

~~Unapproved~~**APPROVED**  
**Candia's Selectmen's Public Meeting Minutes**  
**February 15<sup>th</sup>, 2017**

**Attendance:** Chairman Boyd Chivers, Vice-Chair Susan Young, Selectman Russ Dann, Selectman Mark Laliberte, Selectman Komisarek, and Administrative Assistant Andria Hansen.

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

**Atty. Gage and Richard Matthews to discuss Aunt Mary Brook Road with the Board.**

Chairman Chivers explained the first item on the agenda requires him to recuse himself. It is a continuation of a case this Board heard at their last meeting and it was previously heard by the ZBA on which he sat. Selectman Young thanked Atty. Gage and Mr. Matthews for coming back. She noted that Selectman Komisarek is joining them and he was been brought up to date. They have also consulted with the Town Attorney. She would like to make a comment and then she would like to make a motion. She stated her comment first "I'm making this comment as an individual Selectman and my words are not representing the entire Board in any way, shape or form. Mr. Matthews, I'm personally sympathetic to your request from what I understand there are quite a few landowners in the Town of Candia that are in the same situation you are in. As we are all aware rules are rules, statutes are statutes, and zoning and building regulations are zoning and building regulations until they are updated, changed or abolished by community input and vote." She would like to make a motion. *Selectman Young motioned due to the current existing zoning and building regulations in the Town of Candia and consultation with the Town Attorney she moved to deny tax map 409-068 the request for a special exception, intent to build a single family home on a discontinued road in a residential district. Seconded by Selectman Laliberte.* Selectman Young asked if there was any discussion. Atty. Gage said the Board received an opinion on this and was it based on the RSA's or on the Town Ordinances. Selectman Young believed both were inaccurate. She introduced him to the Town Attorney Michael Courtney. Atty. Gage said it was cited at the last meeting that RSA 674:40 that the town didn't have the power to grant a building permit. He went back and looked at it and right in the middle of it, it actually says subsection 2 "for the purposes of this section the word street shall not mean or include a discontinued highway". The previous paragraph was cited as the reason the Board didn't have the power to grant it, he thought it was nullified by that subsection. Selectman Young said the town voted to reaffirm and supported the road as discontinued, not only in 1872 but in 1977. Therefore it fails to fall within the provisions of RSA 674:40. Because they reaffirmed it, it still makes it a discontinued road so that argument isn't effective for this. Atty. Gage thought they were back to where they left off at the last month, because they never said it wasn't discontinued but according to his reading of RSA 674:40 he would like to know in the record why subsection 2 wouldn't apply. Subsection 2 specifically takes discontinued highways out of that section. Atty. Courtney said there were two Supreme Court cases; Garrison vs. Dunbarton (1987) and Forest Management, LLC vs. Henniker. In both of those cases the property owner had argued that 1876 and 1895 the Towns had voted to discontinue road. The property owner had claimed that it was a Class 6 now or a private road, because back in that time they didn't have Class 6 roads. The Supreme Court has said clearly if you discontinue a road before 1903 it means it is fully discontinued and you don't get Class 6

status and you don't get private road status. So when you have a road in 1872 that is discontinued, it is not a Class 6 road and it is not a private road. The Town Meeting in 1977 made a motion to reaffirm that it's discontinued. So RSA 674:41 would not apply to this case, because the vote was in 1872 and the Town didn't have the power in 1872 to have a lower class status of discontinued for a Class 6 or private road and that's the Supreme Court's opinion. Atty. Gage clarified the basis for the Town Attorney's recommendation is based on the discontinuance in 1872 not on RSA 674:40 necessarily. Atty. Courtney said the Supreme Court has litigants 674:41 and this was directly on point the vote in 1872 wasn't to make it a Class 6 or a private road the goal was to discontinue the road and the Town did have the power until 1903. The Supreme Court has been pretty clear on that. They are talking about a road from 1872 it's amazing the Supreme Court has given us guidance as to that. He gave Atty. Gage the court case information. The first one is Forest Management vs. Town of Henniker 162 NH 141 and the other court case is Grossman vs. Town of Dunbarton 118 NH 519. Atty. Gage asked the Board in the preparation of this did they look at the Town's history of granting building permits on discontinued roads in town. Atty. Courtney believed the Road Agent spoke to that issue at the last meeting. Mr. Matthews said when he bought the land he was issued a building permit from the Town of Candia. This is the only reason he bought the land and nothing has changed since then other than there has been another house has been added. It's a shared driveway and there are two houses on the road now. All he is asking for is a renewal (of his building permit). He has his life savings tied up in that property. He has \$100,000 on the table right now and that is his life savings. He bought in good faith with that building permit and he never thought someone was going to pull the rug out from me and steal it from me. This is exactly what is going on and how can take a loss like that, he can't. Selectman Young believed that he needed to go back and address the ZBA at this point. Selectman Laliberte clarified pending this vote. Atty. Gage asked when you saying pending is the Board going to vote now or should Mr. Matthews go back to the ZBA. Selectman Young said the Board will vote now. She asked if everyone understood the motion and she read it again. *She called for a vote. All were in favor.* Selectman Young thanked Atty. Gage and Mr. Matthews for attending the meeting.

