

Approved
Candia Selectmen's Public Meeting Minutes
Monday, April 24, 2006

Attendance: Chairman Clark Thyng, Vice Chair Fred Kelley, Selectman James Brennan, Selectman Tom Giffen, Selectman Richard Lazott and Secretary Dawn Chabot.

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

The Board will discuss with Solid Waste Committee (SWC) Chair Paul McHugh recent input from Town Counsel on the Profession Service Agreement from Dufresne-Henry to design a new Town Transfer Station/Recycling Center: Chairman Thyng advised that Counsel had a lengthy response to the Professional Service Agreement from Dufresne-Henry. Chairman Thyng stated he was surprised that Dufresne-Henry did not have some of the items Counsel mentioned in the agreement. SWC Chair McHugh stated it was obvious that Counsel has the Town's best interest and thought the input was valuable. SWC Chair McHugh informed he spoke with Tom Sweeney of Dufresne-Henry on the letter from Counsel and wondered if the Board would be okay with sending him a copy. Chairman Thyng advised he received a message today regarding Mr. Sweeney was requesting a copy Counsel's letter. Chairman Thyng stated in order to keep all of the Board Members informed on the Transfer Station proposal he felt it was important to discuss the correspondence as a Board first. SWC Chair McHugh informed that Mr. Sweeney offered to come to the meeting but he told him it was not necessary at this time because it was the first opportunity the Board had to discuss the correspondence. Selectman Giffen suggested attacking the correspondence paragraph by paragraph. The Board was okay with the suggestion. **"Limitation of Liability"** It was noted that Counsel found this section to be totally unacceptable. Chairman Thyng noted with the way the section was written we would be paying for them when they should be paying for us. The Board agreed with Counsel. **"Indemnification"** It was noted that Counsel felt Dufresne-Henry should indemnify and hold the Town harmless from all claims by third parties arising out of the design and permitting of the facility. The Board agreed with Counsel. **"Who is responsible for securing all permits?"** Counsel mentions concerns over who would be responsible for securing all permits. Selectman Giffen felt the permitting process should be with the Engineer because it would fall within their expertise. SWC Chair McHugh suggested contacting Doug Kemp of DES to inquire about the permit requirements. The Board was in favor of contacting Doug Kemp. SWC Chair McHugh stated Mr. Kemp currently had a heavy work load due to disability coverage but he would send a letter requesting the assistance. The Board determined they were in favor of having Dufresne-Henry responsible for permitting in the contract. **"NHDOT curb cut permit"** Counsel questioned if a curb cut permit would be required for the expanded use of the intersection of Deer Run Road and Raymond Road. Selectman Kelley and SWC Chair McHugh agreed there would need to be widening at the intersection to satisfy new laws. There was some discussion that Ralph Frisella would be responsible because the original driveway permit states with any further development he would be required to re-file a permit. Road Agent Lewis stated that would no longer

