

Approved
Candia Selectmen's Public Meeting Minutes
Monday, August 27, 2007

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

7:25 p.m. Chairman Kelley opened the Public Meeting apologizing for the delay as the Board had just met with Town Counsel and immediately followed with the Pledge of Allegiance.

The Board to provide updates and clarification on the Exit 3 Town-Owned land process: Chairman Kelley yielded the floor to Selectman Duarte as the Selectmen's Representative to the Exit 3 Committee. Selectman Duarte stated the Board was back on track informing after the meeting with Town Counsel the Board was advised that they could proceed with the two Public Hearings in accordance with RSA 41:14-a and did not need to have a specific plan other than what was outlined before the 2003 Town Meeting vote which gave authority to sell town-owned Map 410, Lot 162. Selectman Duarte motioned in accordance with RSA 41:14-a, to proceed with two Public Hearings and also to request input from the Conservation Commission and the Planning Board prior to the hearings. Seconded by Selectman Giffen. All in favor. Motion carried. Selectman Lazott motioned to hold the two Public Hearings on Monday, 09/24/07 and Monday, 10/08/07 commencing at 7:00 p.m. and also to re-submit a plan to the Conservation Commission and the Planning Board for their input with a deadline to respond by Fri. 09/21/07 3:00 p.m. Seconded by Selectman Giffen. All in favor. Motion carried. Chairman Kelley asked if there were any questions regarding the Exit 3 town-owned properties. Donna Cinelli of Old Candia Road stated she was confused on what the Board was considering placing on the properties. Selectman Lazott stated the Board would pursue development in accordance with the 2003 Town Meeting vote which would mean at least but not limited to a retail store 40,000 square feet or larger.

The Solid Waste Committee (SWC) will address the Board on the state of the future Transfer Station: SWC Chair Paul McHugh addressed the Board. SWC McHugh outlined the SWC's process for the future Transfer Station as follows: In July the SWC worked on a plan to proceed with a design build procedure; RFQ's were put out by placing an ad in the newspaper and sending out 9 letters to prior bidders and highly recommended companies; the Town received back 6 responses and one was eliminated because the Company was not bonded; RFPs were sent out to the five remaining companies; four out of the five companies submitted RFPs which consisted of two separate envelopes 1) proposal & design specifications 2) pricing information; at the SWC Meeting on 08/14/07 the Committee opened and reviewed the proposal & design specifications envelopes; at the SWC Meeting on 08/16/07 presentations on the proposals were given by McMillion, Kinsmen, Ricci and Severino; after the presentations the SWC opened the pricing envelopes; at the 08/16/07 Meeting two companies were eliminated because their pricing was not low enough for the funds budgeted; and the two remaining Companies (somewhat in budget) were Ricci and Severino. SWC Chair McHugh stated the SWC asked the two companies for suggestions on how to bring the project within budget. SWC Chair McHugh stated the SWC made the decision to recommend Severino as the general contractor at this time. SWC Chair informed that Ricci and Severino were both excellent companies but the decision to recommend Severino was partly due to the fact that a large part of the project was site work and that was Severino's forte and also due to the Company's huge cost savings suggestion. SWC Chair McHugh explained that Severino had suggested a change involving obtaining an easement from the abutter to relocate a box culvert which resulted in a \$100,000.00 savings to the project's budget. Selectman Brennan explained at this time the SWC was looking for the Board's support on the recommendation and authorization to proceed on negotiations with Severino. It was noted that the Board could become involved with the negotiation process if they desired or authorize the SWC to continue on the process. Chairman Kelley asked if the numbers were way off between Severino and Ricci. SWC Chair McHugh stated they were very close but for the reasons give and the Companies close proximity to the site, Severino was recommended. The Board unanimously supported the recommendation and authorized the SWC to proceed with negotiations with Severino. SWC Chair McHugh advised the SWC would report back to the Board

once they are ready to move forward with a final decision. SWC Chair McHugh informed that at some point the SWC would transfer the process over to the Board.

