

Approved
Candia Selectmen's Public Meeting Minutes
Monday, June 25, 2007

Attendance: Chairman Fred Kelley, Vice-Chair Tom Giffen, Selectman James Brennan, Selectman Richard Lazott, Selectman Joe Duarte, and Secretary Andria Hansen

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

7:03 p.m. In accordance with RSA 674:40-a, the Board will hold a Public Hearing on the proposed acceptance of Manseau Lane as a dedicated street: Chairman Kelley asked Road Agent Lewis if everything has been turned in. Road Agent Lewis replied that it was all set. Chairman Kelley confirmed they had a copy of the deed. Selectman Giffen motioned to accept Manseau Lane as a dedicated road to the Town of Candia. Seconded by Selectman Brennan. All in favor. Motion carried. Chairman Kelley closed the hearing at 7:08 p.m.

The Board will meet with Bryan Christiansen, Manager of Government & Community Relations for Comcast to discuss the results of the Comcast survey and to continue discussions on the contract: Comcast Representative Bryan Christianson was present. Mr. Christianson thanked the Selectmen for the letter they sent. He reviewed the survey stating that a high percentage of people in Candia were satisfied with their Comcast service. Selectman Giffen suggested that they sit down as a Board to discuss individual items. Mr. Christian agreed to set aside some time for a work session. Selectman Giffen referred to Section 3.1 of the contract. The town's current zoning ordinance would not meet the density requirements of the contract. Selectman Giffen suggested amending the contract to incorporate the density that reflects the town's zoning ordinance. Mr. Christianson asked what the density requirement was. Selectman Giffen replied 25 dwelling units per aerial mile. Mr. Christianson stated he could accommodate that requirement. Selectman Giffen stated that Comcast submit a proposed new contract. Ron Thomas stated the people of Candia do not want to pay any additional money for their cable service. If people want the additional services they will have to pay. Ron Thomas added the renewal agreement should be reviewed by the Planning Board per his letter. Selectman Giffen suggested that a copy Ron Thomas' letter and the proposed new contract go to Town Attorney Bart Mayer for his review. Chairman Kelley scheduled Mr. Christian to be first on the agenda for the July 23rd Selectmen's meeting. Selectman Giffen mentioned this was just a cable contract renewal and has nothing to do with internet or phone service. There was some further discussion regarding the density requirement for the cable renewal and changing the contract to build to the minimum frontage requirement. Chairman Kelley told Chair Girard he would get her a copy of the contract to read. Selectman Giffen discussed reducing the franchise fee by 3%. Selectman Duarte thanked Ron Thomas for all his work on this project.

Chairman Kelley asked the Board and the attendees of the meeting to join him in a moment of silence for former State Representative Rudy Kobel. Selectman Lazott asked that a card be sent to the wife and family of Mr. Kobel.

Conservation Commission Chair Ed Fowler to discuss the Commission's request in regards to the proposed Liquid Planet Conservation easement: CC Chairman Ed Fowler was present. DES informed Liquid Planet they had to mitigate their wetland construction area by placing some of their property in a conservation easement. CC Chairman Fowler explained Liquid Planet had brought a proposal to the Conservation Commission to put 7 acres of land into conservation easement. The land is located along the North Branch of the Lamprey River. CC Chairman Fowler stated it's not an ideal situation for the town to hold easements. He further explained if there is an infraction on an easement, which would be picked up in the annual monitoring, it could lead to a litigation situation. The town does not have a stewardship fund to pay for litigation. CC Chairman presented the Board with a map of the easement. He explained the conservation easement would be clearly marked with boundary markers. CC Chairman Fowler asked the Board to review the easement deed and address any concerns or comments, then go to Town Attorney Bart Mayer for his approval. Once it's modified, the Board will sign the easement. CC Chairman Fowler explained the Conservation Commission will be responsible for monitoring the easement on an annual basis and writing a report. Selectman Lazott questioned CC Chairman Fowler about Section 5C (page 5), "the general public *shall (shall not)* have access to the property...". CC Chair stated Mr. Dumont was inclined to not allow people on the property. CC Chairman Fowler stated he discussed it with Mr. Dumont and the wording "*shall not*" will be removed. Selectman Lazott asked if Mr. Dumont still has the right to post the property. CC Chairman Fowler confirmed he still has the right to post the property. Selectman Giffen commented the Conservation Commission has stepped up to monitor this easement and it was a pro-business move. Chairman Kelley added he spoke with Mr. Dumont and he was pleased with decision the Conservation Commission has made with him. Selectman Lazott stated he would rather see the Town hold the land, than off site mitigation. Selectman Brennan asked how much money Liquid Planet would give. CC Chairman Fowler stated he had not approached Liquid Planet regarding the amount of money; however they will pay the legal expenses. Chairman Kelly thanked Mr. Fowler.

