

**Approved as presented
Candia Selectmen's Public Meeting Minutes
Monday, July 23, 2007**

Attendance: Chairman Fred Kelley, Vice-Chair Tom Giffen, Selectman James Brennan, Selectman Richard Lazott, Selectman Joe Duarte, Director Carolyn Emerson and Secretary Dawn Chabot.

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

The Board will meet with Bryan Christianson of Comcast to continue discussions on the Cable Contract: Chairman Kelley postponed the agenda item until a future meeting as Mr. Christianson was not in attendance of the meeting.

The Board will consider the raffle request from Bear-Paw Regional Greenways: The Board reviewed the attached request received from Betsey Kruse for Bear-Paw Regional Greenways to hold a raffle on Old Home Day on 08/18/07. Judi Lindsey spoke to the raffle request as Betsey Kruse was temporarily unavailable. Judi Lindsey informed they would raffle a "Build-a-Bear" and hoped to draw attention to their booth in order to educate people on the organization. Selectman Giffen motioned to approve the raffle request from Bear-Paw Regional Greenways as presented, raffle to be held on 08/18/07 at the Old Home Day event with a rain date of 08/19/07. Seconded by Chairman Kelley. All in favor. Motion carried.

The Board to discuss Boyd Chivers' request involving assistance from the Board in regards to the damage railroad bed between Depot Road and Patten Hill Road: Chairman Kelley stated at the request of Mr. Chivers the agenda item would be placed on hold as Mr. Chivers has a call into the Bureau of Trails.

The Board to consider the recommendations of the Heritage Commission for the re-appointment of Ron Thomas as a full member and the appointment of Alt. member Jim Lindsey as a full member: The Board reviewed the attached Heritage Commission meeting minutes of 06/14/07 in which the Commission recommended the re-appointment of Ron Thomas as a full-member and the appointment of current alternate member Jim Lindsey as a full-member. It was noted that full-member William Byrd was not seeking re-appointment. Chairman Kelley motioned to appoint Ron Thomas and Jim Lindsey as full members to the Heritage Commission with terms to expire on 07/23/2010. Seconded by Selectman Giffen. All in favor. Motion carried. Secretary Chabot informed at the request of Heritage Commission Chair Philbrick the alternate vacancy was posted in the two public posting areas. It was also mentioned that Chair Philbrick wanted the vacancy on the website as well.

Selectman Brennan and Cemetery Superintendent Anderson to discuss Cemetery Matters

Proposed Cremation Area: Selectman Brennan stated he met with Mr. Anderson on a few matters mostly concerning the Holbrook Cemetery. Selectman Brennan advised Mr. Anderson was approached on a request to have a separate cremation area. Selectman Brennan provided the Board with the attached plot plan of the Holbrook Cemetery in which a proposed cremation area

is outlined on the back portion at the end of the gravel road. Mr. Anderson stated the plots would need to be 4'X5' or 4'X6" and they would be able to have four cremations in a lot. Selectman Giffen asked if the intent was to offer a smaller lot for a better price. Selectman Brennan stated the intent was to offer a separate area and that pricing was not discussed. Selectman Brennan stated last year a possible increase on the price was discussed and was still being considered. Selectman Lazott was in favor of the proposal noting cremations seemed to be the favored option. Selectman Giffen asked if the new area would mean segregation noting he wanted to be sure that cremations would still be allowed in the traditional lots and not cause separation between families. Selectman Brennan stated that would not be the case, it would just provide options. It was noted that traditional burials (caskets) would not be allowed in the cremation area. Selectman Brennan advised that he and Mr. Anderson would finalize a map, research pricing and draft a policy for the Board's review. Selectman Brennan also stated they would propose rate increases in the near future.

“No Parking on the Grass” signs: Selectman Brennan stated there was a need to post “No parking on the Grass” signs because on occasions people park on gravesites during funeral services. Selectman Brennan asked Mr. Anderson if he wanted temporary movable signs or permanent signs. Mr. Anderson felt the permanent signs would be most effective. Selectman Brennan stated he would obtaining pricing and report back to the Board.