**Selectman Young to discuss Board Communications.** Selectman Young noted in December she went before the Selectmen and asked that the Towns employees get a 2% increase to cover insurance costs and stuff like that. That motion failed with her and Selectman Dann in favor and the other three Selectmen voting against it. She then went on to ask the Budget Committee to do the same thing and they have never had this happen before. It failed at that level also. Right after she did that she consulted an attorney about what she had done because she thought that she might have broken the rules or the law. When giving the information to the attorney I also shared that Chairman Chivers had called at least two other members of the Select Board telling them what she was going to present at a meeting. She found that out accidentally and she was told that it was illegal to do. She didn't know if Chairman Chivers wanted to respond to that or what his response is as far as that is concerned. Normally items like this would be discussed in a non public meeting but this concerns the Board members themselves, so they are supposed to do it in a public session. She thought maybe the other people involved can comment on that. Chairman Chivers asked Selectman Young to site the law that prohibits him from talking to another Selectman individually. He knows they can't discuss these things collectively. Selectman Young said she just has a legal opinion, but she could get an RSA. From what she understood, what she did might have been questionable as far as a protocol, because if Chairman

Chivers had selected not to do it and she went on. It is not against the law and it's not a breach of protocol, it's called expected protocol. It might be expected protocol that she would vote and present something exactly the way the Board wanted him to. It is not a breach of protocol. She said to the attorney that it was probably poor judgment and he told her no she had every right to do that. What isn't legal is to call Selectmen whether it is in a group or one or more prior to a meeting where another Selectman is proposing something. It is called a spoke and hub and it is a violation of the right to know law. There was a case sited in Sandwich and you can't set up a meeting before the meeting, so she just wanted some input as to why Chairman Chivers did that. Chairman Chivers said he would accept that criticism on this and he will refrain from doing that in the future. She said what they need to do when they are communicating that they are not doing things illegally, if something is being proposed by one or more of them it is being done in a public meeting. /There are very few exceptions when they have a non public meeting, it might be attorney client negotiations and there are three or four categories under this, but you are not allowed to do that. This covers her Board communications and she won't go on to give her opinion about everything else. Selectman Komisarek said he would like to comment on this. Selectman Young said she would love to hear feedback. She mentioned the Budget Hearing and the Chairman would leave go out into the hall for five or ten minutes and then a couple of Selectmen would come back in. She thought to herself what is going on here. Selectman Komisarek thought the essence of what was happening at that Budget Committee meeting was as a citizen she had every right to do what she did. When she went to the Budget Committee she was representing the Board of Selectmen. Selectman Young said she told them she was not representing the Board of Selectmen and she was very clear. She even told them the Selectmen had not approved it and she and Selectman Dann were the only two that approved it and the other three voted against it. Selectman Komisarek clarified that she was doing it as a resident. Selectman Young said she was doing it as a Budget Committee member not as a Selectmen's Representative. She made it very clear about what happened prior to that and she didn't lie about it or sugar-coat it she told them exactly what happened. This is why afterwards it had never happened before at least in Candia. The next day she called an attorney and told him what she did and then she went on to give some other details and said the Chair had called other Selectmen. The attorney said that was illegal. She said then how can these things be going on and she was urged by the attorney to sue the town. The attorney said the only way to stop these things from going on is to sue the town. She said she was not going to do that, because it is her tax dollars too. This has to stop and the people involved know who they are. Chairman Chivers asked as our representative to the Budget Committee didn't she feel the obligation to present our views to the Budget Committee. Selectman Young said she did and she told them what she was presenting was not from the Board of Selectmen and it was not supported by them. Chairman Chivers asked didn't she feel a higher obligation to represent our views opposed to representing her own views. Selectman Young said she represented the Board views and she said it was not represented by the Board on a vote of 3 to 2. Chairman Chivers said she advocated a different position than this Board took before the Budget Committee. Selectman Young said she made that clear. There were no backdoor things. Chairman Chivers said didn't you think this was a violation of her duty to this Board. Selectman Young said it was actually not that is why she called the attorney she was afraid she had done something wrong, this is why she got professional advice. What she wasn't against the law, what he did was. Chairman Chivers said it seems to him when they have a representative from this Board go to the Budget Committee that person has a duty to advocate for the position that was formally taken by this Board.

