

~~Unapproved~~ **APPROVED**
Candia's Selectmen's Public Meeting Minutes
November 24, 2014

Attendance: Chairman Carleton Robie, Vice-Chair David DePuy, Selectman Dick Snow, Selectman Boyd Chivers, Selectman Amanda Soares, and Administrative Assistant Andria Hansen.

Chairman Robie opened the meeting with the pledge of allegiance.

Approval of Previous Minutes: Public meeting minutes of 11/10/14. Selectman Chivers moved to accept the November 10th, 2014 Selectmen's Public meeting minutes as presented. Seconded by Selectman Soares. All were in favor. Motion carried.

The Board of Selectmen will hold a public hearing at their regular scheduled meeting on to accept quarterly grants and donations in accordance with RSA 31:95-b, III (a). Selectman Soares moved to accept the State of NH quarterly highway block grant in the amount of \$29,348.64. Seconded by Selectman Chivers. All were in favor. Motion carried. Chairman Robie announced the donations: James & Diane Philbrick - \$60.00 for the renovation of the Smyth Memorial Library, Wal-Mart - \$1,000 welfare donation for Christmas assistance, and Ida & Courtland Sandberg - \$25.00 for the swap shop insulation project. The grand total was \$1,085. Selectman Soares questioned if they have created a line item to accept donations for the swap shop insulation project. Selectman Snow said there is a specific purpose. Selectman Soares replied you have to create a line item in which to accept the donations. For example, people made donations for the Smyth Memorial Building in Ron Thomas's name and they created a line item in their budget for that, so all of the donations for that went specifically to that line item. Chairman Robie said they would address this. Selectman Snow noted there is a swap shop donation line in the budget. The only concern Selectman Soares would have is that this is a specific purpose. They could have subcategories to expend the \$25.00 for the insulation project or have another line item. Selectman Chivers thought it would be okay to accept the donations in the meantime. Selectman Soares said that was fine, she was just making sure they had a line item to account for it properly. Selectman Chivers moved to accept the donations in the amount \$1,085 for the purposes specified. Seconded by Selectman Snow. All were in favor. Motion carried. Selectman DePuy informed the Board that the swap shop has been insulated.

The Board to discuss disposal of the old fire rescue vehicle. Chairman Robie said Fire Chief Young came back with an amount of \$7,900 on the rescue vehicle. Selectman Chivers asked what the high bid is. It was noted that \$7,900 is the high bid. Chairman Robie said the Board needs to decide on a low bid. If it doesn't meet the low bid it will go to the state auction in May. Selectman Chivers asked what percentage of \$7,900 would be for the low bid. Chairman Robie said they need to discuss that. He thought if a low bid of \$4,000 dollars wasn't met they'll take their chances at state auction. Selectman DePuy said he would like to see \$3,500 as the low bid. Selectman Soares said she wouldn't go that low. Selectman DePuy replied they aren't an automobile dealer, they don't give credit and people have to pay cash. Selectman Chivers asked what Fire Chief Young thought. Fire Chief Young said it is worth whatever they can get. He thought it was a pretty good rig for \$3,500. Selectman Soares said her low was going to be

\$5,000. It is a decent sized vehicle and it has low mileage. She wouldn't go below \$5,000. Selectman Snow said he would put it out to bid; they have the right to reject them all. Chairman Robie said they discussed this at the last meeting and if the low bid wasn't met they were going to send it to auction and take their chances. Selectman Chivers questioned if they aren't selling it to the highest bidder they are selling it to the person who meets their reserve. Chairman Robie explained they are going to put a low on it. If they say they want \$5,000 for the van and no one meets the bid it is going to auction. Selectman Snow said if the discussion was to send it out to bid or send it out to auction has anyone talked to the auction people to see what they would get at auction for it. Chairman Robie thought the state did that as a service to the municipalities. Selectman Chivers thought a good place to start was about 50% of the retail price, so half of \$8,000 is \$4,000. Selectman Snow said they are the ones who are auctioning it off. If they send it to the auctioneer they will get whatever he gets for it minus the costs and they can't put a bottom on it. Selectman Chivers said whoever exceeds their minimum bid will get the sale. Chairman Robie asked if the Board would like to discuss the generator that is in that unit. Do they want to salvage the generator? Selectman Chivers asked if they needed it anywhere. Selectman Soares didn't think they should sell it if it is still functional. Chairman Robie thought a generator is a handy asset to have in our community in case of an emergency. Selectman Snow asked if it is easily removed and can the fire department use it. Fire Chief Young said they didn't want the generator. If they wanted it they would already have it. Selectman Chivers asked if it was a 5,000 watt generator. Fire Chief Young wasn't sure what it was. Chairman Robie asked if it came with the van. Fire Chief Young wasn't sure about that either. They bought that van at the spur of the moment, because they lost their breaks on the other one. He asked if those vans come with generators. Chairman Robie replied not usually unless it was set up for the specific purpose. It is a very low used piece of equipment they have had for a while. It is a valuable piece of equipment. Selectman Chivers asked if they kept it who would be responsible for it and what would be its purpose in town. Which department would it go to? Selectman Soares said they could give it to emergency management for people who need it. Chairman Robie asked if Road Agent Lewis had any use for it. Road Agent Lewis said he didn't. Chairman Robie said there aren't any departments that have a use for it so let's just leave it in the van. Selectman Chivers said it might enhance the value of it. Chairman Robie said they need to decide on a low bid and move on. He noted they suggested \$3,500, \$4,000, and \$5,000, so why don't they go with \$4,200. Selectman Snow asked if they would accept the bids or reject them all. Chairman Robie said they would accept the highest bid over \$4,200. Selectman Snow said irrespective of being able to state that they reserve the right to reject all bids. Selectman Chivers said if they come in at \$4,200 they won't reject any of them. Chairman Robie said they are putting a low bid out there so they won't reserve any right. If someone bids over \$4,200 they are going to own the vehicle. If they give us a check we are going to give them the title. Selectman Chivers moved to offer this van for sale to anybody whose bid exceeds \$4,200. Seconded by Selectman DePuy. All were in favor. Motion carried. It was noted the van will include the generator. An ad will go in the paper and the deadline will be January 1st, 2015.

