

Approved
Candia Selectmen's Public Meeting Minutes
Monday, May 8, 2006

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

7:02 p.m. Chairman Thyng opened the Public Meeting and immediately followed with the Pledge of Allegiance.

7:04 p.m. Chairman Thyng opened the Public Hearing in accordance with RSA 289:20 for the purpose of declaring the burial ground located on Palmer Road, Map 414, Lot 57, as abandoned. Chairman Thyng read the attached Public Notice posted in the February 9, 2006 edition of the Hooksett Banner in accordance with RSA 289:20. Chairman Thyng asked if there were any relatives or descendents in attendance of the meeting. There were none. Chairman Thyng noted that the Selectmen's Office had not been contacted by any descendents. Selectman Giffen requested that Chairman Thyng give an overview to attendees as to how the Board got to this point with the abandoned cemetery. Chairman Thyng explained the Heritage Commission felt it was important to care for this approx. 32' X 64' cemetery located on privately owned land on Palmer Road. Chairman Thyng stated Jim Lindsey conducted research on the cemetery which indicated people were buried there dating back to the 1780's. Heritage Commission member Ed Fowler stated the Commission believes the buried individuals are descendents to the Hardy family because one stone clearly shows an "H" on it and many years ago the land was owned by Sam Hardy. Chairman Thyng noted the cemetery is not being cared for. Selectman Kelley advised that the cemetery existence was made known through the Planning Board when a subdivision was proposed directly affecting the lot in which the cemetery was located on. Chairman Thyng informed that RSA 289:20 was followed step by step and this was the final stage of the process. **7:08 p.m.** Chairman Thyng closed the Public Hearing.

Chairman Thyng motioned to declare the Palmer Road Cemetery (noting that was not the official name) located on Map 414, Lot 57, as abandoned in accordance with RSA 289:20. Seconded by Selectman Kelley. All in favor. Motion carried. Chairman Thyng advised the cemetery would now become a Town Cemetery for management purposes.

The Board will meet with Conservation Commission Chairman Ed Fowler and Executive Director Mary Carrier of the Rockingham County Conservation District to discuss a possible conservation easement and the grant application process for the partial support of the potential purchase: Conservation Commission (CC) Chairman Ed Fowler introduced Mary Carrier, Executive Director of the Rockingham County Conservation District to the Board explaining that she would discuss a grant application process in which the Town could receive partial funding in support of a potential conservation easement purchase. CC Chairman Ed Fowler stated the primary responsibility of the Conservation Commission is to protect natural resources of the

Town and that the Commission has decided their highest priority of natural resources is farm land. CC Chairman Fowler stated the Town of Candia's Master Plan had determined farm land to be a priority as well. CC Chairman Fowler noted the Conservation Commission was looking to purchase a conservation easement from Arthur and Betty Sanborn for their land located on Chester Road totaling 47 acres, 20 acres of field land and 27 acres of wooded land. CC Chairman Fowler stated the Sanborn's requested that the Rockingham County Conservation District be the primary easement holder. CC Chairman Fowler advised Mary Currier would discuss the grant application process. Mary Currier stated the Rockingham County Conservation District has been working on a grant application under the Federal Farm and Ranch Lands Protection Program with the Conservation Commission and has also met with the Sanborn's on the matter. Mary Currier stated the potential easement purchase would involve a total of 47 acres and noted that the Sanborn's decided to reserve 6 acres for future house lots. Mary Currier advised because this potential easement sale involves farm land the Town is eligible to apply for the federal grant which could allow an up to 50% reimbursement on the purchase price of the easement. Mary Currier stated the intent of the federal program is to protect agriculture. Mary Currier felt the Town would be eligible for 45% reimbursement based upon fair market value of the potential easement purchase. Mary Currier noted that the Sanborn's had requested that Rockingham County Conservation District be the primary easement holder with the Town of Candia and the United States Department of Agriculture listed as the easement co-holders. Mary Currier stated the rules associated with the program would mean no development and no excavating on the land. It was noted that the Board had reviewed the Cooperative Agreement in regards to the potential easement purchase. Mary Currier stated much of the language in the Agreement was federally required by the Office of General Counsel. Mary Currier stated the Board of Selectmen would be required to apply for the grant and that she and the Commission were requesting the Board to proceed with the application. Mary Currier stated her office had prepared a letter for the Chairman to sign if the Board determines they are in favor of commencing with the application process. Mary Currier explained if the Town was to be awarded the funding then the Board would sign the Cooperative Agreement. Mary Currier informed if the funding was awarded and the Sanborn's did not go forward with the sale then the Town would have the money for another project. Mary Currier thought the Town would have a very good chance of being approved because of the favorable soils on the property and also noted that her office assisted with five applications last year all of which were funded. Mary Currier stated even if the Town was not awarded on the first round, it could get funding after the funds are re-allocated to the State up till September. Mary Currier also stated if the funding was not received this year, the Town could roll over another request with just one letter. Mary Currier mentioned the program ends at the end of a 45 day application window which they found to be very tight. Chairman Thyng asked if it was mandatory to have the federal government listed as an easement co-holder. Mary Currier stated yes noting they would not be able to do anything on the property without their approval. Chairman Thyng asked Mary Currier if she had any idea on how much money was being applied for and if she felt it was adequately funded. Mary Currier stated there was 3.26 million dollars available for this year. Mary Currier noted last year they placed a \$500,000 cap on the requests. Chairman Thyng asked the Town's particular number for the proposed