Selectman Young said she did tell them that and she made it perfectly clear. Chairman Chivers said she did not and she advocated for a raise for the Town employees after this Board rejected it. Selectman Komisarek said she has the right to do that as long as she discloses it and says she wants to be heard as a private resident. Selectman Young said she didn't know about the illegal activity at the time. Chairman Chivers said at that particular moment we had no representation on the Budget Committee. You were then representing yourself as a private individual and that left this Board without a representative on that Committee. Selectman Young said you can spin whatever you want whatever way you want, I'm saying what I did was not illegal what you did was. She accepted his apology and she knew it wouldn't happen again. Selectman Komisarek said as he sat there and listen to Selectman Young make her argument and then when the \$15,000 engineering discussion came up, at that point Chairman Chivers should have said he was speaking as a private resident. You stated at that meeting that the Board of Selectmen did not support that which they clearly as a Board all supported doing that warrant article. So with the same token with Sue disclosing she was a private resident, you should have disclosed that as well. That was his personal view and he told him they had a vote on that and you were adamant the Board didn't support it. He felt the same thing towards Chairman Chivers that he was feeling towards Sue. He was thinking there was a double standard going on here. Chairman Chivers said he didn't know how he could say the Board sat out there and didn't support it when they did. Selectman Komisarek said that's why it is perplexing him. If you go back and read those minutes you'll see. Selectman Young said you can hear the audio on the web as well. Selectman Komisarek thought all of them have to be distinguished when they are acting as a private citizen and when they are acting as a public servant. Selectman Dann said he has run into the same situation, when you are a citizen you are not representing the Board and people take it whatever way they want it at that point

**Selectman Young to discuss possibly hiring an HR consultant.** Selectman Young said when she brought up giving the Town employees a raise she feared they would get into June and nothing would be done. They are quickly moving into March and nothing is being done. She doesn't have the time or the expertise to do any type of hiring. She mentioned that Administrative Assistant Hansen suggested that she call NHMA which she did do and they gave her the name of the company that can handle that. She also did speak to resident Joyce Bedard at the School Meeting about possibly getting some input from her. There is also another lady in Town that may be able to help us out or give us some guidance. She could take this on, but she'll be honest she is leaving in a couple of weeks for vacation. Selectman Laliberte said he would be happy to handle this he and he has had some conversations with Accounting/Payroll Clerk Becker and she is interested in seeing this happen. He felt this is around the time they should be doing this. He is glad that Selectman Young has brought it up. He will work with the office over the coming weeks. He has been the one saying this is why they should have this person, so they can address the salary issue. Selectman Young said she would sent the information to the office and Selectman Laliberte.

Department:

### **Department Reports:**

**Fire:** Selectman Dann read from the attached report. He thanked Fire Chief Young for getting this information to us for the meeting.

**Police:** Chairman Chivers explained that Chief McGillen is not here. The department has an incident in progress. He proceeded to read from the attached report.

**Highway:** Road Agent Lewis read from the attached report.

**Parks & Rec:** No report.

**Building:** Building Inspector Murray read from the attached report.

**Solid Waste:** Selectman Dann read from the attached report. He noted the Recycling Center disposed of 490 tons of C&D debris. With that hauler that recycling goes to a facility where 86% of that is recycled. Even though it is in those dumpsters on that hill 86% of that gets recycled not by us but where it is hauled to. The recycling center processed 1,251 tons of waste in 2017. The total revenue was \$49,360.95. It is something that stands out a little bit. He mentioned they started charging for television monitors half way through the year which brought in revenues of \$2,680. They haul less frequently because of that. Selectman Dann mentioned that the Recycling & Energy Committee worked very hard on a brochure that they want to put in the Scout Packet, so every household gets it. It is also a reference they can hand out to new residents. This is more in depth. He gave all of the Selectmen a copy. The Committee worked hard on this. They would like to put this in the swap shop. He would like to get authorization from the Board to put this in the Scout packets. He didn't know if he needed a motion to have this printed. *Selectman Dann moved to have the brochure printed. Seconded by Selectman Young.* Selectman Laliberte asked what line item or how is it getting paid for. Chairman Chivers said out of the Solid Waste budget. Selectman Dann said they are going to print 2,000. It should also go to every new resident in town. He mentioned that someone was working on welcoming package. He felt this could be added to it. Selectman Laliberte said if they have a PDF they could put in on the website too. Selectman Young said the Recycling & Energy Committee deserve a lot of credit. It's through and its small and the colors look good. It was very impressive to see. Chairman Chivers called for a vote. *All were in favor. Motion carried.* Selectman Young thanked the Recycling & Energy Committee for doing this. Selectman Dann said that the pipe froze down at the Recycling Center this weekend. He has asked Building Inspector Murray to work with him. He would like to see the plans of that building to see what's what, why and what needs to be done. He noted they had the building insulated this year and something else that is happening there. He noted they put the heater in where all of the electrical is and it thawed out. They caught it so it wasn't sitting there for a number of days. They have to do a little more research on that and they can go from there. He wanted to let the Board know that is what happened.