apply because the Road is no longer private, it is now a Town Road. SWC Chair McHugh briefed on what the Town could do to widen the area 10-12 feet. **“Task 7/Structural Design”** It was noted that Counsel felt Task 7 lack clarity on the structural design of the building. SWC Chair McHugh and Selectman Kelley both agreed that it was the intention of the Committee to have a metal building with a concrete base. Selectman Giffen stated it was the consensus of the Committee to have the same design as the Town of Lee's Transfer Station. SWC Chair McHugh showed the Board an intended floor plan. Selectman Giffen explained that the Committee knows the design they like but does not want to finalize until after seeking public input at a Public Hearing. SWC Chair McHugh stated the assumption on the building was as close as they could get it at this point. **“Who will be responsible for bidding, inspecting and overseeing the work?”** Selectman Giffen thought they would hire a general contractor (clerk of the works type guy) to oversee the bid process. Road Agent Lewis suggested the Board hire a Town person to oversee the General Contractor. SWC Chair McHugh suggested the Building Inspector to oversee the General Contractor. Road Agent Lewis wondered if the Building Inspector would have enough time outside of his department responsibilities to undertake such a project. Chairman Thyng questioned if time spent by the Building Inspector could be charged against the bond and directed Secretary Chabot to check with Assistant Emerson on the question. Road Agent Lewis reiterated that he thought it was important to have a Town person oversee the General Contractor noting a few occasions when things went wrong with School Contracting Projects and the construction of the Smyth Public Library Building. Selectman Kelley stated he had spoken with Building Inspector Hallock before on the matter and he seemed to be in favor of being involved. Selectman Lazott stated he would check with Building Inspector Hallock to see if there were time constraint concerns. Selectman Lazott thought that Engineer Firms would also have someone available to oversee. Chairman Thyng stated he would check with Dufresne-Henry to see if they had a Clerk of the Works person available at their firm. Chairman Thyng asked Selectman Lazott to check with Inspector Hallock and report back to the Board. It was noted that the Board would choose successful bidders. Selectman Giffen stated the Board would choose the General Contractor and the General Contractor would choose his subcontractors. SWC Chair McHugh advised he would request that the Board obtain a General Contractor proposal from the General Contractor who worked on the Lee Transfer Station. Chairman Thyng thought that would be acceptable noting often times a general ad would go out and then the Board would also make calls to Companies locally in order to obtain a large bid pool. The Board determined that Chairman Thyng reconstruct a letter to go back to Town Counsel and copy Dufresne-Henry with a copy of Counsel's original letter. Citizen Dick Snow asked when they planned on purchasing the land. Selectman Kelley stated Mr. O'Neil was currently in the surveying process and then they would approach the Planning Board once completed. Selectman Giffen noted that the Town could not purchase the land until it is subdivided. Citizen Snow question why the land was being subdivided. Selectman Giffen stated the owner wants to retain 3-acres and then the Town would purchase 10 plus acres. Selectman Kelley and SWC Chair McHugh advised that the lack of frontage on the 3-acre lot may not be a concern because a Planning Board member suggested expanding the cul-de-sac. Citizen Snow asked about the possibility of tying the land in with another parcel of land located behind it. The Board members were aware of the

parcel Mr. Snow was mentioning but was not aware of any plans for the parcel. Selectman Kelley mentioned that the Tax Maps did not show that the two parcels were abutting one another. Selectman Lazott stated he was not sure the mentioned parcel (behind the Deer Run Road parcel) would be a good buy for the Town.

The Board will reaffirm their decision to appoint Jane Sanders as the Tax Collector and also have a stipend discussion relative to the Tax Collectors (past and present): Chairman Thyng noted the Board appointed Jane Sanders as Tax Collector at their last meeting on 4/10/06 pending the successful completion of the required employment checks. Chairman Thyng advised the checks were complete and the Board wanted to reaffirm their decision made on 4/1/06 to appoint Jane Sanders as Tax Collector.

Chairman Thyng advised that Former Tax Collector Dianne Swain worked the first quarter and was paid at the 2005 stipend amount. Chairman Thyng informed that the stipend was increased by the March Town Meeting vote and wondered if the Board wanted to issue \$93.75 the increase amount for the first quarter to Former Collector Swain. Selectman Lazott felt the money was due since she did the work in the first quarter. The Board agreed. Selectman Lazott motioned to pay Former Tax Collector Dianne Swain \$93.75 to reflect the 2006 increase stipend amount in the 1st quarter. Seconded by Selectman Giffen. All in favor. Motion carried.

Chairman Thyng wondered if the Board wanted to prorate the 2nd quarter stipend for Jane Sanders because she started approximately one month after the start of the 2nd quarter. Chairman Thyng thought perhaps the Board should consider paying her for the full quarter because she did incur out of pocket expenses prior to the hire when she paid to attend a Tax Collector training. Chairman Thyng motioned to commence Jane Sanders stipend at the start of the 2nd quarter in 2006. Seconded by Selectman Giffen. All in favor. Motion carried.

The Board will accept the letter of resignation from Deputy Treasurer Linda Brock and consider Treasurer Philbrick's recommendation to appoint Janet Lewis as the Deputy Treasurer: Chairman Thyng read the attached letter of resignation dated March 15, 2006 from Deputy Treasurer Linda Brock. Selectman Giffen motioned to accept the letter of resignation with regrets. Seconded by Chairman Thyng with regrets. Motion carried. Chairman Thyng read the attached letter dated April 15, 2006 from Treasurer Kate Philbrick recommending the appointment of Janet Lewis as the Deputy Treasurer. Chairman Thyng mentioned that Janet had covered before in times when the Treasurer and the Deputy had taken the same vacation week. Selectman Giffen motioned to appoint Janet Lewis as the Deputy Treasurer, term to expire on March 17, 2007, compensation to be \$25.00 per week of coverage on an as need basis. Seconded by Selectman Kelley. All in favor. Motion carried.