easement. CC Chairman Fowler stated the total figure was \$595,000 with the possibility of \$267,750 coming back to the Town. CC Chairman Fowler stated the Town would be responsible for \$327,250. CC Chairman Fowler stated payment could be spread out over five years if the owner agrees. CC Chairman Fowler advised that the Town would be responsible to put up all of the money but noted there were options with that. Selectman Giffen asked about the appraisal. CC Chairman Fowler advised it was just completed and came in at \$595,000 which was lower than expected due to land values on State Roads associated with curb cut requirements. Selectman Giffen asked CC Chairman Fowler how the Sanborn's piece fit in with the Conservation Commission's overall plan. CC Chairman Fowler reiterated that farm land was a high priority to the Commission and that there was very little farm land left in the Town. Selectman Lazott asked if the land could be used to allow citizens to have small vegetable gardens on it. Mary Currier stated that could be allowed if the owners chose to do something like that. Mary Currier stated with the easement the Town would not be able to take the land by eminent domain. Mary Currier stated the easement would be forever and would make the land available for agricultural purposes. Mary Currier stated the easement would not require public access but would ensure there would be no houses and no excavation on the property. Mary Currier stated the appraisal was done for the development rights on the property and that the Town could negotiate public access. CC Chairman Fowler stated the land is presently in current use and that the land will remain in current use. Selectman Lazott expressed concerns over the citizens being able to access the property. CC Chairman Fowler noted that the Sanborn's have never posted their property and have allowed hunting, fishing and bird watching on it. Selectman Lazott asked if any of the co-holders had the right to post the property. Mary Currier stated no, they just hold the development rights. Selectman Giffen asked if it was the intention of the owners to donate the allowable 25%. Arthur Sanborn stated no but that they would only be interested in spreading the payments out over a 5-year period. Mary Currier stated most farmers are not in a situation of donating the 25% because their land is their retirement. After some further discussion, Chairman Thyng motioned for the Town of Candia to enter into the application process with the United States Department of Agriculture for the Farm and Ranch Land Protection Program for the application amount of \$267,750 which represents 45% of fair market value for conservation easement property consisting of 47 acres located on Map 414, Lots 40 & 41. Seconded by Selectman Giffen. All in favor. Motion carried. Chairman Thyng signed the attached application letter presented by Mary Currier.

Departmental Reports

Highway: Road Agent Lewis reviewed the attached report.

Police: Chief McGillen presented the attached report. Selectman Kelley report recent speeding incidents involving 10-wheeler trucks by his shop located on Raymond Road adjacent to the end of Route 27. Selectman Kelley requested radar patrols within the area. Chief McGillen stated he would send out the officers. It was noted that Officer Cashman was doing well at the Police Academy. Selectman Lazott mentioned his desire to establish a rotating towing list for the Police Department and asked Chief McGillen if he had made any progress on the request. Chief McGillen felt it would be difficult

because Rockingham dispatch doesn't allow them to maintain a towing list. Selectman Lazott thought it would not be difficult because they would only have three to four towing companies on the list. Selectman Lazott stated he thought a list was important in order to be fair to everyone. Chairman Thyng requested that Chief McGillen and Selectman Lazott get a proposal together for the entire Board to review.