**Budget:** Selectman Young announced the next Budget Committee meeting is March 8<sup>th</sup>.

**Selectman Dann to discuss holding an open house at the Smyth Memorial Building.** Selectman Dann said the Smyth Memorial Library is on the Historical Registry. It is owned by the citizens of Candia. It is their building and how many on this Select Board has toured the building in the last three years. It was noted that all of the Select Board members have toured it. He asked how many of the audience have toured that building in the last three years. There were

two people from the audience that have toured the building. These are people that are involved and it is important, he wants to see more people involved. Years after the building was abandoned the Select Boards did nothing and let this building show its age. The Heritage Commission was involved in recommending its restoration along with some of the Board members. Trustees were formed to have improvements made to protect that building and like the Budget Committee recommended it was very important to protect that building from outside elements. This is what the Trustees have been doing they have three more upper windows to do. They've taken care of the backroom which was in total disarray and downstairs was taken care of. There have been a lot of improvements to that building and they should be commended for it. He noted why he has shown so much interest in this building and he would like it used. This is what it all boils down to. Last spring at the 2016 Candia Profile event they had about 100 people interested in this building, they came forward and spent a number of days and it came out they were interested in this building. His personal feeling is they need to get people interested in this building. People move to Candia and are not aware of this beautiful building. East Derry has a typical building just like ours called the Taylor Library. Derry has built a new library and East Derry has taken so much pride and fought Derry to keep that smaller library open. If you go in there it is a typical Smyth Building. They are using every nook and cranny and they don't have handicap accessibility and they are still using that building as a public library. He would like to see how they can get Candia to show that type of pride in this building. This is one of the historical buildings Candia owns. He is not in favor of waiting 10 years to have this come up to be used. He was told the other night this facility (Town Hall) is getting very crowded. This maybe some town office use should be used. If this is the case and it is getting crowded now what is it in 10 years. They have to be making some type of plans before that. This is where he is coming from. He wanted sponsors to have an open house; basically what he was looking for is in the month of March on a Saturday or a Sunday. They would have an open house from 1 pm to 4 pm. He has some volunteers that would work with him and he is not asking anybody Select Board, Trustees, or Heritage Commission, if anybody wants to volunteer than fine. The reason he is talking about it at this time is the best contact they have to homeowners in this town is the Scout package. They are going to turn around and send a flyer to all 1,400 people. Will they participate who knows? He has told and they have had other open houses. He noted this was presented to the Trustees last evening. The Trustees were not in favor of his proposal. He presented it all to the Heritage Commission as well. Basically, they said they would like to see this building used. He is asking if this Board has any recommendations. He has told them about the time frame he has. He has talked to different people that would volunteer to make this successful. People can say we've done this before and no one showed up then. What comes to him is Lights on the High and people came and praised this building. This is all he wants, is for people to see and enjoy this building. If they get more people involved they might come forward with some ideas. Everyone is stymied on what to do with this building. There are people that have money that would like to donate to something and they don't even know this building exists. This is hypothetical but it would be great, they would take any donations. Until you get it to people this is where he is at. He has spoken his peace and does the Board have any thoughts on it. Chairman Chivers asked Selectman Dann if he presented this to the Smyth Memorial Building Trustees last evening. Selectman Dann said he did. Chairman Chivers asked if they supported this. Selectman Dann said they did not support it. Chairman Chivers asked what it would say to those Trustees if this Board adopted your idea. We appointed this people to be our delegates of that building and he thought they owed deference to their judgment. They would

have a hard time supporting your idea while ignoring what the Smyth Trustees feel about this. Selectman Dann said he told the Board he has nothing against the Trustees of this building he tired to inform the Board what they have done. He read from the Articles of Organizations "To make this building assessable to citizens of Candia as a Historic site. To investigate and recommend such future uses of this building as may be appropriate, commensurate with its historical character." He is not circumventing this. Number one they are designed to be asked to do this which they are doing a very good job but there are people that do not know it. What he is saying is let people see and know what it is. It is town property and it is the Select Boards responsibility it's for any piece of town property. He wanted this in some type of discussion and that is why he is brining it this evening it is up to the Board. He was told this isn't politically correct; I'm not on this Board to be politically correct he is on the Board to move it. They hopefully have the stuff to move exit 3 which has sat for how long which previous Boards have let go. This is the way he looks at it. If they decided to do something it is going to take time to do it. Selectman Laliberte said as he is listening to this on one hand it is an open house and it is never a bad thing to have an open house. At the same time they do have a group and he feels it should come from them. If they ask for our help in that, just like the Heritage Commission has asked for help with the town wide clean up, they are more than happy to provide it and assist them. If they basically said no we don't want your help and they are going to do it on our own then at some point we say no it is their purview or we say lets revisit the issue at some other time. He would like to hear why they wouldn't want to have an open house, but he is in agreement we've given this group the deference to do what needs to be done. Selectman Dann said no not by their charter. Smyth Memorial Building Trustee Carla Penfield said she would speak to this but she would like to remind this Board that this is probably the third time this year that she has been there having to speak about this building. She is wondering if they hear her at all when she comes or if they hear anything that she has to say. You turned this building over to the Board of Trustees. The people voted on having this Board of Trustees, the Select Board didn't want to do it. You gave it to us to do and we have been working hard for three years. Two years prior to Mr. Dann discovering us and starting to come to our meetings. You can look at the budget every year and you can see the amount of work we get done for the little amount of money you give us. They get twice as much done for the money you give us as anyone else would. They have an open house three times every summer in conjunction with the museum. The museum has an open house once a month all summer long. The Trustees put their sign out and they get someone to man the building and they don't get anybody. They might get two people. They do get people in with Lights on the Hill. That is a very large party and it is organized by the Congregational Church and they use our building. They do get a lot of people through there for that. They let library use their building for the book sale. She thought Mr. Dann showed up at our meeting and asked them to do something they didn't have time to consider and they have five open houses every year. Selectman Laliberte said that is why he asked. Selectman Dann said well they aren't successful. He is concentrating on getting to every household in town. There aren't many people that drive past that in town. They can debate this, but why can't they try something different. He praised the Trustees for what they are doing, he isn't taking anything away. It is a town building and they have the right to what that can be used for. Selectman Young suggested sending something out showing the five dates they have. They could show them some support that way. They already have one in conjunction with Fitts how about they send out a flyer doing that and also urging people to vote for the warrant article. Selectman Dann said he is really trying to concentrate on the uniqueness of the building. The