The Board to consider request regarding Town Pond land. Chairman Robie noted that Ms. Johnson (representing the owners) had approached the Heritage Commission first. The Heritage Commission forwarded this to the Selectmen since it is their decision. The owner is interested in selling the property to the town for the amount of the legal fees, deed registration, and/or tax stamp fees generated by the transfer. The owner owns the property in full and there are no liens

against the parcel. It is a small half of the pond with the cat nine tails in it. The owners of record are Walter and Mary Davis. It is a little piece of land that is .55 acres and it's valued at \$7,000. Selectman Chivers asked if the Board has the authority to buy a capital asset like this. Chairman Robie said they aren't buying it; the owners are donating the land. All they have to do is pay for the legal fees. Selectman Chivers pointed out in the letter it says "Owner is interested in selling ...". Chairman Robie replied for the amount of the legal fees, deed registration, and/or tax stamp fees. Selectman Chivers said the question is why wouldn't we accept the land for the legal fees, deed registration, and tax stamp fees. It wouldn't be much for tax stamps, because there is no consideration for the transfer. They could probably file the deed for a couple of hundred dollars and that would be it. Selectman Snow noted the owner's representative stated they wanted sell opposed to doing the donation. If the value of the property is \$7,700 then theoretically they could donate it to the town with the understanding we would pay the fees. Chairman Robie said that is what the letter says. Selectman Snow said he would strongly support whatever is necessary to acquire this property to expand the area of the park. When they dug out that park they didn't dig out that corner, because it belonged to the Davis boys. Chairman Robie said they didn't want it dug out, because they tried. *Selectman Soares motioned that they accept the proposal of the pond property for the cost of the legal fees, deed registration, and tax stamp fees generated. Seconded by Selectman DePuy.* Selectman Snow noted that 41:14a says acquire or sell the properties and if Ms. Johnson wants to sell then they will have to do it through 41:14a. If they want to donate it then that is not 41:14a. They will acquire the property as a donation with the understanding they would pay all of the fees. He would suggest they find out who Karen Johnson is and find out if she is qualified to offer this property and express interest that they would like to do this. The purchase of it would be a more complex process and it eliminates the ability for them to claim it as a donation. Selectman DePuy said his take on this statute is they are not selling they are acquiring and they are basically gifting it to us. We will pay the cost of the deed registration and whatever fees are connected with it. He didn't think they were selling it, but they were acquiring it. Selectman Snow wasn't sure 41:14a didn't use the term acquiring. Selectman Chivers stated someone has offered to give us that property and were not jumping right on that. There aren't any liens on it and they own the title. We give them a check for a couple hundred dollars and that cleans it up over there. Selectman Snow said they certainly have to give it to counsel to make sure that it has a clear deed and there isn't any reason they shouldn't be buying it. Chairman Robie said they aren't going to be sending anyone a check except for the registry of deeds and a small fee to the attorney for producing a deed for us. Chairman Robie said if the Board would like, the office would contact Ms. Johnson. He said he would speak with town counsel and Ms. Johnson and will bring it back to the next meeting. Selectman Soares said she would take her motion off the table and they would wait until the next meeting. Selectman DePuy thought if they sell (to the town) they will be giving them a warranty deed, but he will leave that to town counsel.

The Board to discuss hiring an auctioneer for the sale of tax deeded properties. Chairman Robie recused himself from the discussion. Selectman DePuy said he located three different auctioneers. The three he found were Jim St. Jean, Paul McGuinness, and an outfit called Transon (Bill Saturley, Principal) out of Maine. He sent them the tax cards for the five tax deeded properties. He talked to them all and they said they would provide him with the terms of their auction agreement. How much it would cost us and what they would get out of the sale. They have differing terms. They were going to look at the tax cards and they would assess the cards