Chairman Kelley asked the dollar value associated with the cistern and the sprinkler system for the future Transfer Station. SWC Chair informed that the sprinkler system was removed and that the fiberglass cistern would cost \$85,000.00. Chairman Kelley asked if the SWC considered asking for a waiver of that requirement. SWC Chair McHugh stated it was not discussed as the Fire Chief felt strongly on the cistern requirement for fire suppression at the future Transfer Station. Selectman Lazott mentioned that concrete cisterns were cheaper and noted that the Board had the final say as the SWC was just an advisory Committee to the Board. SWC Chair McHugh agreed. It was mentioned that two businesses on Deer Run Road had cisterns as well (High Speed Technology with a 20,000 gallon cistern and Cutting Edge with a 15,000 gallon cistern). It was questioned why the site could not utilize the cisterns within the area. SWC McHugh stated there was a concern on the distance verses the length of the hose. Selectman Brennan felt the Fire Chief should be present for the discussion as he was adamant about the requirement. John Cole of Fieldstone Lane asked what the size of the cistern would be. Selectmen Brennan and Giffen answered 30,000 gallons. Mr. Cole commented that the size was huge. Selectman Brennan stated the SWC looked into concrete cisterns as well. Selectman Lazott did not think the fiberglass cisterns were covered under warranty. Selectman Brennan stated that they did come with a warranty. Ingrid Byrd suggested that the Board check with the Town's insurance carrier to see how they feel about cisterns. Donna Cinelli asked if there had ever been a fire at the existing facility. Chair Kelley advised yes on several occasions. After some further discussion, the Board determined they would continue a cistern discussion when the Fire Chief was present for the discussion.

The Board to discuss recent Tax Collector's concerns on mortgage searches: Secretary Chabot explained to Tax Collector Sanders the documents that the Board had before them. In regards to the Board's attached memo dated 08/10/07 Tax Collector Sanders informed she did not have time to poll title companies on their pricing based upon her recently submitted Mortgagee Identification Criteria (attached). Selectman Lazott asked how much more was her criteria requiring than what the RSA states. Tax Collector Sanders advised the RSA states you must identify any and all mortgagees within 45 days to include creditors. Selectman Lazott stated he could only recall one problem in the history of the Town involving the Flower Shop when an IRS lien was missed due to an error in naming and it became a non-issue once the Town waited it out. Tax Collector Sanders stated yes but the Town had to wait ten years. Selectman Lazott was unsure of the wait period. Selectman Lazott stated he did not see the Mortgage Searches to be a problem as it is being indicated by Tax Collector Sanders. Tax Collector disagreed advising the searcher can include any and all liens. Tax Collector Sanders felt many items were missed by Atlas and she advised she had to redo the searches. Tax Collector Sanders stated if the Town misses a mortgagee or creditor and they take the property by deed any other liens are expunged. Selectman Giffen noted this could include a plumber or some else. Tax Collector Sanders agreed stating they have to be notified. Tax Collector Sanders stated Atlas had missed items noting she did not count them but thought it was probably around thirty. Tax Collector Sanders stated there was one particular case where they reported the person owned the property outright however there was a levy of execution in excess of \$100,000.00 she received a call on and that the only reason she received a call was because she had sent them a letter. Selectman Brennan asked if she felt when she contacts the vendors they will say yes this is what they can do or say this is way out of our league. Tax Collector Sanders stated she wrote the criteria based on the basics of doing a title search and if she has to tell a title company how to do a title search then they are not qualified. Selectman Brennan asked if she would contact companies. Selectman Lazott stated he would like to see a half of dozen at least. Tax Collector Sanders agreed. Selectman Brennan thought some companies may have other ideas. Tax Collector Sanders stated there was only one way to do title searches and briefed on the process. Selectman Lazott motioned to pay Atlas Title \$350.00 for their recent title search work. Seconded by Selectman Brennan. All in favor. Motion carried. Selectman Giffen pointed out if Atlas was willing to accept half payment he felt they were willing to accept shame in their work. Tax Collector Sanders stated she offered to do it for nothing. Selectman Giffen said there was some value in their work. Tax Collector Sanders said yes they provided me with some addresses. Chairman Kelley directed Tax Collector Sanders to contact companies to obtain pricing. Tax Collector Sanders advised there was one she had approached that stated they would not do the searches

for less than fifty dollars. The Board noted they wanted to find out what they needed to budget for this line. Ingrid Byrd of Depot Road asked if the amount for the title searches was tagged onto what was owned and not passed on to the taxpayers. Tax Collector Sanders said yes, it is a pass through item. Selectman Lazott stated but don't forget this is a fee that gets tagged on to people that can't afford to pay their taxes to begin with.