Dilapidated Maintenance Shed: Selectman Brennan advised the Cemetery Maintenance Shed at the Holbrook Cemetery was falling apart and in need of being replaced. Selectman Brennan advised he would look at pricing and options for the Board to consider during the upcoming budget process. Secretary Chabot recalled former Superintendent Clark expressing a need for that as well approx. four years ago but could not recall why it was never addressed. Selectman Brennan stated he would like to install electricity in a new shed in order to provide lighting in the building.

The Board to review the Planning Board memo dated 07/20/07 requesting that the Selectmen accept a performance bond of \$11,000.00 in cash for Mr. Danais' development located on lots 137 and 137-1: The Board reviewed the attached memo from Mary Girard, Chair of the Planning Board, requesting that the Selectmen accept a performance bond of \$11,000.00 in cash for Mr. Danais' development for the site plans on lots 137 and 137-1. Planning Board (PB) Chair Girard stated she was against having a bond at all and to come to a compromise she motioned to accept a \$20,000.00 bond for the project, \$9,000.00 to cover inspections and \$11,000.00 to address safety issues. PB Chair Girard informed Mr. Danais did not agreed to the originally proposed amount, however did agree to the newly proposed amount. Selectman Duarte felt Mr. Danais was back-doored with the original amount as Stantec came in on the 11th hour. PB Chair Girard commented that it was a majority decision four out of six of the members agreed. PB Chair Girard stated the Planning Board has never required a performance bond on a site plan only surety bonds for road construction projects for subdivisions. Selectman Lazott stated as a prior Planning Board member he was unfamiliar with performance bonds as well. PB Chair Girard stated the \$11,000.00 figure may help if the Town needs to buy hay bails for run-off should the developer walk away from the project. Selectman Brennan asked if the Town should consider performance bonds for future projects. PB Chair Girard stated maybe. Selectman Brennan stated he was familiar with performance bond

requirements in other Communities and stated they were required to protect the Town in the event the developer tears everything down and walks away. PB Chair Girard felt that would depend on the Developer. Selectman Brennan stated he would be cautious about it. Director Emerson stated she had drafted an agreement for the June 25, 2007 Meeting which indicated the performance bond was for the site plan restoration and erosion control. Selectman Giffen felt someone could argue on the site plan restoration but felt there was a legitimate need to protect the Town for erosion control. Selectman Giffen wondered if the Town was now in the ballpark for erosion control with the \$11,000.00 figure. Road Agent Lewis stated the original amount of \$286,000.00 was not an inaccurate figure for the 10-acres. Chair Kelley thought the performance bond requirement should have been brought up to the developer up front. Selectman Brennan stated if the site is cleared to dirt, nothing would grow without a plan in place. Selectman Lazott disagreed noting he had maple trees growing in his flower garden. Selectman Brennan stated yes but you have something there to begin with. Selectman Duarte commented that it was a valuable piece of property and did not think anyone would walk away from it. PB Chair Girard stated the Board was discussing a Planning Board matter in which a decision had already been made. PB Chair Girard stated Land Use Administrative Assistant Hansen had contacted Mr. Danaïs and he advised he would be in. Director Emerson informed she would prepare a performance surety escrow agreement based upon the new figure for the Board and Mr. Danaïs signatures.

The Board to appreciate Dot Purrington for her assistance involving the Old Library Building: Chairman Kelley stated Dot Purrington had provided stacks of research information to the Town which was extremely helpful in getting the Old Library Building on the State's Historic Registry and would also be helpful in the National Historic Process as well. Chairman Kelley read the attached Certificate of Appreciation from the Board of Selectmen which stated the following: to Dot Purrington in recognition of your efforts in providing the Town of Candia with research information concerning the Old Smyth Library Building which was helpful in getting the building placed on the State Historic Registry.