and see what the appropriate terms might be. None of them have gotten back to him with those terms. He thought he would hear back from them the early part of next week. When it comes in he will leave it in the Selectmen's trays to look at. Two of the three said they have worked with our town before. Selectman Chivers said he wanted to raise an issue relative to those two properties (Depot Road), they might want to consider before they hire an auctioneer. In the last meeting they discussed the impending sale of these tax deeded properties and he advocated for the merger of those contiguous lots on Depot Road to resolve one of the difficulties inherent in 414-138 which was described by the Building Inspector in a memo addressed to this Board and any interested parties as being un-buildable due to its depth, being insufficient enough to allow conformance with the setback dimensions required for the replacing structure. After they kicked that around for awhile the Board thought it was best to proceed with the two unmerged lots. He thought there was conflicting information that has to be resolved now. The memo from the Building Inspector clearly stated that lot 414-138 is only 80 feet deep, so the local setback requirements could not be attained. If a building permit had been applied for it would have to be denied and the applicant would have to apply for a variance under 602 (zoning ordinance) for being in the minimum setback requirements. Selectman DePuy thought they should reserve these issues for the next meeting. In talking with the auctioneers they are going to look at the tax assessment cards and then they will want some additional information from the Board with regards to these properties. This is his recommendation. His thought is they are going to come to them and specifically request information about these properties. Selectman Chivers said he would like to finish so he can get to his point. The statement made by the Building Inspector cannot be reconciled with a statement made by Mr. Robie at a Selectmen's meeting on September 8th. It was recorded in the minutes of that meeting (September 8th) indicated that Mr. Robie commissioned a survey of that property in 2014, it was determined that it was a buildable lot of record. So right now they are about to go to auction with one statement from the Building Inspector saying it is not a buildable lot of record and yet our own minutes indicate that one of members had it surveyed and it is a buildable lot. Mr. Robie is under no obligation to correct the tax maps for a survey he paid for himself. He is under no obligation to correct the Building Inspectors memo. However, if they proceed to auction as proposed property with the Building Inspectors memo to "all interested parties" (meaning prospective bidders) addressing the zoning issues inherent in the properties on Depot Road and comprising the official analysis of the Candia Zoning Ordinance relating to the subject properties, the value of lot 414-138 is, because there is ostensibly no other use, reduced to zero. A prospective bidder could undertake their own due diligence, but that is highly unlikely. They have five facts there that will rightly yield an incorrect public impression of this whole process. For the first time in anyone's memory, this Board takes action to dispose of tax deeded properties. Not all tax deeded properties in the town's possession, however, just a select few. He checked the Rockingham Registry of Deeds and he couldn't tell them the last time the Town of Candia disposed of tax deeded property. It goes back at least 15 years. Number two, our Building Inspector issued a memo to all interested parties describing 414-138 as having insufficient depth based on the information available to him and prospective bidders are discouraged from bidding. Then they go to auction and the only successful bidder for 414-138 is a member of this Board. The same member of this Board goes to the Building Inspector and produces his survey and gets a building permit and rightfully so. None of what he just stated was to cast aspersion on any one person. Each element in this story is plausible in its own right. Carleton is a developer and demonstrated some interest in a property two years ago and conducted his own due diligent survey. The town in 2014 decided to

auction off our properties based on the recommendation of our own auditors. The Building Inspector produces a memo based on our tax maps showing an 80' depth on this lot and he is under no obligation to correct it based on a survey that was indicated by this Board. Take it as a whole and take all five elements of this story and it doesn't look to good to the public. What he is advocating for here before they hire an auctioneer to sell these properties that the Board adopt a policy that requires that members of this Board cannot personally benefit from in the sale of tax deeded properties. He worked for the IRS for over 33 years and he can tell you that the rule that would get you in the most trouble there was to dabble in any property that the IRS has for sale. Either relative, friend, or neighbor there had to be a great distance between the property that they offered for sale and yourself. Anything else would cast aspersion on them for the motive of the process or how it was done. He suggested to the Board that what's at stake goes well beyond the sale of tax deeded properties. What's at stake is of vital importance to this Board and to all of the subsequent Boards. It affects our integrity and reputation. The process has to be clean and he's not saying it hasn't been so far, but they should go into this thing with their eyes wide open. There are ramifications if they allow officers or employees of this town to buy tax deeded properties. Selectman Snow asked if someone was to buy those properties and they know the inherent liabilities of buying the properties but is willing to take a chance and they went and had it surveyed. The information that was provided by the Building Inspector at the point in time had it available proved not to be accurate and the Building Inspector was then able to issue a building permit. This would say that if in fact that was true then they could take a chance and buy the property and do it as two as opposed to one. Or they buy both properties and they could say if it doesn't work or they could end up with one property and they will have to do the merger. The rules for the IRS and the rules for the Board of Selectmen are strictly for recusing themselves. He is not going to be involved in the process of doing something if he has a financial interest. If Carleton has recused himself and he is buying the properties on the open market, he would personally have no problem with that. If someone else did it, it would be okay. Selectman Chivers said in taking the position he has he looked to state law. There is a state law which governs the standards of executives in state government. He admits they don't apply to this level. He quoted from RSA 21-G:22 which says "Executive branch officials shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties." Selectman Snow agreed for state officers, but the way that the state is structured, the statues allow the towns to put in an ethics policy that goes above and beyond whatever is there. There really isn't anything there for that. Rules for the Planning Board are that you are supposed to recuse yourself if you have an interest in the property. You don't have to, but it is your choice. They are obviously not as strict as they are at the state. Selectman Soares questioned sat this level you don't need to have any ethics and morals. Selectman Snow replied that he has ethics and morals. He's not saying they shouldn't, they all should have ethics and morals. Selectman Soares replied you are saying the state has theirs, but we don't have that here. Selectman Snow said if she was a state officer he would expect that she follow those laws. The way they follow them is they get an ethics policy set up by the town meeting which we don't have. He stated personally he didn't have a problem with what Carleton has done so far. If he buys the two properties and he can't get a building permit, he is going to have to merge them just like anyone else. Right now the process they are trying to do is get rid of properties. We started this whole process to get rid of a couple of properties. Anything they do in the process of getting rid of those properties is going to delay the process. They are trying to do it as fast as they can to be able to get them back on the tax roll