Secretary Chabot wanted to make note that Counsel did indicated there is debate over the RSA and that there is debate over the term Mortgagees and that Tax Collector Sanders knew that. Secretary Chabot thought that was why in some cases the costs (per search) was lower because some Towns were willing to accept the costs in line with what was being done which is in accordance with the debate over the RSA. Tax Collector Sanders indicated she was not following what Secretary Chabot was say. Secretary Chabot read the following from Counsel's letter dated 08/07/07: "The second question is: Who must receive notice? There has been some debate about whether the term "mortgagees," as used in the statute refers to attaching creditors, or the IRS." Secretary Chabot thought perhaps some of the searching companies are looking at the Statute a little bit differently meaning they are charging their costs in accordance with their interpretation of the RSA. Tax Collector Sanders advised some of the Companies she had spoken with did not know there were RSAs. Secretary Chabot reiterated that Counsel admits there is debate over the RSA. Secretary Chabot noted that some companies are debating it and charging what they feel their interpretation of the RSA is and some Towns are willing to accept that. Selectman Chabot thought that should be mentioned to be fair to some of the Title Companies as this may be their going rate. Tax Collector Sanders stated there were no set rates that she knew of. Selectman Giffen advised every company charges what they feel they have to charge for whatever work they do. Secretary Chabot agreed but stated what she was saying was other Towns were paying these types of Companies to do the same kind of work that Tax Collector Sanders is not finding satisfactory because of her interpretation of the RSA verses the way other Towns may be interpreting it. Selectman Lazott agreed. Selectman Lazott tabled further discussion until the Board received more information. Seconded by Chairman Kelley. The Board determined they did not need a motion and agreed the Tax Collector would get back to them on pricing.

Secretary Chabot pointed out that the other half of Tax Collector Sanders memo indicated she was requesting \$350.00 payment out of the \$700.00 budget as she did some of the work on the searches. Tax Collector Sanders stated she re-did all of the work. Selectman Brennan asked what she found. Tax Collector Sanders stated they did not record a single IRS lien mentioned she did not count them up but though approx. 30 items. The Board reviewed the request in the attach memo. The Board discussed the request. Selectman Brennan felt if it was budget and she did some of the work the request was reasonable. Selectman Lazott questioned how many hours she put into the work. Tax Collector Sanders said most of the fourth of July weekend approx. 20-25 hours in a four day period. Chairman Kelley questioned if there was any more work to be done. Tax Collector Sanders stated the work had to be completed within 45 days. Selectman Giffen asked Selectman Lazott how he felt about the rate. The Board reviewed the hours verses the \$350.00 request. Selectman Giffen thought it was reasonable. Selectman Lazott stated he did not have a problem with the \$350.00 but stated in the future before she goes ahead and takes it upon herself to do the work, she should bring it to the Boards attention. Tax Collector Sanders stated she did. Selectman Lazott felt it was just like when she sent out a letter for 66 searches when she only wanted 54 noting they did the ones she had sent them. Tax Collector Sanders stated there were 54 owners on the spreadsheet with some people owning more than one parcel. Selectman Lazott thought it was diligent of them to do every property. Tax Collector Sanders stated you search by name. Selectman Lazott mentioned there may be a different lien on a different parcel. Tax Collector Sanders said you mark it on the schedule sheet. Selectman Lazott stated if that was the case why did you send the Companies 66 or 64. Tax Collector Sanders said because there could be a lien on one of the different properties. Selectman Lazott advised he thought that was what he had just said. Tax Collector Sanders explained you run the owner once and write down everything you find under his name and that she needed to tell them that the person owned more than one property per RSA. Selectman Lazott stated in his mind they did what they were suppose to do and that it was just a matter of semantics. Selectman Giffen stated they probably didn't do what they were suppose to do otherwise they wouldn't have accepted half payment. Chairman Kelley asked for a motion on the request. Selectman Brennan felt it was reasonable for the work that was done but he understood the information