The Board to review and discuss input on the draft Class VI and Private Road Policy: The Board reviewed the attached draft Class VI and Private Road Policy. Selectman Duarte informed that input on the policy was obtained from PB Chair Girard, Building Inspector Hallock, Fire Chief Cartier, Police Chief McGillen and Road Agent Lewis. Selectman Duarte stated the draft policy was reviewed by Counsel and a couple of changes were made. Road Agent Lewis stated he expressed concerns on the 600 feet or less requirement in order to obtain a building permit (located on page 2, under section 3). Road Agent Lewis was not sure how the Town could now tell someone beyond the 600 feet that their land is now unusable. It was noted that the Road Agent's concerns were sent to Counsel and Counsel did not share the same concerns. Road Agent Lewis thought the Town should consider stiffer Road requirements beyond the 600 feet in order to cover the Town and not deprive someone use of their land. Selectman Duarte pointed out that Counsel has recommended the Town have a policy in place for many years now. PB Chair Girard commented that the draft was reviewed by Counsel and he did not have a problem with the requirement. Selectman Giffen questioned the avenues of appeals. Director Emerson stated essentially they would be denied a building permit and their next avenue would be the Zoning Board of Adjustment. Selectman Duarte stated the Board needed to have guidelines in place in order to protect the Town. Road Agent Lewis stated he

was concerned about the possibility of the Zoning Board granting a request based upon an appeal and the Town ending up with a cart path beyond the 600 feet. Selectman Lazott thought if a case went to the Zoning Board the Road Agent or the Board would provide input to the Zoning Board to ensure conditions are placed upon them to prevent a cart path. Charles Bowman of High Street stated the Town should be concerned because there would be liability if a child on a Class VI road during a snowstorm was sick and emergency vehicles were unable to get to the scene. Mr. Bowman stated allowing houses on a Class VI Road was very foolish. Selectman Duarte stated the main reason for the policy was due to safety and he felt comfortable with it since Attorney Mayer reviewed and polished it. In support of the Road Agent's suggestions Selectman Brennan questioned if the Board should consider adding a few words on the stiffer requirements in the event a property owner (beyond the 600 feet) is granted relief from the Zoning Board. Selectman Duarte did not think it was necessary based upon the input received, the time spent and the review from the Town Attorney. PB Chair Girard noted the reason for the policy was to discourage building on Class VI Roads. Road Agent Lewis reiterated he was concerned. Selectman Lazott motioned to approve the "Class VI and Private Road Policy" as written. Seconded by Selectman Duarte. Selectman Brennan stated he was still worried about not having additional wording in place on stiffer road requirement in the event the Zoning Board grants relief. Selectman Lazott thought an addendum to the policy could be added at a later date if necessary. Chairman Kelley called for a vote on Selectman Lazott's motion: Chairman Kelley, Selectman Giffen, Selectman Lazott and Selectman Duarte in favor. Selectman Brennan opposed. Motion carried. "Class VI and Private Road Policy" adopted.

The Board to discuss the process involving the Town-owned properties at Exit 3 and Selectman Duarte to discuss establishing a Committee: Selectman Duarte informed he would update on a few items and also would read three letters that were received on the Exit 3 proposal. Selectman Giffen summarized how he felt on the potential development noting the Town's regulations did not provide a lot of teeth on things such as design characteristics. Selectman Giffen felt there was agreement for the future sale but also felt there was little in place to enforce what the Town would like to see. Selectman Giffen suggested a contractual arrangement with developers and added that the Board could send out Request for Qualifications in order to find qualified developers to work in cooperation with the Town to come up with square footage, design and look. Selectman Giffen thought it was important for the Board to control the outcome of the project as the proposed area is the gateway to Candia. Selectman Duarte thought the suggestion was good but noted he had put together a committee consisting of himself, Conservation member Betsey Kruse, Citizen John Cole and Citizen Charles Bowman. Selectman Duarte read the attached document highlighting the experience of the three mentioned individuals. Selectman Duarte felt four was an adequate number of members for the Committee. Selectman Giffen was not in favor of having an odd number of Committee members for the purpose of voting and also thought it was important to follow the long standing policy of posting open positions. Selectman Duarte did not feel the even number was a concern as the Committee would be advisory only to the Board of Selectmen. Selectman Lazott motioned to accept the recommendations of Selectman Duarte and name Betsey Kruse, John Cole and Charles Bowman as members to the Exit 3 Committee. Selectman Brennan felt it was important to post the positions as well. Citizens Ron Thomas, Judi Lindsey and Paul McHugh thought it was important to post in order to see if there were other interested parties. Ron Thomas stated since Selectman Duarte had said at the 07/16/07 Public Meeting that he was not interested in