and off of our plate. Selectman Chivers said he wouldn't advocate doing this so fast they compromise their integrity as a Board; they have time to do this right. Selectman Snow said the flip side is, if in fact that property is legally buildable then we are taking away something from the person that owns it at the present time. Selectman Chivers asked how we are taking it. Selectman Snow said if they arbitrarily merge them. Selectman Chivers said let's just stick with the issue of whether members of this Board should go out and buy tax deeded properties. Selectman Snow replied they have been doing it for years. Selectman Soares said it doesn't mean that it's right. Selectman DePuy said he didn't think this was an issue that was on the agenda for this evening. Selectman Chivers said but they are moving forward with hiring an auctioneer. Selectman DePuy reiterated they aren't discussing it tonight. He thought getting information from these auctioneers would be educational for the Board and certainly addressing the five properties that are now up for sale. A separate issue that Selectman Chivers is suggesting is that anyone can put on the agenda for the next meeting is whether there should be some ethical restrictions on the involvement of members of this Board or members of Boards in general and whether they have recused themselves or not. For this he would personally need to do some more investigating on his own and he would welcome input from town counsel as well. He thought this was two separate issues. Right now they are just talking about what the status is of the auctioneers and it is in progress. They are going to have a lot of questions about these properties. Selectman Snow said they are going to clearly define to them the fact there is a possible zoning issue with those two adjacent properties. Selectman DePuy said he didn't know enough to tell them what the effect is of less than minimum lot sizes that are grandfathered in when they are purchased by a purchaser and they adjoin another legitimate lot. Selectman Snow said the town has through its zoning the ability to merge lots now. There has been discussion at the state level about arbitrary merger. The question becomes do we want to do that process prior to the time that we do that auction. Selectman Chivers noted this is a discussion they had two weeks ago. He clarified with Selectman DePuy that they move in two parallel directions here. Selectman DePuy replied that is what he would suggest. For tonight it is just an informational meeting and for the next time anyone can put on the agenda whatever they would like to put on the agenda. They have time to give some thought and consideration to whatever those specific issues are. Selectman Chivers said he raised it tonight, because if they decided to hire an auctioneer they would be forewarned of this issue and maybe they could adopt a policy before they hire an auctioneer. He thought maybe that was still conceivable. Selectman Snow stated an ethics policy would have to come out of a town meeting. He asked if it would be of value to have the three auctioneers come here and speak. Selectman DePuy said at least one of the auctioneers has agreed to do that. He thought it would be helpful to see their proposals, he thought it would demonstrate to the Board that it would be a significant cost to the town that we will incur if the properties don't sell. It's in their best interest to see that this process is handled correctly so that they do sell these properties and those costs are incurred by the purchases. Every property that doesn't sell he's concerned they will incur costs and be stuck with the properties. Selectman Snow reiterated that he would love to have the three auctioneers come to a meeting. Selectman DePuy said he would let them know. Citizen Fletcher Perkins thought Mr. Chivers should explain why Carleton did that survey. He did it to clear things up and was not trying to do anything underhanded. He thought he had a legitimate purchase and sale on that property through the original owner and the owner died. Carleton hasn't tried to do anything underhanded. He would like to have this on record. Selectman Chivers agreed with Mr. Perkins. He noted that Carleton had acknowledged all of this on September 8th and he hasn't hid a thing.

He has been perfectly open and forthright with us. Mr. Perkins reiterated Carleton had a purchase and sale from the original owner and the owner passed away. This is why he did the survey. He wasn't trying to cheat anyone. Selectman DePuy added Carleton paid for the survey with his own money. Selectman Snow noted the Board disposed of a 65 acre piece of property through the tax deeding process. Selectman Chivers replied that it wasn't a public auction. Selectman DePuy noted two of the auctioneers said they have sold properties for the town through the tax sale over the past 5 to 10 years.

The Board to consider resident Diane Smith's request. Chairman Robie said Ms. Smith sent the Board a letter on October 31st. She is requesting that we consider letting her using the meeting room on Thursday evenings to perform chair massages for people waiting to register their vehicles. Selectman Snow said the first question he has is does she expect to charge. If she does no way, if she doesn't expect to charge and wants to do it as a donation, he still thought the Board years ago voted not to allow the public to use this room for anything but official use. He is extremely reluctant to let an individual use the town property to perform massages. Chairman Robie asked if he would like to make that a motion. Selectman Snow motioned that they respectfully suggest that this would not be appropriate for the town to allow someone to do their property. Seconded by Selectman Chivers. All were in favor. Motion carried.

The Board to acknowledge the Eagle Scout Cemetery Gate project. Chairman Robie wanted to acknowledge the Eagle Scout project and he did a beautiful job on the gates. Selectman Snow thought they should accept them when they do their next donations. Chairman Robie said he was hoping the Boy Scouts sent something over to the office, but he would like to acknowledge it now. He wanted to recognize the gates and they are very attractive. Someone put a lot of time and effort into them. Selectman Snow asked who the Eagle Scout was. It was noted that Eagle Scout Evan Webster did this Eagle Scout project.