Selectman Kelley to discuss recent quotes obtained for chimney repair at the Old Library Building: Selectman Kelley advised he made several calls and was only able to obtain quotes from two individuals for the chimney repair at the old library building. The Board reviewed the two quotes (copies attached). Marc Duclos for \$2,200.00 and

Tom Pineault for \$2,450.00. Selectman Kelley reviewed specifics on the quotes. Selectman Giffen expressed concerns on the historic preservation of the building and felt the Board should make sure the Mason is qualified for that type of work. Chairman Thyng had the same concern. Selectman Kelley stated both individuals stated they knew the historic concerns of the building and provided input on the specialized materials they would need. Selectman Giffen suggested the Board check with Jim Garbin a State of New Hampshire employee that could provide a list of specialized Masons for this type of work. Selectman Giffen informed that the two quoted individuals may very well be on a recommendation list. Chairman Thyng asked if anyone was familiar with either of the individual's work. Road Agent Lewis and Police Chief McGillen both were familiar with Tom Pineault's work. After some discussion, Selectman Giffen motioned to accept the bid from Marc Duclos for \$2,200.00 for the repair of the chimney at the old library building and to empower Selectman Kelley to expend up to \$300.00 for the purchase of a rain cap. Seconded for discussion by Chairman Thyng. Selectman Brennan questioned since the Board was most familiar with Mr. Pineault's work if they should contact Mr. Pineault to see if he could come down on his quote. Selectman Kelley requested to table the matter until the next meeting. Selectman Giffen withdrew his motion. Chairman Thyng withdrew his second.

The Board will review eight abatement requests received from property owners

Chairman Thyng advised the Board had eight abatement request to address all of which the Board reviewed through the sign folder.

Joseph and Patricia Silveira, 121 Tower Hill Road, Map 411, Lot 007: Chairman Thyng stated Assessor Jameson noted the Town is waiting for a BTLA decision for site index concerns on a denial from an abatement last year. It was noted that Assessor Jameson had spoke with Mr. Silveira to explain the breakdown on the percentage of unfinished areas on the building. Chairman Thyng motioned to deny the abatement request for Map 411, Lot 007, based on a pending BTLA decision. Seconded by Selectman Giffen for discussion. Selectman Giffen noted site indexes were determined based upon comps. Selectman Giffen advised Tower Hill Road was not the only Road with that site index. Selectman Giffen stated the Road was in poor condition but apparently that keeps people from traveling the Road which then in turn makes it a desirable area. Selectman Giffen stated the area is also desirable because of the undeveloped Manchester Water Works property. All in favor. Motion carried.

Pamela Brown, 98 Deerfield Road, Map 406, Lot 029: Chairman Thyng reviewed Assessor Jameson's input noting she had changed some shed values and also adjusted the value of the old house because it was not connected to utilities as of 4/1/05, not able to be occupied and was only being used for storage. It was noted that the second residence was removed some time after April 1, 2005. A couple of the Board members expressed concerns over assessing the old house for the full year. After some discussion the Board members determined they needed more information in order to make an informed decision. Chairman Thyng directed Secretary Chabot to obtain copies of the assessment

card, information on the demolition date and information on the certificate of occupancy for the new residence. Chairman Thyng cautioned the Board on setting precedence.

Barbara and Edward Cunningham, 230 Tower Hill Road, Map 411, Lot 090: Chairman Thyng reviewed Assessor Jameson's comments noting pending BTLA decision on site index, adjustment for covered walkway value from \$13,800 to \$1,500, and removed value for canopy. Selectman Giffen motioned to deny the abatement request for Map 411, Lot 90, for site index based upon pending BTLA decision and to grant the abatement request for the canopy adjustment made by Assessor Jameson. Seconded by Selectman Lazott. All in favor. Motion carried.

Carol Ober, 105 Tower Hill Road, Map 411, Lot 009: Chairman Thyng reviewed the input from Assessor Jameson which indicated there was a pending BTLA decision on the site index. Selectman Giffen motioned to deny the abatement for Map 411, Lot 009 based upon a pending BTLA decision. Seconded by Selectman Lazott. All in favor. Motion carried.