given may have made confusion but admitted he was not familiar with it. Selectman Lazott felt as an elected position you accept certain responsibilities just like they all have with the hours and the gas mileage and he was not sure what the overall picture was when they accept the position to start with. Selectman Giffen mentioned the possibility of when pricing is obtained and that the experienced Tax Collector may offer to do it for less, he thought they would be irresponsible if they did not accept the offer and go for the better deal. Selectman Lazott stated in the future if it does come up, he had a problem with the Tax Collector being able to under cut whatever comes in. The Board agreed. Selectman Lazott said as a general contractor I would like to be able to know what my competition is bidding. Selectman Giffen agreed it was a dual role but still thought it was important to accept the best deal. Selectman Brennan motioned to provide Tax Collector Sanders with the remaining budget amount of \$350.00 for her title research work. Seconded by Selectman Giffen. All in favor. Motion carried. Chairman Kelley stated to the Tax Collector next time to notify the Board before anything is done. Tax Collector Sanders wanted to make a comment that she does not put in for mileage when she goes to the registry of deeds or when she goes to conferences as she has done hundreds of times. Chairman Kelley and Selectman Giffen thought she should put a mileage line within her budget. Tax Collector Sanders said part of the job is training and she is happy to travel where ever.

The Board to address a necessary contract hire for interpreter services for an upcoming Planning Board Hearing in accordance with RSA 521-A:2: Secretary Chabot noted that she and Director Emerson had worked on the request for the interpreter for an upcoming Planning Board hearing for 09/05/07 at the request from an abutter in accordance with RSA 521-A:2. Secretary Chabot mentioned a concern from PB Vice-Chair Byrd regarding section 521-A:6 Notice; Proof of Disability, which states the appointing authority may require proof of disability if they have reason to believe that the person is not disabled. Secretary Chabot noted the following: a call was received from Granite State Independent Living on the requestor's behalf regarding the need for an ASL interpreter, a call was made to an Deaf and Hard of Hearing organization out of Concord which had the requestor in their data base, and lastly a video relayed interpreter call was made by the requestor after a message was left at her home. With the information provided the Board did not feel proof of disability was necessary. Selectman Lazott commented future budget lines for this type of service should be considered noting the Town of Raymond was required to put meeting minutes in brail. Selectman Duarte noted the Planning Board was concerned that the application may be incomplete for the 09/05/07 hearing but would make effort to try to get RSL ready for the hearing. Selectman Lazott mentioned it would be important for the Planning Board to get the hearing down to one meeting due to the expense and not have cross over talk as the requirement for two interpreters could be imposed on the Town as indicated by the Office staffs' research information. Selectman Lazott motioned to contract hire Kristen Chenoweth as an ALS interpreter at a rate of \$25.00 per hour, with a two hour minimum, and a mileage rate of 48.5 cents per mile for the upcoming 09/05/07 Planning Board hearing and any other hearings related to the case, and also to Pay Granite State Independent Living a \$30.00 finders fee. Seconded by Selectman Giffen. All in favor. Motion carried.

The Board to re-address and discuss James Franklin's quote to set boundary markers at the Candia Fire Department property on Deerfield Road: The Board reviewed the remaining dollar amount under the legal line. The Board noted that contact was made to Surveyor Joseph Wichert (the surveyor that purchased the retired surveyor's information, the one who originally surveyed the property) and his rough estimate was much higher than Jim Franklin's August 6, 2007 quote of \$1,200.00. Selectman Lazott motioned to accept Jim Franklin's Proposal for Land Survey Services dated 08/06/07 for the setting of Monumentation in accordance with the plan entitled "Boundary Line Agreement Plan for Candia Fire Department & Jeffrey Goff" in the amount of \$1,200.00. Seconded by Selectman Giffen. All in favor. Motion carried. Selectman Giffen motioned to authorize Chairman Kelley to sign Jim Franklin's proposal agreement on behalf of the Board. Seconded by Selectman Lazott. All in favor. Motion carried. Chairman Kelley signed the proposal.