The Board to consider a policy on supporting positions taken by the Selectmen. Selectman DePuy would propose to this Board, after discussion and consideration, votes in favor of some matter that whether or not you are in favor or against, once the matter is voted and they as the Board of Selectmen agree, they should speak affirmatively in regards to what they have decided to do. If they were on the losing side here, not thereafter speak in opposition of what they have voted. He didn't know if there is a policy, but he would make a motion to adopt this policy. Selectman Soares clarified so you are asking someone to support the policy whether they agree with it or not. Selectman DePuy said correct and when the Board votes they have then voted to do what the Town of Candia should do, and thereafter as members of this Board they should do their best to advance whatever that vote was on behalf of the Selectmen. Thereafter if you are at another Board as a member of the Selectman you should be speaking in favor of the policy (or vote) that has been adopted. Selectman Snow disagreed with that because this happened with the school board a couple of years ago. Just because you are part of a Board doesn't mean you have lost your free speech rights. You can't put in a policy like this, it's unenforceable. He thought it would behoove a member of the Board of Selectmen to try and follow the direction that the Board is taking, but if the Board were to try to go in a direction that was illegally moral and unethical then he would strongly oppose the action the Board was taking. He didn't think there was any way they could make him not go against what the Board was doing. You want a cooperative Board, one that works together for the best interest of the town. The thing he

remembers from the NHMA handbook is the residents have the final right to get you out of office if they don't like what you are doing. If you have read what has been going on in Hooksett over the past two years then it is a perfect example that it is impossible to legislate those types of things. You can't take away first amendment rights to try and get them to agree with what's happening on the Board. Selectman Soares said there are a lot of things she doesn't agree with but she doesn't go around public bashing it. She's not going to agree with a lot of decisions that are made here, because she doesn't think they are correct. This is not how she feels and it's not what she is going to say just because she was told to say that. You can't make someone say something they don't believe or they're not going to back up. This is not how a human being is supposed to function in society and it is not their right. Selectman Chivers asked Selectman DePuy if there was a problem he was trying correct with this proposal. Selectman DePuy said the reason why he brought it up was when they as a Board went through the budget item by item and they adopted a budget and they appeared as a Board at the another meeting for the purpose of defending our budget, it seemed to him that their Board took a position and they should be speaking in favor of that position not speaking against it. Selectman Snow understood what he was saying, but in that specific instance we were not there as the Board of Selectmen, because they didn't notice it as a meeting of the Board of Selectmen. They were there as individual members and they gave one member of the Board the right to speak for us at the Budget Committee. His expectation would be if they were to speak at the Budget Committee when they are asking about the budget he would expect our representative to say "wait a minute that is not what we voted". If he was at the Budget Committee, he didn't speak because they didn't ask him anything. If they were to ask him about parks and recs as a department head he would have responded. This might not have been the response the Board had voted on and Carleton would have explained why the Board did what it did. He doesn't like the Budget Committee or SB2 and he likes the old town meetings, but he can't get back there. Selectman Chivers said he sees both sides of this issue. He see's exactly what Dave's concern is and he also see's Amanda's and Dick's concern. Chairman Robie said when he goes to those meetings he speaks for this Board, for what the Selectmen voted whether he agrees or disagrees. Selectman Chivers said that is what they would expect. He didn't give this much thought when he went to the Budget Committee meeting and spoke. He felt Chairman Robie and Selectman Robie make a good point. Selectman Snow asked if Chairman Robie would bring this to the Budget Committee, what the meeting was supposed to be was the ability of having department heads come to the meeting and be able to explain and answer questions on why the Selectmen presented the budget the way they did. The Selectmen are invited to the public hearing and they can speak all they want at the hearing. Chairman Robie said that wasn't completely what happened two weeks ago. The Budget Committee had a list of numerous questions and he got the list from the Budget Committee. He distributed it to his Board and he asked the representative from each department to either send it to the department head or get the answer and bring it to the meeting. He didn't know if everyone talked with their departments. He personally was a little taken back by some of the comments on a couple of the issues in the budget. He supported the Selectmen's budget when the Budget Committee voted. This is what he is supposed to do. He understood Dave's point and Amanda's and Dick's. Selectman Snow asked him to try to convey to the Budget Committee that the intent of those meetings is to have direct access to the department head to ask questions. Chairman Robie said they were all invited, the Selectmen along with the department heads. This is how the message went out. Selectman Snow said the meeting should be noticed that they would love to have the department heads here to speak to us to answer questions, as

opposed to that it would be a joint meeting of the Boards. Chairman Robie clarified there were numerous department heads there. He thought they were there with their Selectmen's Representative which is the best scenario you can have. Selectman Snow said the meeting was noticed as a joint meeting with the Budget Committee and the Board of Selectmen. This would imply they had a quorum there and they would be able to vote. This wasn't the case and shouldn't be the case. Chairman Robie said Selectman DePuy made a motion on this policy and asked if he would like to withdraw that motion at this point. Selectman DePuy said he would retract that motion and asked if they would consider it. He made notes of what people have said here and would like to research it himself. He doesn't want to take away anyone's freedom of speech. He asked the Board to give this some consideration. Selectman Chivers felt that he brought up an important point.