other factor is the Heritage Committee would be selling their books there. They are talking about this being more Candia. This is what he wants he wants the pride and to talk to the people one on one. If they have two people come and they have an idea that can be brought back to the Trustees. If you have 100 people come you might have five ideas. What he is trying to say is let's find some ideas for this building and not wait another 10 years. Selectman Komisarek said when he looks at these articles and sees "To perpetually reassess uses of the building that would benefit the Town of Candia." He got thinking about this and it is a great building, no water and no sewer so they are in this holding pattern. If it was used at some point by the Town of Candia, it seems at some point in time that building would be used by the town for some purpose. Can the building be used for that purpose based on the whole access issue? Can we use it as a functioning space for town employees? If we can might Mr. Dann can champion a new warrant article that articulates a plan to the people of Candia. He question if they would be insulting the Trustees. He understands what Selectman Dann and he's had conversation with Smyth Memorial Building Trustee Carla Penfield. They are going to keep it in good shape, but at some point the time is going to come. It could be five or ten years. As a Board can they address the Trustees and say maybe we can take another stab at this. It's a town property and they aren't going to sell it and they aren't going to just keep heating it for another 100 years. They are going to utilize the property and put a time frame on it. They would have to allocate the money and understand you need water and sewer and the whole thing will cost "x" amount of dollars. What Trustees could do is recommend that again and put it to the people. He thought they should have a process for communicating back and forth with the Trustees. Maybe it is time to take another stab and try to do something. Selectman Dann said if you go through all of this and you do a warrant article you've got to market the idea. What he is trying to start here is market the idea of this historical building and people can see what it is. It is very inexpensive to get this out to the 1,400 households. He had talked to the 8<sup>th</sup> Grade and they would be willing to hold a bake sale there. Now you are getting the parents of the 8<sup>th</sup> Graders and hopefully other people. They are trying to reach out to more people. If they had the groups he had talked about now you are supporting all of these three – the Heritage Commission, the Selectmen and the Trustees. It's like when they voted on a warrant article 5 to 0. People know that they are all working in unison. This is what he is looking for. Selectman Komisarek said he personally doesn't object to an open house. He also hears what the other members of the Board are saying. They have a situation right now where the Trustees are running it. It seems to him that they have the Trustees with the standard mode of operation and Selectman Dann is saying maybe we can nudge this a little bit. Can they agree to have some further discussion and we can relay it to the Trustees? Selectman Young said they should have started with the Budget Committee because they cut money out of their line. There were only two of us that supported the warrant article. She thought that might have been a good place to start. They aren't even supporting the financial backing. Selectman Dann said he wants positive things out there. Trustee Carla Penfield said they need a well, a septic system, and a bathroom which is about \$50,000. The Budget Committee turned us down for \$3,500 to put in our Capital Reserve Fund. The Capital Reserve Fund would be to set money aside that the town would bear until such time they could pay for a well, septic system and a bathroom. First you have a Board of Trustees which you appointed. If you have no faith in us, fire us and take it back. They have worked and they have open houses. They are asking for money and our budget is cut. We have a divided situation here where we have a certain group of people who do not want to fund the building at all. Then you have Mr. Dann and a certain group of people who want to use the building. They are in the middle they are