Joe Miele of the Open Space Committee to address the Board with a request from the Committee: Joe Miele and George DeWolf from the Open Space Committee were present. George DeWolf proposed the hanging of a recognition plaque. It would recognize the people who donated land, easements, and possibly people who have donated to the conservation fund. Mr. DeWolf would like the plaque place in a prominent location, perhaps the waiting area. Mr. DeWolf presented the Board with some pictures of the proposed plaque. Selectman Lazott asked what the dimensions of the plaque were. Mr. DeWolf replied approximately 20" x 30". He added they were still looking at ways to raise money for the plaque, because they would not be taking it out of the conservation fund. Selectman Duarte suggested there be guidelines as to who qualified to be named on the plaque. Mr. DeWolf agreed. Ingrid Byrd of Depot Road asked what the Open Space Committee was. CC Chairman Fowler explained the Open Space Committee is a sub-committee of the Conservation Commission. They deal with such things as brochures, newsletters, home-based meetings, land, and conservation easements. Selectman Lazott stated he would like to see the plaque 18" x 24". The Board was okay with the request. Chairman Kelley advised Mr. DeWolf to bring a sample back to the Board.

The Board will hold a discussion regarding postings on the Town Website (approved v. unapproved): Chairman Kelley mentioned that Secretary Chabot called the Local Government

Center regarding the posting of unapproved minutes on the website. He was concerned with various sources taking the information out of context. Selectman Giffen stated the town is ready to issue a press release announcing the new website. They planned on doing it once they resolve this issue. He explained posting minutes on the website is relatively new. The law does not recognize the website as an appropriate place to post minutes. The attorney's at the Local Government Center suggested posting a disclaimer, so not to mislead people. Selectman Giffen asked the Board what they would like to do with their own minutes. Chairman Kelley stated he didn't have a problem posting unapproved minutes as long as the disclaimer was on the website. Selectman Brennan expressed concern on various sources not getting the information correct or taking the information out of context. Selectman Lazott agreed and stated that warrant articles and other related Town business should not be on the website, just the minutes and such. Ingrid Byrd of Depot Road mentioned an RSA that stated that a Town government cannot support one side of a political issue without giving the other side equal time. Selectman Giffen stated the site should be restricted to official business. Selectman Brennan asked if it should be a Board of Selectmen decision to make and the other Boards follow that lead, or should it be an individual Board/Committee decision. Selectman Giffen also mentioned that a fair amount of work went into the website and there is ongoing maintenance. He suggested establishing a webmaster position in the future. Ingrid Byrd commented that people having access to the minutes from the convenience of their own home is a wonderful thing. Ron Thomas of High Street gave his compliments to the web staff and encouraged the posting of unapproved minutes. Selectman Giffen thanked Joe Miele for all of the work he has done on the website. Selectman Giffen motioned to post unapproved minutes within the same guidelines that we currently do by following the RSA's. Seconded by Selectman Duarte. All in favor. Motion carried.

Richard Danais to meet with the Board to consider entering into a Performance Surety Escrow Agreement in regards to Property further identified as Map 410, Lots 137 & 137-1:

Richard Danais from Danais Realty Group and Craig St. Peter from Pennoni Associates were present. Mr. Danais read from a prepared statement. In summary, Mr. Danais stated that he was not told about the bond until after the conditional approval and felt he should not be required to have a Performance Bond. Mr. Danais asked the Board if they would retract the need for him to have a Performance Bond in amount of \$339,000. Selectman Giffen asked if Mr. Danais was appealing the decision of the Planning Board. Planning Board Chairman Girard stated she sent Mr. Danais a letter and he did not respond. Chair Girard further stated it was the consensus of the Planning Board that Mr. Danais have a Performance Bond in place before the plans were signed. Selectman Giffen suggested Mr. Danais go back to the Planning Board to address any concerns that they may have. He added if Mr. Danais was not happy with the decision the Planning Board rendered, he has the right to appeal to the Board of Selectmen. Mr. Danais stated he did not realize that this was holding up the signing of the plans. Selectman Lazott stated that Stantec should have been up front about the Performance Bond. Selectman Duarte added it should have been addressed before the approval of the plans not after the fact. Chair Girard stated that Mr. Danais should be on the agenda for the July 18th Planning Board meeting.

