to Selectman Snow when he took over the park. Selectman Snow said they are not in the yellow box and he will have to find the bag. Chairman Robie said you lost the special sockets and continued he wanted the Board to know again he offered to Selectman Snow to fix the slide, and would have had it done 2 Saturdays ago.

Selectman Chivers asked Selectman Snow if he had all the parts needed and Selectman Snow said he believes so but cannot do it until next Sunday and is not going to get done until next Sunday. Chairman Robie reiterated that Selectman Snow is refusing to give him the parts that were bought by the town through our tax money and has offered to do the work for free saying he is very qualified and asked the Board if they are going to go along with this. Selectman Chivers said I do not see how we can force Selectman Snow and he turned to Selectman Snow and said to him that he is recommending he turn over the parts and tools to Chairman Robie so he can fix the slide as soon as possible which is the only logical thing to do and asked why Selectman Snow would object to that. Selectman Snow said he wants it done right. Selectman Chivers said to Selectman Snow you are telling me that is not going to be done right. Chairman Robie said the discussion is over and thanked Selectman Chivers for his support. Selectman Soares said so the park is closed right now. Chairman Robie said the best part of the park the slide is closed and it is secured.

Announce Next Regularly Scheduled Meeting Date: May 12, 2014 @ 7:00pm.

The Board will consider holding a Non-Public Meeting in accordance with RSA 91-A: 3 II (a) immediately following the Selectmen's Public Meeting.

Selectman Chivers motioned to adjourn at 9:10pm. Seconded by Selectmen DePuy. All were in favor. Motion carried.

Respectfully submitted,
Sharon Robichaud, Recording Secretary