trying to assess thing and move slowly forward. They continue to make their renovations and continue to make our improvements and continue to try and build the Capital Reserve Fund. They agree they want the building used but it is a matter of time. She noted that Mr. Robie has been dealing with this longer than the Board of Trustees. He was dealing with it when the Selectmen took it over. Resident Judy Szot wanted to remind people that this town spent thousands of dollars getting a historical architect to design changes to that building. There was considerable marketing and meetings. They tried to sell this building and try to get \$150,000 to finish this building. The town said flatly "no". The historical architect cost \$25,000 to \$30,000 just to draw up plans, marketing it, and informing people what was happening. The Town said no. She felt that Selectman Dann makes the assumption that when you put that packet together that people actually read the things in the packet. There are a lot of people that take paper to start a fire in their wood stove and don't even look at it. You are talking about several hundred dollars to print that stuff up and you are assuming people are going to read them and act favorably. They didn't act favorably when they had professional help and professionals doing this in addition to all kinds of meetings. They are back to the Select Board didn't want to do this and they have Trustees and if you don't want them to do it get rid of them. Selectman Dann said he is not eliminating Trustees. Resident Judy Szot disagreed with him. Resident Linda Bergeron asked what the town was paying to heat that building over the last twelve years and could they have taken that money to have done something productive. Trustee Carleton Robie said it was \$1,000 per year. He noted what Judy Szot just said is 100% correct. The Heritage Committee worked very diligently planning this and working on grants and it went to town meeting and it was defeated. The main reason it was defeated was because the Town of Candia didn't have a use for it. This is the same thing today; there is no use for it. They are working on the Master Plan and they are working on the village district and that building ought to be included in that. When they have a plan and you have a number on how much it is going to cost to do it, you come to the Trustees they'll say sure let's do it. The people aren't going to get behind it 100% until they know what they are going to use it for. If they build our community a little bit, which they need to in his opinion they are going to need some space. In the time being the people of Candia voted to install a Board of Trustees up there to take that responsibility off of the Selectmen's hands because the Selectmen rotate often and it is hard to get anybody that is interested in that building. You have five Trustees that are interested in doing the job, maintaining the building and looking for a use and one comes along they will be more than willing to apply it immediately, but until it is in the plan and there is a use it is going to keep going like it is. Chairman Chivers thought it was an excellent summary and they ought to leave it at that. Selectman Dann replied no and he was cut off the other night he was speaking. He has not asked them to do anything different. They are Trustees and it is still our property and it is our responsibility as a Board. Having an open house doesn't change anything else; it just educates people about the building. Everybody is trying to read something else into it; this is just to educate the people. Selectman Young brought up the idea that you could talk about the warrant article and educate people beforehand. He is trying to get to 1,400 people for a couple of hundred dollars. This is what he is trying to do. Chairman Chivers said that Selectman Young had a pretty good compromise. Why don't they write something up and get the dates where they are already going to have an open house and circulate the flyer. Selectman Dann said you are diluting what he is trying to accomplish which is to talk about the Memorial Building. In the summer it has been brought up and in the summer people have other things to do. They don't want to come in on a Saturday and a sign just out front saying we're open. What about all of the

people that travel down Route 43. They may never see the sign and don't know that it is open. Selectman Laliberte said he was going to wrap it up on this. Their biggest open house is Lights on the Hill and the second biggest is the book fair that is in October. Out of the five there are two that are well attended and people get to see the building and the architecture. Most people who have lived in town more than a year have heard of this building. If they want to see it they'll see it. There are people who have lived here for 45 years that have little interest in what happens to that building. They may think that everybody should have this incredible interest in what happens to that building, we care about this building but a lot of people in this town are laissez faire about it. He didn't think a flyer was going to change that and didn't think a flyer with all of those dates is going to bring more than a couple of people to those open houses. At this moment he is comfortable where the status is right now and going forward they should have more discussions. They do have the Master Plan; they do have willingness for people on this Committee and on the Master Plan Committee to figure out what to do with that with its future. Hearing from Mr. Robie was very good regarding that. He reiterated that he is very comfortable with the way things stand right now and the five open houses. Selectman Dann said all he can say is that previous Boards have done is push it down the road. Selectman Young said they need money for a bathroom. Selectman Dann said he was not talking about that, he's talking about letting people see the building. Get the people to have pride in it. Selectman Young asked if it was accurate to assume one or more people on the Trustees would be more than willing to show people around that building who wanted to. Is that accurate? Trustee Carla Penfield replied they have people in and out. The Heritage Commission meets there and the Trustees meet there. They also have those five events and they are open for Old Home Day too. She thought Mr. Robie counted two people that came up to the building on Old Home Day. Selectman Young said if she wanted to bring a group she could probably get a Trustee that would open the door for me. Trustee Penfield said give them a call, they'll turn the heat up and put the lights on. Selectman Komisarek didn't want Selectman Dann to think that no one is hearing what he is saying, but the Board is in the position that they have Trustees and they are doing their thing. They know he has interests and they respect that but they have Trustees and they have to respect them too. Selectman Dann said he is trying to give another avenue to make the building accessible. Chairman Chivers asked Selectman Dann if he would like the Board to make a motion on this. Selectman Dann said he would and he would like to have an open house. *Selectman Dann moved to have an open house at the Smyth Memorial Building and send out a flyer in the Boy Scout packet. Seconded by Selectman Komisarek. Selectman Young admired that Selectman Dann wanting to help that building out, but she was not sure if this was going to alienate or help the cause. Selectman Dann and Selectman Komisarek were in favor. Chairman Chivers, Selectman Young, Selectman Laliberte were opposed. Motion failed on a vote of 3 opposed and 2 in favor.*