The Board to discuss 23 Main Street. Chairman Robie noted a real estate agent dropped off a MLL at the office for the Fitt's property. He didn't know if the property has been officially listed. He wanted to offer this piece of property to the town. It's a house that needs some work and he thought there was 7 acres of land there. It abuts the cemetery and Moore Park. A similar thing took place in 1995 with Mrs. Belluscio. The Selectmen brought it to the town meeting as a warrant article and asked if the people were interested in purchasing such a property. The same thing happened with the property across from the Fire Department. The town overwhelmingly voted to buy both parcels of land for future use in the community. The listed price is way overinflated and they may entertain less of an offer. If they look at the master plan 7 acres in the center of town is a valuable asset, maybe not for them but for generations to come. Selectman Snow asked why the property was on the market. Selectman Chivers explained Mr. Fitt's Sr. passed away. Chairman Robie said they want to sell the property and they are going to move. He asked the Board if they would like to consider making an offer. Selectman Soares asked what the Board would consider using this for, the extension of the Holbrook Cemetery or Moore Park. Chairman Robie said they bought a piece of property from Mrs. Belluscio in 1995 and he didn't think anything was built there in 10 years. They bought a piece of property across the street from the fire hall and the school said at the time they had no intended use. It's not a question of what we would use it for or what we are doing. It is probably the flattest piece of land in our town. Selectman Soares said it is a centrally located area next to a cemetery and park for our town. This is something they should consider what to do with. It is not a piece of land they should sit on. It is connected to two important parcels in the town. They should consider what to do with it and not sit on it. Selectman Snow said it is also in a commercial zone and there is other development taking place there. If we're interested in pursuing something on this, what is the rush. They should take it to the town and put out a warrant article that suggests that we ought to buy it. Chairman Robie said to do that the Board has to make a decision whether they think it is a viable possibility that the town would vote of it. They need to write a purchase and sales agreement with a deposit. He was sure they would do a refundable deposit if the town said no. They need to figure out a way to tie that property up until town meeting, if the Board considers this something feasible. Selectman Snow said the question would be the legality of a purchase and sales agreement prior to any appropriations for it. Chairman Robie said that is why you send the content of the purchase and sales agreement to town counsel. Selectman Snow said this is a question he has and if this is something they are going to allow the town to consider then okay. Let's do what we need to do for the town to consider it. He is not about to buy this property. Selectman Chivers thought what Chairman Robie was suggesting that they decide if this

warrants further consideration and how do we go about giving this thing consideration. He questioned if they were going to decide this tonight. Chairman Robie thought they should contact this gentleman if we are interested and we can move it forward. The price listed here is overinflated. He sees things different then other people and at some point they are going to develop some land. Just as a scenario there is 6.8 acres and if the zoning changed a little bit they could subdivide one acre and the house and you would get 5.8 acres of prime land free for the town. You could put a shop in the bottom of that building and offices upstairs. This would be a private investor not us. This is one scenario that could happen with a little tweak to our down town. Selectman Snow added the property could be well used for a safety center. Chairman Robie said they could put an array of solar panels out there that could pay for the electricity at the school and the town building. It's just a scenario. Selectman Snow said if they can establish a legal link until they can buy it and voted on by the town, they would have to agree on a price. The purchase and sales agreement would need to have a price on it. Chairman Robie said someone would have to contact Mr. McCoy (listing agent), put a number on it, and make an offer along with the purchase and sales agreement. *Selectman Soares motioned they take into consideration 23 Main Street and we would like to pursue purchasing it for the future of the town.* Selectman Snow said consider doing it which means at some point in time in the future. This doesn't mean we are going to do it. Selectman Soares said someone can second it for discussion and then they can vote on it. Selectman Snow said the motion was to consider the possibility. It was not to sign any pieces of paper. He thought they should talk with the Planning Board, Fire Department, and Police Department. Selectman Chivers asked if the Planning Board has any role in this. Chairman Robie said their role would be to open up the master plan and see how this would fit into our community. Selectman Snow said this would certainly be 41:14a. It means they would have a long discussion. They would get the opinions of the Planning Board and the Conservation Commission. Chairman Robie didn't think so and if they want to pursue this as Selectman for the community and bring it forward as a warrant article they can. This is all he is asking, does the Board think this is a good thing to do. If they consider this it means someone has to negotiate with Mr. McCoy and bring the numbers back to the Board. Selectman Snow said before they do a purchase and sales he would want to run it by town counsel. Selectman Chivers asked if they had a conceivable use for this property. Chairman Robie said right now they don't. Citizen Fletcher Perkins felt they would be doing a great disservice to the community if they didn't present this to the citizens of Candia. They have lost two valuable pieces in the center of town to commercial development that they had no control over. They need to stop that and look to the future. People have to open their eyes and realize that Candia is not Camelot. They have to go forward and they have to grow. Fire Chief Young said the other thing they have to consider is that the Ricky Fitts and his mother have to sign the purchase and sales also and they might not be able to wait until March. It might be a moot point. He thought it would be a great piece of property. He said that for years and every time he drove by it said to himself that the town should buy this property some day. He would do whatever the Board can do to get this piece of property. Selectman Chivers asked what they would do with that house. Chairman Robie reiterated he would tweak the zoning regulations, subdivide off a one acre piece with that house and then he would sell it to a private investor. It would leave 5.8 acres. They would get their money back. This would be the goal. Selectman Chivers asked if he believed if they got a purchase and sales for \$245,000, at some point they could subdivide it. Chairman Robie thought the offer would have to be a little more than that to even be considered. Selectman DePuy asked if they were considering the town purchasing this for the use by the