Fire: Fire Chief Rudy Cartier reviewed the attached reporting noting a 30% increase over last year's calls. Fire Chief Cartier noted a back log on burn permits and advised to date 100 seasonal permits had been issued. Fire Chief Cartier asked the Board members to call him on his cellular phone anytime day or night in the event they receive a complaint. Fire Chief Cartier stated he recently completed a Moore School inspection with Bob Blaise and Ingrid Byrd present. Fire Chief Cartier stated he would need to write up an official report which would take him approx. 24 hours to write. Chairman Thyng asked if there were a lot of problems noted during the inspection. Fire Chief Cartier stated there were a lot of serious, redundant problems but nothing considered major. Fire Chief Cartier advised some problems discovered last October have already been repaired. Fire Chief Cartier stated he wanted to speak with Chief McGillen on the possibility of closing High Street for an upcoming training burn. Fire Chief Cartier noted the property owner of the High Street property had commended Building Inspector Hallock on helping him with a challenging process. Fire Chief Cartier advised there was a large amount of work being anticipated for the fire department in regards to the review of plans for upcoming projects. Fire Chief Cartier stated he decided against sending a letter to the Southeast Regional Hazardous Materials Response Team because he did not feel comfortable with it and felt there was a need for more information. Selectman Kelley thanked Fire Chief Cartier for recently assisting the employees at the Recycling Center with their brush pile.

Building: Selectman Lazott and Building Inspector Hallock presented the attached report. Selectman Lazott reviewed the report. Selectman Lazott informed that Building Inspector Hallock was instrumental in helping Road Agent Lewis with a septic problem in Moore Park. Selectman Lazott extended a thank you to both parties for saving the Town money on the repair. Chairman Thyng asked Building Inspector Hallock to compare last year's permit volume to this year's. Building Inspector Hallock felt the permits were up substantially advising permits have doubled. Chairman Thyng commented that it was nice to get approached at the Post Office on the professionalism of the Building Inspector. Selectman Lazott noted insurance companies were getting stricter with their policy holders and thought that may be why more permits were being issued. Chairman Thyng disagreed. Selectman Lazott stated he and Building Inspector Hallock had discussed a few areas within the building department where the Town may be stricter than the International Building Code (IBC) noting the Town requires a permit for sheds totaling 100 square feet or more and IBC requires permits for sheds totaling 200 square feet or more. Chairman Thyng advised that Selectman Lazott and Building Inspector Hallock could put a proposal together for the Board review on their concerns. Selectman Kelley complimented Building Inspector Hallock for recently assisting a citizen by discovering that their contractor was not pouring the right thickness of concrete for the

slab for the mobile home. Building Inspector Hallock stated he checked with HUD because he was aware of recently changes resulting in stricter laws.

Solid Waste: Selectman Kelley informed that Part-time Recycling Center employee Allan Studley had given a two week notice because he is in the process of relocating. The Board members felt that was unfortunate news noting Mr. Studley was a hard worker. Selectman Kelley reported they would be holding a Household Hazardous Waste Day on Saturday, May 20th from 9:00 a.m. to 1:00 p.m. The Board discussed the particulars of Hazardous Waste Day noting there would be a monetary limit set and it would be on a first come, first serve basis. Selectman Kelley advised the employees were doing a great job down at the Recycling Center. Selectman Kelley stated they recently hauled copper wire out and made more money for the Town. Selectman Kelley stated the Town and Mr. O'Neil was on the Planning Board agenda for June 7, 2006 for the subdivision of the Deer Run Road property.

The Board will consider formal appointments for the Solid Waste Committee (Paul McHugh, Chad Dufour, Al Couch and Jane Sanders): Selectman Kelley motioned to appoint Paul McHugh, Chad Dufour, Al Couch and Jane Sanders as members to the Solid Waste Committee with terms to expire on March 20, 2007. Seconded by Chairman Thyng. All in favor. Motion carried.