**The Board to approve Block 5 IT contract.** Chairman Chivers noted the Block 5 contract was due for renewal. He doesn't have the authority to sign this on his own. It is \$1,925 per month for their services. Selectman Laliberte thought there was a big jump between 2018 and 2019 and he is concerned about it. Chairman Chivers noted they aren't signing up for 2018 and 2019 right now. Selectman Laliberte thought he wanted them to sign up for a three year. It was noted they have never had a contract. Selectman Young noted it was \$1,359 for 2013 and \$1,487 in 2016 which is almost 10%. Then it went up to \$1,925 which is a \$500 jump. She questioned why the big jump. She asked if they ever go out to bid on this or do they look at other alternatives. She

wasn't sure if this company can work with the State, so when they talk about getting that second window open they can do that or is it at the \$200 per hour. Chairman Chivers asked if she wanted them to shop this out. Selectman Young said she didn't know it says in the contract to discuss a three year schedule to gradually increase prices from \$1,925. She didn't see that scheduled. Selectman Laliberte noted it goes from \$1,925 per month, to \$2,263 (2018), to \$2,600 (2019). He said when he spoke with Accounting/Payroll Clerk Becker she told him this is more in line with some of his other municipal clients. She also told him that we were one of his earlier clients and he might not have understood the billing. He felt that was caveat emptor and maybe Block 5 feels they need to make it up down the line. The problem is these numbers seem pretty steep. They are looking \$23,000 for 2017; \$27,164 for 2018 and \$31,220 in 2019. Each year there is a bump up of about \$4,000. Chairman Chivers noted this is a service contract and there is no product involved. This is the monthly fee. Selectman Laliberte said even if the number did go up he would like the consistency for the three years. Chairman Chivers asked if it was the consensus of this Board to negotiate this with Block 5. Selectman Laliberte said or shop around. It was noted that Block 5 was willing to negotiate and come in and speak with the Selectmen. Selectman Young asked Town Clerk Dupere if they could tie in a second window. Town Clerk Dupere said she needed more RAM. Selectman Laliberte asked if it would be cheaper to buy a new computer instead of installing the RAM. Town Clerk Dupere said she was told it would cost less than \$100 to install the RAM. Chairman Chivers said he would get in touch with Block 5.

**Fire Chief Young to explain grant.** Chairman Chivers noted that the Fire Department was awarded a \$6,000 grant and there was a contract that needed to be signed. Fire Chief Young clarified the Town of Candia was awarded the grant. Chairman Chivers asked Fire Chief Young to explain what they are buying with that. Fire Chief Young said now a day's no one knows when there is going to be an active shooter in a school. They were going to do a scenario at the school of having an active shooter in the school. Obviously the police are going to be the first in, but they found that EMS providers will have to go in probably sooner than they would like to. If they wait for a place to be completely secured people are going to die. This is very broad and it he hopes it never happens anywhere in the United States again but it is something they have been talking about. There are grants out there. The EMS providers would follow the police in to help extricate wounded people. So they need to have vests and helmets. He noted Chief McGillen knows about this too. He reiterated it is the Town of Candia's grant. Chairman Chivers said it says EMS warm zone equipment and it has nothing to do with temperature. Fire Chief Young explained the hot zone area would be someone who is armed. The warm zone is where you might have victims you need to extricate. This is just protective gear. Our fire stuff wouldn't protect us from that. Chairman Chivers asked if there was a motion to authorize the Chairman of this Board to sign this grant application. Selectman Laliberte moved to authorize Chairman Chivers to sign the grant application. Seconded by Selectman Young. All were in favor. Motion carried.

Selectman Young noted the Board tabled the Block 5 discussion until the next meeting. Chairman Chivers said he would report at the next meeting the results of his discussion with Block 5. Selectman Young asked if would come to the next meeting. Chairman Chivers said he would talk to him.

**The Board to approve payroll and accounts payable manifest.** Selectman Laliberte announced the grand total for accounts payable and payroll checks for February 2<sup>nd</sup>, February 9<sup>th</sup>, and February 16<sup>th</sup> was \$615,268.76. Selectman Young moved to approve the accounts payable and payroll checks for February 2<sup>nd</sup>, February 9<sup>th</sup>, and February 16<sup>th</sup> in the amount \$615,268.76. Seconded by Selectman Dann. All were in favor. Motion carried.

**The Board to approve minutes from January 23<sup>rd</sup>, 2017.** Selectman Young moved to approve the January 23<sup>rd</sup>, 2017 Selectmen's Public meeting minutes as presented. Seconded by Selectman Dann. Chairman Chivers, Selectman Young, Selectman Laliberte, Selectman Dann were in favor and Selectman Komisarek abstained. Motion carried on a vote of 4 to 1.