Justin Rinfret, 99 Tower Hill Road, Map 411, Lot 010: Chairman Thyng reviewed Assessor Jameson's comments noting there was a pending BTLA decision on the site index and that there was an adjustment for house depreciation as well as an adjustment for a change to the breezeway areas. Selectman Giffen motioned to deny the abatement request for Map 411, Lot 010 for site index based upon a pending BTLA decision and to grant an abatement based upon Assessor Jameson's noted changes in the assessment, new assessment to be \$261,500. Seconded by Selectman Kelley. All in favor. Motion carried.

Civitina Gordon, Murray Hill Road, Map 413, Lot 010-001: Chairman Thyng reviewed Assessor Jameson's input noting an adjustment was given for shape, size and landlocked. Selectman Giffen motioned to grant the abatement request for Map 413, Lot 010-001, by reducing the value to \$2,000.00 based upon Assessor Jameson's corrections. Seconded by Selectman Lazott. All in favor. Motion carried.

Donna Wamsley, 90 Tower Hill Road, Map 411, Lot 082: Chairman Thyng reviewed input from Assessor Jameson noting no change to site index due to pending BTLA decision and an adjustment made due to building depreciation. Chairman Thyng motioned to deny the abatement request for site index due to a pending BTLA decision and to grant an abatement on the remaining areas with a new assessed value of \$306,900. Seconded Selectman Giffen. All in favor. Motion carried.

John Easter, 393 Deerfield Road, Map 401, Lot 009: Chairman Thyng noted that Assessor Jameson had made adjustments to unfinished percentage after a site visit. Selectman Lazott motioned to grant the abatement for Map 401, Lot 009, and to reflect the new assessed value of \$178,057. Seconded by Selectman Kelley. All in favor. Motion carried.

The Board will consider approving a raffle request received from the Candia Moore School PBIS Team: The Board reviewed the attached raffle request from the Candia Moore School PBIS Team. Selectman Lazott motioned to approve the request as presented. Seconded by Selectman Kelley. Motion carried.

The Board will discuss copy costs for Zoning Ordinances: The Board reviewed the memo from Land Use Secretary Politis regarding copying costs for Zoning Ordinances. Chairman Thyng noted the Town was currently charging \$7.00 and if the Board was to charge a per page price in accordance with the established Town Meeting vote the charge would be approx. \$25.00. Selectman Giffen thought the Board should go with the spirit of the Town Meeting vote. Citizen Dick Snow questioned if the fee would apply to residents noting in the past it was free. The Board stated it would apply to non-residents. Selectman Lazott motioned to establish a \$25.00 fee to non-residents for copies of the Town Zoning Ordinance effective 4/25/06. Seconded by Selectman Giffen. All in favor. Motion carried.

Selectman Kelley to discuss recent offer from the Town of Raymond School Department: Selectman Kelley advised he was approached by an individual from the Town of Raymond who was wondering if the Town of Candia was interested at no cost in a 28 X 60 double wide, portable classroom equipped with electric heat and two air conditioning units. Selectman Kelley stated his first thought was they could use it at the future Transfer Station as an office and for a possible swap shop. Selectman Lazott noted the building was in good shape. Selectman Kelley showed the Board digital photos of the portable building. Selectman Brennan mentioned an interest in having a building for the Summer Recreation program to operate out of but was not sure about utilizing the building for one-year and then having to give it to the Transfer Station. Selectman Giffen questioned the costs to move the building. Selectman Giffen expressed concerns over where the building would be placed at the new Transfer Station and felt the dimensions of the building were too big for their office needs. Chairman Thyng noted in the past Candia has had a way of disposing of other Communities trash. Citizen Snow mentioned in the past there has been a need for a building for teen programs and recreational programs like summer recreation. Dick Snow mentioned there are considerable concerns that young children are utilizing the Library as a hang out. After some discussion, the Board determined that Selectman Kelley and Selectman Lazott would obtain more information such as the yearly cost to operate and costs associated with moving the building. Selectman Lazott suggested that the Moore School may be interested as well for the storage space. To be a future agenda item.

Approval of Previous Minutes: Selectman Kelley motioned to approve the following minutes as presented: Public & Non Public Minutes of 3/27/06, Public of 4/4/06, Public & Non-Public Minutes 1 & 2 of 4/10/06, Non Public Minutes 1,2,3 of 4/17/06 and Sealed Non Public Minutes of 4/17/06. Seconded by Selectman Giffen. All in favor. Motion carried.