forming a Committee, the Board should definitely post the openings. Selectman Duarte strongly disagreed that he said that and further advised it was not reflected within the minutes. Paul McHugh strongly stated the Board needed to post the openings and put it before the Town. After some heated discussion on the need to follow prior policy in posting new positions in order to seek letters of interest, Selectman Giffen motioned to amend Selectman Lazott's prior motion, amended motion is as follows: to establish a (5) member Exit 3 Committee to study and evaluate the town-owned parcels at Exit 3 for a potential grocery store, to name Selectman Duarte as the Selectmen's Rep to the Exit 3 Committee, and to accept Betsey Kruse, John Cole and Charles Bowman as members of the Committee. Seconded by Selectman Brennan. All in favor. Motion carried. The Board agreed to have the Staff post an ad seeking letters of interest for the Exit 3 Committee on the two public posting areas and on the website as well with a deadline of 08/10/07 in order for the Board to address at their next meeting on 08/13/07.

Letters received on the Exit 3 Proposal: Selectman Duarte reviewed three letters that were received on the proposal (attached). Selectman Duarte noted two letters from Jean & Carol Nolette of Depot Road and from Kathy & Fred Jones of North Road were in favor of the development and one from Jim Lafond of South Road was against the development mainly due to traffic concerns within the area. Selectman Lazott felt some information in Mr. Lafond's letter was incorrect and based upon hear say. Selectman Giffen thought the Board should respond to Mr. Lafond to address some of his questions and concerns. Selectman Duarte informed he would call Mr. Lafond, write a letter as a follow up and report back to the Board.

Memo with a Plan of Action to be sent to the Planning Board and the Conservation Commission: Selectman Duarte read the attached memo outlining the Board's plan of action requesting that the Planning Board and Conservation Commission respond back by 08/02/07. Betsey Kruse noted the Commission did not have another monthly meeting until after that date and wondered if more time could be given. PB Chair Girard noted the Planning Board would need more time as well. Selectman Duarte thought the date could be changed. It was noted that the date listed was discussed and agreed upon by Selectman Duarte as tentative date. The Board determined they would extend the input date to 08/24/07 in order to give more time. Director Emerson informed she would re-draft the memo based on the new deadline. The Board agreed to set the required hearing dates to September 10, 2007 and September 24, 2007.

Concerns about the Exit 3 Area: Jane Sanders of Chester Road wondered if the Board was aware of the 30 acre parcel which is currently listed behind the Hobbs Property and could provide an astute developer with 50 acres of contiguous land to develop. Selectmen Lazott and Duarte were not too concerned and commented on the wet areas located on the 30 acre parcel.

The Board with Director Emerson will discuss the upcoming Budget Process: Director Emerson stated the Budget Committee wanted the Town Budget earlier this year by October 1st (one month earlier than last). The Board agreed they would hold the first budget meeting on Saturday, September 8, 2007 at 9:00 am. The Board also agreed that the deadline for departments submitting information to Director Emerson would be Friday, August 31, 2007 at 3:00 p.m. It was noted once inputting was completed Director Emerson would email the spreadsheet to the Board prior to the 09/08/07 meeting. Director Emerson stated the figures for cost of living would not be available for the Board to decide on for wages. After some

discussion the Board agreed to tell department heads to utilize a 6% increase figure in wages for budgetary purposes only. The Budget Committee's warrant article deadline of 10/22/07 was mentioned. Selectman Brennan advised he thought the warrant article deadline was too soon. The Board agreed to set a tentative warrant article deadline of 09/28/07 and the Board would discuss the Budget Committee's requested deadline further at the Budget Committee meeting on 08/08/07. Selectman Giffen felt it was difficult to work on the budgets so early noting some of the departments had backend loaded budgets. Selectman Giffen stated budget preparation was becoming increasingly challenging because no one is 100% in budgeting and the budget has been too tight, noting the Board has done a good job but there still needs to be some type of fudge factor for unanticipated expenses.