**Candidates Night:** Selectman Young noted that Candidates Night will be March 2<sup>nd</sup> at 6:30 pm at the Smyth Public Library.

**Road side clean up:** Selectman Dann said the Heritage Commission would like to set a date so they can send out a flyer in the Boy Scout packet. They were looking at the month of April. They are trying to get a dumpster located behind the building, so people can drop the road side trash there. They have bags that will be going out to every household and hopefully with the flyer. Selectman Laliberte said the flyer says check the Town website in early April and are they looking to do it in early April. Selectman Dann said this is tentative to go on the website and they are going to send it out in the Scout packet. From there they are going to try and keep it updated for people. Selectman Young asked if they knew when school vacation is in case the children want to get involved. It was noted that April vacation is the 24<sup>th</sup> through the 28<sup>th</sup>. Selectman Laliberte asked how many of those days will they actually have off. Moore School Administrative Assistant Becky Sarra noted it will be four days. They will be in on that Monday because of the snow days. Selectman Dann suggested April 3<sup>rd</sup> to the 29<sup>th</sup>. Chairman Chivers said they will just post it on the website. The notice says just watch the website. They can pick up all month if they want. They'll have the dumpster for the whole month. Selectman Laliberte said if they are doing the whole month of April should they local media know about it in late March/early April. He mentioned they should note at the bottom of the flyer who is paying for it. Selectman Young said isn't this a Candia clean up and shouldn't they be paying for it. Chairman Chivers asked if they have to acknowledge the Town of Candia is paying for it. They are cleaning up our own road sides. Selectman Young thought they did on anything they hand out. Selectman Laliberte thought it was good practice. Selectman Young said they could put sponsored by and then put paid for by. She didn't think they gave the Heritage Committee any money. Selectman Dann motioned to authorize the printing of this flyer. Seconded by Selectman Laliberte. All were in favor. Motion carried.

**SNHPC Transportation Grant.** Chairman Chivers said they have an opportunity now to submit an application to get on the State of New Hampshire 10 year plan for all of their road reconstruction. The problem is that \$15,000 warrant article which would show good faith on part of Candia in our interest in this project doesn't get voted on until March 14<sup>th</sup>. The application is due on March 15<sup>th</sup>. So Nate Miller at SNHPC has offered to prepare the application for us at no charge and just put in the draw and see what happens to the warrant article. If the warrant article passes he'll submit it to DOT by March 15<sup>th</sup>. What they need is permission from this Board to commission that work on that application. Selectman Komisarek

said when you look at this and you look at the opportunity this represents of the Town of Candia, they have to pay \$15,000 and the project costs approximately eight million dollars and it would be 100% paid by the State and Federal Government. Not everyone understands every warrant article. Even if the people don't vote for this they should still go forward and try to get the grant. If there has ever been something that's an opportunity. Selectman Young asked if he was looking for a vote either way to have approval. Chairman Chivers thought now would be appropriate. What they would do is authorize Nate Miller to prepare the application either way. Selectman Komisarek asked why would they want to lose a year. Chairman Chivers clarified every two years they can only get on the plan every two years. Selectman Komisarek said it is going to take a long time anyway. *Selectman Young motioned to have Nate Miller of SNHPC prepare the application and submit it either way.* Selectman Laliberte said he was not comfortable if the voters say no to submit the application. He's not opposed to it he voted for and supported it. If the voters say no and the next day we are submitting something to the Governor and Council for the 10 year plan, he didn't think that was right. It's not the process it is the procedure he is concerned about. Selectman Komisarek thought as leaders as this community, they are looking at an opportunity that has limited risk and has all of this upside. In other words this shouldn't have gone as a warrant article. As leaders they should be looking at this and asking why they are doing this. They should take the initiative and do it. It could take 20 years but at some point they have to get on the list. Chairman Chivers said the first step is preparing the applications. *Selectman Komisarek seconded Selectman Young's motion.* There was some further discussion on the application process. *Chairman Chivers called for a vote. All were in favor. Motion carried.* Resident Carleton Robie said Selectman Young motion was to prepare and submit the application either way. Selectman Komisarek said it doesn't cost us anything. It's the engineering that will cost \$15,000. Mr. Robie said it's a no brainer then and why wait until the last day.

**Warrant Article 16 flyer for Boy Scout packet:** Selectman Komisarek asked if there were any changes to the flyer. Chairman Chivers mentioned he got a legal opinion from Atty. Mayer on just his article. The town is prohibited from advocating for its own position. It can't say this flyer has been prepared or supported by the Town of Candia. A private individual can send this thing out.

**Brown Road light:** Road Agent Lewis asked he could get a copy of the correspondence between Eversource on the street light on Brown Road. This way if it comes up he'll know how to handle it. No one is going to remember this stuff and he'll still get the call. He would like to see what the correspondence was to give him permission to put up the light and that we don't get the bill. It was noted the light has been put up.

Selectman Laliberte moved to 8:37 pm. Seconded by Selectman Komisarek. All were in favor. Motion carried.