Any Other Business

Septic Issue at Moore Park: Selectman Brennan informed the Board on a recent septic issue involving the station pump coming from the park bathrooms at the CYAA building. Selectman Brennan stated he obtained a quote from Dan's Septic for the repair in the amount of \$1,200.00. Road Agent Lewis noted that there may be a problem with the baffles. Chairman Thyng informed that in the past CYAA and the Town has split septic pumping charges. Selectman Brennan advised he would contact CYAA to discuss their financial obligation in the matter. Selectman Brennan advised that Dan's Septic of Candia offered to place a porta-potty on site at no charge. The Board appreciated the offer from Dan's but did not feel comfortable accepting a free port-a-potty considering they would be placing the septic repair work out to bid and the fact that Dan's Septic submitted a bid. The Board determined they would shut down the bathrooms at the park, obtain two porta-potties and have Selectman Brennan obtain more bids for the necessary repair.

Recycling Center Update: SWC Chair McHugh reported on the success of the aluminum can program noting they brought in \$744.00 in revenue. SWC Chair McHugh stated in addition to the revenue they also manage to avoid costs saving \$190.00 per month. Selectman Kelley stated he lends his truck and trailer to the employees in order to haul items for various programs.

Town Report Distribution: Citizen Dick Snow advised he would bring his request to the Board in July on the Boy Scout Town Report Distribution. Mr. Snow stated the Board will need to determine if they want to continue with the distribution or make the reports available as a PDF document.

What am I getting for my Comcast Fee?: Citizen Dick Snow wanted to know what type of benefit he was getting for his Comcast fee specified on his cable bill. Selectman Giffen stated at this time the fee is utilized to offset taxes by going into the general fund. Mr. Snow stated the fee would apply he was getting a specific service and wondered what he was getting. Selectman Giffen stated he would keep his concerns in mind while undergoing upcoming negotiations with Comcast. Selectman Lazott expressed his desire to obtain a Public Access channel.

Website: Selectman Giffen stated he had heard when Budget Committees zeros out a line as they did with the website the Board would then be required to hold a Public Hearing prior to allocating any funds for that purpose. Selectman Giffen question if the Board members were aware of such a thing. The members were not aware. Selectman Giffen expressed concerns because of the costs involved to operate E-Reg for the Town Clerk's Office. Scott Tierno mention there was a challenge for the prior website committee members due to the vendor. Selectman Giffen stated there were some harsh criticisms to the vendor but he felt there was a problem with the liaison noting someone had consistently dropped the ball. Mr. Tierno agreed. Selectman Giffen noted that he thought the yearly hosting fees were expensive. Selectman Giffen stated he would contact the Local Government Center to inquire about zeroed out lines.

Inter-Municipal Courtesy: Chairman Thyng advised he spoke with members from the Town of Auburn, Budget Committee Member Peter Miller and Selectman Harlan Eaton. Chairman Thyng stated they had information on a new matrix and other different perspectives they were willing to share. Chairman Thyng advised he also spoke with Linda at the Auburn Town Office who was willing to provide any forms or copies of matrix's that may be helpful to the Town. Selectman Lazott advised he recently obtained information from Linda and she was very helpful. Selectman Lazott informed he obtained a copy of the Town of Auburn's Matrix and had it placed in the sign folder for the Board's review.

Where are the Budget Committee members?: Chairman Thyng asked Selectmen's Rep to the Budget Committee Selectman Brennan where the members of the Budget Committee were. Selectman Brennan said he did not think they wanted to attend at this time. Chairman Thyng stated he thought it was critical for them to attend especially since the Board was faced with items such as unanticipated failed septic problems, unanticipated chimney repairs and zeroed lines affecting a current service provided to the citizens. Selectman Giffen stated it was unfortunate that they zeroed out the contingency line considering there was a long standing tradition of having it available for unanticipated emergencies.

Chairman Thyng to brief on recent complaint: Chairman Thyng advised he received a talking out of school complaint last week from a citizen who stated she heard from a 3rd party that her Town situation was being discussed by a Board member out in the general public. Chairman Thyng encouraged the Board members to watch what they say and requested that they remain professional.

Next Meeting Date: Regularly scheduled meetings will be held on the 2nd and 4th Monday of every month. The next regularly scheduled meeting will be held on Monday, May 8, 2006, at 7:00 p.m.

9:25 p.m. Chairman Thyng closed the meeting.