town or sell it to someone to assist in commercial development. Chairman Robie said the town would have to decide if they wanted to change the zoning and subdivide a piece. This is how you grow. Selectman Snow said remember what we are doing is asking the town their decision on what they want to do with it and they get a chance to vote on it. Chairman Robie said if you have no agenda for it, the people have enough faith in the Board of Selectmen that they are heading in the right direction. There was discussion about previously purchasing land in town. Selectman Snow said there are needs in the town they could get this building out of Moore Park and they need to move the salt shed. Chairman Robie asked if he could stay on track. Selectman Snow said there are uses that the property could be used for. If the people are going to be thinking about it, he would be talking about it at the Deliberative Session. Selectman Snow asked if someone was going to second Selectman Soares motion. *Seconded by Selectman Chivers.* Chairman Robie asked the Board if they would like him to contact Mr. McCoy and ask him what a reasonable offer would be or present a reasonable offer. Selectman Chivers thought they should present a reasonable offer. He thought they should offer him the appraised value of the property. Selectman DePuy agreed they should offer the appraised value. Chairman Robie would like to add to the motion "they offer \$245,000". They will put a \$10,000 refundable deposit on it if the warrant article doesn't pass. Selectman Chivers thought that Fletcher Perkins brought up a good point, they are never going to find a property like that in Candia. Selectman Snow said the concern that he has is they are having a discussion of a purchase of a piece of property at a reduced price from what is being floated around as the sale price. Chairman Robie said it hasn't been floated around yet. Selectman Snow said someone could buy that property out from underneath us. Chairman Robie said if they have a purchase and sales agreement it will continue until the second Tuesday in March. Selectman DePuy said he couldn't object to the town deciding whether or not they should buy it. Selectman Snow said he didn't have any problems bringing it to the town and asking them what they would like to do. Chairman Robie said they are not going to ask the town what they would like to do; they are asking if they would like to purchase that property at this time. Selectman Snow noted the warrant article is going to have a cost associated with. Chairman Robie said it will be whatever the purchase and sales says plus tax stamps. Selectman Snow said we'll need a purchase and sales so no one can undercut us. *Chairman Robie called for a vote. All were in favor. Motion carried.* Selectman Soares said the funeral home is for sale and would they consider properties such as that in our development for the master plan. Chairman Robie said he didn't bring this forward because he was hoping a private investor would come there. It would be really nice to have a funeral parlor for our community. Other than that he would have no intended use for that property. Selectman Soares said it was one of the original buildings in Candia. It would be nice to have another funeral home there.

The Board to approve invoices for payment from the fire apparatus and fire suppression capital reserve fund. Selectman Chivers moved to authorize the Trustees to pay the Fire Tech Safety invoice out of the fire suppression capital reserve fund in the amount of \$2,325.00. Seconded by Selectman Soares. All were in favor. Selectman Chivers moved to authorize the Trustees to pay the fire truck apparatus invoices out of the fire apparatus capital reserve fund in the amount of \$653.43. Seconded by Selectman Soares. All were in favor. Motion carried.

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 November 20th and

November 26th was \$73,983.51. Selectman Snow motioned to accept accounts payable and payroll checks for November 20th and November 26th in the amount of \$73,983.51. Seconded by Selectman Soares. All were in favor. Motion carried.

Announce Next Regularly Scheduled Meeting Date: December 8th, 2014 @ 7:00 p.m.

Other Business

Lights for the skateboard park. Selectman Snow said he has a donation from Frank Reczkowski, a light pole for the park. This would imply that the \$2,400 that was necessary to put in the lights for at the skate board park would be reduced significantly. They can't do anything until next year anyway, but it can bring the number down. He'll bring this to the Board for the next meeting. He would ask the Board if they can move forward with the project so it gets done. Selectman Soares asked if there would be a monthly service charge. They just voted no. Someone may be donating it but they would be adding another bill. Selectman Snow said when they discuss it then she can say they don't want to spend the \$16.00 month. Selectman Soares said the Board discussed this last time and they said no. Selectman Snow said they discussed spending \$2,400 last time. They didn't say they weren't going to do this. Selectman Chivers asked Selectman Snow if they ever discussed the merit of lighting the park every night for 12 months a year. He thought they should be discussing that. The kids might be using it until 10:00 p.m. in the summer, so they are going to be lighting the park in January, February and March. There won't be any kids over there when there is snow. Selectman Snow said they are paying for a significant number of lights in town and this would be one more. Selectman Chivers said he didn't want another light that they don't need. Selectman Snow said that was his opinion which he respects but it is not his opinion. Selectman Soares said why he doesn't ask every tax payer in town if they want to light the skateboard park. Why doesn't he put in a warrant article? Chairman Robie asked what Selectman Snow proposal was. Selectman Snow said Frank said he can get a pole in there and run the wires from that pole to the PSNH pole. He will call PSNH and find out how much it will cost. He is asking the Board to pull his building permit and encumber the money at the end of the year. Chairman Robie suggested if they have a pole and a wire why can't we put our own light on there with a switch. Then they could turn the light on and off like at the skating pond. Selectman Snow said they could do that. They could run the feed off of the salt shed meter and pay the use of the lights. It would probably be more expensive. He questioned who would turn the light on and off. The purpose of the lights was twofold. One was the kids would be able to skateboard a little longer and the other was protection. The light would be on all of the time. He said they have it for the basketball court why can't they have it for the skateboard park. Its part of the things we do to support the town. Chairman Robie asked if he wanted a motion so he can put the pole in. Selectman Snow said it won't be done until next year. Selectman Chivers asked what the purpose of this discussion was then. Selectman Snow said he was telling the Board that he was going to bring them a number that is less than \$2,400 at the next meeting, ask to encumber the money, and ask to pull a building permit. Selectman Chivers said he would like him to consider putting a switch on it and run the feed off a wire we are being billed for. Selectman Snow said between now and March they can discuss what the higher cost would be. Chairman Robie said if they do this themselves with a donation it will cost them nothing except for a little electricity from what is already there. Selectman Snow said he didn't know what cost would be.