The Board to discuss outstanding figures associated with the Tax Collector's Office relocation: The Board reviewed the newly obtained quote (attached) from Pelmac based upon new information discovered such as an existing alarm panel no longer in use. It was noted that the prior quote was \$854.00 and the new quote was \$340.00. Tax Collector Sanders provided more pricing on HP Printers (attached) 1) HP Laserjet all in one printer for \$700.00, toner for \$72.00 and \$100.00 rebate and 2) HP Laserjet standard printer for \$399.00 with a \$125.00 rebate. After some discussion Chairman Kelley advised he was still obtaining more information on the proposal and wanted to address the quote obtained for relocating the existing phone system. The Board agreed to wait for more information from Chairman Kelley.

Chief McGillen to discuss the status on the requested draft Towing Policy: Once notified by Secretary Chabot, Chairman Kelley announced the agenda item would not be addressed as the Board was just notified that Chief McGillen would not make the meeting as he had to address an unforeseen matter.

Approval of Previous Minutes: In regards to the Public Minutes of 07/16/07, Secretary Chabot informed she did not record a clear answer from any of the Board members to Mrs. Kruse question about forming an Exit 3 Committee as there was cross over discussions taking place. Selectman Brennan requested the following corrections be made to the Public Meeting Minutes of 07/16/07: page 2, 2nd paragraph, line 4, replace the word "stands" with the word, "standards"; page 3, 3rd paragraph, line 4, replace the word "as" with the word "is"; and page 5, 6th paragraph, 3rd line, replace the word "they" with the word "residents" and remove the words "there to get". Selectman Giffen motioned to approve the Public Minutes of 07/16/07 as amended, and the Non-Public 1 Meeting Minutes of 07/09/07, Non Public 2 Meeting Minutes of 07/09/07, and Public Meeting Minutes of 07/09/07 as presented. Seconded by Chairman Kelley. All in favor. Motion carried.

Any Other Business

Update on the Town Report Dedication page: Secretary Chabot as discussed by the Board at the 07/09/07 meeting she researched two options and obtained pricing from Director Emerson based upon the printer's 2006 rates. Option 1 was based upon one page with one photo and two other individuals listed as honorable mention, estimated cost at \$138.70. Option 2 was based upon one page with three photo options, estimated cost at \$268.70. Chairman Kelley mentioned the recent unfortunate passing of another prominent citizen Mr. Charles Doucette and noted the

Board should wait until yearend to make a formal decision. The Board agreed to place the information in Director Emerson's budget folder.

Old Home Day Committee Raffle Request: The Board reviewed the attached raffle request from Amanda Soares for the Old Home Day Committee to conduct a raffle at the Old Home Day event. Chairman Kelley motioned to approve the raffle as presented. Seconded by Selectman Giffen. All in favor. Motion carried.

Update on the Transfer Station: Selectman Brennan provided an update on the RFQ's for the Transfer Station noting six were received and the five following Companies would receive request for proposals (RFPs): Kinsman, Horne, Severino, McMillon and Ricci. Selectman Brennan explained the RFPs would be sent out and due back to the Solid Waste Committee by 08/14/07 by 2:00 p.m. Selectman Brennan noted the RFPs would be viewed by the SWC at the meeting on 08/14/07. Selectman Brennan stated the bidders would give an oral presentation to the SWC on 08/16/07. SWC Chair Paul McHugh informed the return information on the RFQs would arrive in two envelopes (the price and the packet of information). Chair McHugh stated the SWC hoped at the end of the process they would recommend a minimum of two companies to the Board of Selectmen. Selectman Lazott stated he would like to see three. Chair McHugh thought the Town would be okay in the process because some items have been redeveloped and also due to the information from Maine Drilling and Blasting.

Request from the Joseph Hayden on Hemlock Drive: Selectman Brennan advised that he and the Road Agent meet with the Haydens on Hemlock Drive on a drainage situation they are trying to correct. After some discussion, Selectman Brennan motioned to grant permission to Joseph Hayden on Hemlock Drive to allow him to work within the right of way on the road in order to install a new drain line, work to be inspected by Road Agent Lewis. Seconded by Chairman Kelley. All in favor. Motion carried. It was noted that the abutting homeowner was okay with the proposed work.

Announce Next Regularly Scheduled Meeting Date: The next regularly scheduled meeting will be held on Monday, August 13, 2006 at 7:00 p.m.