The Board will address two abatement applications received: Richard Weeks, 185 Main St, Map 409, Lot 45; and Jeffrey Kantor, 250 Raymond Road, Map 409, Lot 113: The first abatement application was for Richard Weeks of 185 Main Street. Selectman Giffen motioned to accept the recommendation of Town Assessor Tammy Jameson in respect to Map 409 Lot 45

to abate the tax bill and revise the assessment from \$259,100 to \$218,100. Seconded by Selectman Lazott. All in favor. Motion carried. The second application was for Jeff Kantor of 250 Raymond Road. The house was assessed at \$296,400; the revised assessment was \$267,000. The current use assessment was \$146,395. There was some discussion regarding the assessment. Selectman Lazott motioned to table the abatement application until the Board received more information from Assessor Tammy Jameson. Seconded by Selectman Giffen. All in favor. Motion carried.

The Board will continue discussions on the Town Owned Exit 3 land: Selectman Duarte presented the Board with some plans that Craig St. Peter from Pennoni Associates drafted. He stated there are some minor issues, but they could be worked around. Selectman Brennan suggested putting out a request for a proposal. He further stated he has received some information from other towns, regarding the development of town owned property. Selectman Brennan stated he had spoke with Plan NH who prepare Charrettes for towns. They would help the town for free with engineering, architectural studies, and Charrettes. There is an application process if this Board was in favor of this. Selectman Giffen suggested holding a public hearing and getting the people of the towns' opinion. Selectman Duarte commented they were getting a lot of positive feedback from the people in town and from other towns. Chairman Kelley added it needs to get done and should not be put off any longer. Selectman Brennan stated it's a project that shouldn't be rushed into. Selectman Giffen suggested getting competing proposals. After further discussion the Board decided to hold a public hearing. Chairman Kelley will have Selectmen's Assistant Carolyn Emerson check Moore School for availability.

Approval of Minutes: Selectman Lazott motioned to approve the minutes of June 11, 2007 as presented. Seconded by Selectman Giffen. All in favor. Motion carried.

Other Business

Chasse Property: Chairman Kelley wanted the Board's opinion on what they should do with Mr. Chasse's property. The Board addressed the written request from the former property owner. Chairman Kelley explained the family wanted to buy the land back from the town, so they could access their 30 acres behind it. Ingrid Byrd of Depot Road asked how the town got ownership of the land. Chairman Kelley replied back taxes. It was the consensus of the Board to not consider the sale of that parcel of land.

Update on the transfer station: Selectman Brennan stated they decided to go with Design Build; they put together a request for a proposal. He further stated the Solid Waste Committee decided to put in a request for qualifications. They went back to all of the previous bidders and other general contractors who were qualified. Paul McHugh stated they posted the request for qualifications in the Union Leader, Hooksett Banner, the Dodge Report, and Construction Summary. They gave the opportunity to five companies for return bid. They sent out request for proposal to four additional companies who were recommended or have done things for the town in the past. They contacted Maine Drilling and Blasting to find out how much presumed ledge was on the property. The results were there was less ledge than previously thought and it is weathered. He added there will be no need to blast, which will lower the cost of the project. Selectman Brennan mentioned setting a date for a public hearing. They will soon be sending a

press release to the Union Leader, Hooksett Banner, and posting it on the website and at the recycling center.

Announce Next Regularly Scheduled Meeting Date: The next regularly scheduled meeting will be held on July 9, 2007 at 7:00 p.m.

Selectman Brennan motioned to adjourn at 9:40 p.m. Seconded by Selectman Giffen. All in favor. Motion carried.

Respectfully submitted,
Andria Hansen, Recording Secretary