Selectman Soares's possible resignation. Selectman Snow said he heard she is considering the possibility of resigning. Selectman Soares said she was moving in February or March. Selectman Snow asked when she planned on resigning. Selectman Soares said she would let him know. Selectman Snow said the reason he was asking is that she should try to do it prior to the time that people would have the opportunity to have the Board put on the vote, so they could vote for someone opposed to appointing someone at whatever point in time. Selectman Soares said she would take his recommendation under advisement when the time comes.

Closure update. Selectman Snow said he brought before the Board an email two weeks ago with the suggestion that they should look at the possibility that the appropriation for the closure is not valid. They should ask town counsel how he is going to respond to that if DRA were to find out at this point in time that this is an invalid appropriation. He listened to what Chairman Robie had to say and he got a copy of Atty. Mayer's email and in the email he started out with the statement that they appropriated money. It is apparent to him that they did not properly appropriate the money that is in there in the closure line. If this is true then DRA would have rejected that appropriation. DRA did not reject it and looking back at the minutes he would understand. They might have thought it was a little flakey and no one complained. His suggestion is if they are at the point where they are going to be asking DRA to allow us to overspend the bottom line or they have to go to the courts for an emergency appropriation. How do they address the possibility that someone will bring up they shouldn't have had the appropriation in the first place, therefore you never should have expended from it. Chairman Robie thought it was all misconstrued. Selectman Snow replied he didn't think Atty. Mayer was looking at what he sent in that email. It is clear in his mind that this appropriation was a new purpose. You cannot create a new purpose at the town meeting. Chairman Robie said on that note maybe they categorized that appropriation on the wrong line in the solid waste recycling center budget. If that is the case they will take it out of one line and put it in another one. Selectman Snow said they have already created a line that they are already spending money against. This was not contained in the warrant. Chairman Robie said they only did that for our own personal use, like we discussed the other day about not reconciling the accounts until the end of the year so we know what we spent the money on. Selectman Snow said he sent the email to town council to see if we were going to be in a bind. Chairman Robie said they are not going to be in a bind. The taxpayers in Candia are going to be thankful for whatever we did to get the closure completed. He will take responsibility if they did something wrong.

Perpetual Care interest. Selectman DePuy said he went to the Trustee of the Trust Funds meeting. In regards to perpetual care the Selectmen voted a certain amount for one year and additional amounts for other years which were calculated with the same formula. He has the calculations that he submitted to the Trustee and he is going to leave one in each of the Selectmen's trays. The question is can they go back those additional years and that is a question for the Attorney General's Office and he hasn't been able to connect. Selectman Chivers asked if the Trustees will use this formula in subsequent years. Will they need to go through this every year? Selectman DePuy said they are taking it under advisement. He didn't know if they were excepting of the methodology or not, but they were appreciative of the Board responding to present a methodology in support of the request for funds. Selectman Snow said they should be

presenting a voucher to the Trustees at the beginning of each year that is equivalent to all of the income that was received for the prior year. This becomes anticipated revenue.

School Board member Nicole LaFlamme said wanted to briefly share with the Board enrollment trends in the Candia School. They are alarming and they are declining at a very great rate. It is a big concern. This is not something the school can fix by themselves. She wanted to go to each of the boards in town to share the data with them. She was glad to hear them speak of development. They can come together as a community to encourage young families to move into town. They have an amazing K-8 school. They have to come together as a community and make a decision on whether they are going to save the school or not. Chairman Robie asked if she saw Jack Munn's presentation. This was presented to the Planning Board about a month ago. There is a concern in the community. They need to look at some certain things. This would have been a good opportunity for the Planning Board to have another meeting in November. It was disappointing to see a cancellation come through. They need to plan and they need to do something about this. Ms. LaFlamme said she has the enrollment numbers if they would like to see them. She suggested getting a few people in the community together to form a board or committee. Chairman Robie said the Planning Board needs to take the ball and move it forward. They need to open the master plan and start a vision. Everyone has to work together. Citizen Becky Sarra asked how do we encourage businesses to come to us. Chairman Robie said they have to open up the regulation so they are not discouraged to come. There was some further discussion about the regulations.

Selectman Snow moved to adjourn 8:53 p.m. Seconded by Selectman DePuy. All were in favor.