Selectman Lazott to report favorable review on Police Officer Richard Langlois: Selectman Lazott reported that a favorable review had been completed by Chief McGillen on Officer Richard Langlois and no increase was due at this time. Selectman Lazott stated Officer Langlois presents himself in a highly commendable fashion. The Board members agreed.

The Board to formalize the sale authorization for the Fire Dept. Tanker Truck: The Board reviewed the attached memo dated 08/17/07. In accordance with the memo and the decision Selectman Duarte motioned to sell the 1972 Mack Tanker Truck through Fire Tech out of Vermont to Goshen Township Volunteer Fire Company out of Shawville, PA for the amount of \$16,500.00, Fire Tech would receive 10% of the sale price. Seconded by Selectman Giffen. Motion carried. Selectman Giffen noted that the amount received would be slightly less than the warrant article, approx. \$150.00 short. It was noted the selling price was much higher than the \$9,300.00 offered by the Town of Deerfield. Fire Chief Cartier mentioned that members from the Fire Department would be flying in tomorrow to complete the sale.

Approval of Previous Minutes: Selectman Giffen motioned to approve the Public Minutes of 07/23/07 as presented and to approve the Public Meeting Minutes of 08/13/07 with the following amendment: page 5, paragraph 1, line 8, after "government." Insert new sentences "Chairman Kelley called for a vote on the motion. All in favor. Motion carried." Approval motion seconded by Chairman Kelley. Selectmen Kelley, Giffen, Brennan, and Duarte in favor. Selectman Lazott abstained as he was absent on 08/13/07. Motion carried.

Any Other Business

SNHPC's request for Representatives from Candia to Serve on a Brownfields Advisory Committee: It was noted that the information was past along to Planning Board, Conservation Commission, Fire Chief and Police Chief and the only interested party thus far was Rudy Cartier the Fire Chief. Secretary Chabot noted that Planning Board Chair Girard was in support of his nomination. Secretary Chabot noted that SNHPC Director Preece felt an abutter to the identified Brownfields site (Goff Property on Route 27) would be an appropriate member to the Committee. Selectman Duarte motioned to appoint Rudy Cartier to serve as one of Candia's members on the SNHPC Brownsfields (Petroleum) Advisory Committee. Seconded by Selectman Lazott. All in favor. Motion carried. The Board directed Secretary Chabot to post in the two Public Posting areas an ad seeking letters of interest from individuals wishing to serve on this Committee with a closing date prior to the next meeting. It was noted SNHPC was looking for 2-3 members from Candia.

E-Mailed Document: Selectman Lazott presented the attached email document sent by Amanda Soares of Candia which he had received indirectly. Selectman Lazott stated the information in the document contained outright lies and there may be private litigation. Selectman Lazott informed the document accuses him of being in the pockets of developers and noted he can not and will not be on the take. Selectman Lazott stated he disputes her charges noting they were outright lies. Chairman Kelley stated he was mentioned in the email as well and he did not feel he has done anything illegal noting he has donated his time, equipment and his vehicle to the Town at no expense to the Town. Selectman Lazott felt the author of the e-mail was a liberal nut case.

Announce Next Regularly Scheduled Meeting Date: The next regularly scheduled meeting will be held on Monday, September 10, 2007 at 7:00 p.m.

9:08 p.m. Selectman Brennan motioned to close the Public Meeting and in accordance with RSA 91-A:3 II (c) to enter into a Non-Public Meeting. Seconded by Chairman Kelley. Roll Call vote conducted: Selectmen Kelley, Giffen, Brennan, Lazott and Duarte all in favor. Motion carried. Public Meeting adjourned.