The Board will discuss information from Bond Counsel in regards to the future Candia Transfer Station: The Board reviewed the attached questionnaire from Bond Counsel. It was the consensus of the Board to have Assistant Emerson work on the Bond Document and then run it by Selectman Kelley and Selectman Giffen once completed. Chairman Thyng advised Selectmen Kelley and Giffen that they could run the document past Town Counsel if they felt it was necessary.

Selectman Kelley to discuss an adjusted quote obtained for chimney repair at the Old Library Building: Selectman Kelley stated he contacted Marc Duclos on his recent bid of \$2,200.00 (not including the price of the cap) for the chimney repair and advised him that the Town could not afford to do it for that amount of money. Selectman Kelley stated Mr. Duclos agreed to do the project for \$1,800.00 (not including the price of the cap) see attached quote. Chairman Thyng asked what the price would be for the cap. Selectman Kelley stated under \$300.00. Chairman Thyng motioned to empower Selectman Kelley to sign Marc Duclos's \$1,800.00 proposal and to authorize Selectman Kelley to spend up to \$2,100.00 for the repair (the bid amount plus the price of the cap). Seconded by Selectman Lazott. All in favor. Motion carried.

Selectman Brennan to discuss the bathrooms located in Moore Park: Selectman Brennan stated he wanted to discuss the Moore Park bathroom usage with the Board because after discussions with CYAA members he got the feel that they wanted all or nothing in the matter. Selectman Brennan advised that the Building in which the bathrooms were located was owned by CYAA. Selectman Brennan stated years ago the bathrooms were only opened during CYAA games or while the Summer Recreation program was operating. Chairman Thyng stated many citizens think the CYAA building

is a Town building. Chairman Thyng stated he would hate for the Park use to go down or to have people using alternative methods because facilities are not being provided. Selectman Lazott thought CYAA's financial obligation should be at least 50%. Selectman Brennan stated he did not think CYAA would be interested in deeding the building to the Town. Chairman Thyng asked Road Agent Lewis if the recent septic problem was due to misuse. Road Agent Lewis stated the problem was attributed to a design flaw and an installation flaw. Chairman Thyng stated the Town was locking the bathrooms at night in order to protect them from vandalism. Chairman Thyng suggested an annual agreement in which the Board and CYAA could sign in accordance with agreed upon terms. Selectman Brennan stated he could mention the suggestion to the CYAA members. Selectman Brennan expressed concerns over the park budget and wondered if the Police Officers could assume the responsibility of locking and unlocking the bathrooms saving the Town \$70.00 a week. The Board members were unsure of the request. Selectman Brennan noted at the request of CYAA Steve Abelson has been asked to mow the fields more frequently because of complaints from last year. The Board discussed the possibility of providing porta-potties. A few Board members expressed concerns over how the porta-potties would look in the Park. Road Agent Lewis provided history on the CYAA building noting when it was originally built there was nothing else around it. Road Agent Lewis stated the Town has created the use above and beyond what CYAA needs them for. Road Agent Lewis stated the Board would need to decide if it is the Town's responsibility to provide bathrooms at the Park. After some further discussion Chairman Thyng asked Selectman Brennan to come up with figures (porta-potty pricing, current cost to have the bathrooms cleaned, etc.) and the matter would be tabled for a future meeting.

The Board will review two abatement requests received from property owners

Chairman Thyng advised the Board had two abatement requests to review, one of which they addressed at the last meeting but inadvertently missed comments from the Assessor regarding an adjustment for wet areas on property and then the other request was tabled as a result of the discussion from the last meeting.

Carol Ober, 105 Tower Hill Road, Map 411, Lot 009: Chairman Thyng noted the Board at the last meeting had missed the comment from the Assessor in regards to her recommendation to adjust the lot value due to wet areas on the property. Chairman Thyng motioned to grant an abatement to Map 411, Lot 009, to adjust lot value for wet areas, new assessment to be \$241,600 and to deny abatement on site index due to a pending appeal with BTLA. Seconded by Selectman Kelley. All in favor. Motion carried.

Pamela Brown, 98 Deerfield Road, Map 406, Lot 029: Chairman Thyng noted additional information on the property was obtained by the Office Staff which the Board had reviewed prior to the meeting. Chairman Thyng noted the 2nd residence was officially removed on May 27, 2005. Chairman Thyng advised that the Assessor had already made a reduction on the value of the old house from \$93,500 to \$47,000 because as of 4/1/05 it was not connected to utilities and was also only being utilized for storage.

Chairman Thyng further advised adjustments were made by the Assessor to the shed values as well. Chairman Thyng stated the owners were aware of the timeline agreed upon in the 2nd house agreement and further stated that all taxes on the property were based on the snapshot taken as of April 1st in accordance with RSA 74:1. Selectman Giffen thought for good cause shown the Board should consider taxing the old house for 1/6 of the tax year. Selectman Lazott thought the Board should consider further reducing the old house value because he did not think it was fair to tax the owner for the entire year since the house was demolished on 5/27/06. Selectman Lazott mentioned reducing the old house assessment by \$30,000 since they only used it for a couple of months into the tax year. Chairman Thyng stated past Boards have not wanted to set precedence on similar requests and have held firm with the April 1st snapshot with the exception of one in which the wrong information was given to the owner by the Board at that time. Selectman Giffen motioned to grant an abatement to Map 406, Lot 029, to reduce the old house value (\$40,700) by \$33,600. Seconded by Selectman Lazott. Secretary Chabot requested the motion include the adjustments made by the Assessor on the shed(s) values. Chairman Thyng requested Selectman Giffen round the number in the motion to reflect a total assessment of \$321,000. Selectman Giffen amended his motion to grant an abatement to Map 406, Lot 029, to reflect an overall assessed value of \$321,000 for shed adjustments and to reflect a reduction of approx. \$33,400 to the old house value. Selectman Lazott amended his second. Chairman Thyng noted the adjusted to the old house value was based on the fact that the owner only had the benefit of the building for 1/6 of the tax year and for good cause shown due to a medical condition. All in favor. Motion carried.

Approval of Previous Minutes: Selectman Giffen motioned to approve the Public Minutes of 4/24/06 with the following amendment: page 8, at the end of the 1st paragraph insert the sentence "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. Seconded by Selectman Kelley. All in favor. Motion carried.

Website Update: Selectman Giffen informed he spoke with an Attorney at the Local Government Center who advised if individual lines were zeroed out than the Board does not have the authority to transfer money without a special town meeting. Selectman Giffen stated Assistant Emerson felt there were other opinions given in the past on the matter. Selectman Giffen stated he directed Assistant Emerson to contact Don Borrer from Department of Revenue. Selectman Giffen stated Don Borrer was of a different opinion stating he felt as long as the line is within a department which has not been zeroed out all together then the Board could shift funds. Selectman Giffen stated Don Borrer noted that the MS7 only acknowledges department requests. Selectman Brennan advised after reviewing the paperwork he agreed with Assistant Emerson's interpretation. After some discussion Chairman Thyng empowered Selectman Giffen to talk to Town Counsel in order to get his interpretation. Selectman Giffen felt there was something in the RSA that was contradicting Don Borrer's interpretation. Chairman Thyng directed Secretary Chabot to place the matter on the next agenda. Selectman Giffen stated he wanted himself on record noting it was his wish to work with the Budget Committee in a

cooperative manner in order for everyone to be on the same page. Chairman Thyng stated of course.

Where are the Budget Committee members?: The Board members asked Selectman Brennan why the Budget Committee members were not attending the Selectmen's meetings. Selectman Brennan stated he thought they felt their attendance was not necessary at this time.

Town Website: Selectman Giffen mentioned that Foreau's hosting fees were determined to be extremely expensive.

Selectman Lazott's Concerns: Selectman Lazott advised that if he wanted to discuss anything considered public information in a public forum he would. Selectman Lazott stated he would not be silenced. Selectman Lazott noted he would not discuss or disclose confidential or non-public information. Selectman Lazott reiterated he would not be silenced and that he was aware sometimes people just don't like what he has to say.

Updating of the Personnel Plan: Chairman Thyng advised the Board that as a housekeeping issue they would need to update wording of the personnel plan within the FMLA section. The Board reviewed the updated page and initialed at the bottom (attached).

Next Meeting Date: The next regularly scheduled meeting will be held on Monday, May 22nd at 7:00 p.m.

9:12 p.m. Chairman Thyng adjourned the Public Meeting.