

**Approved on 10/22/07
Candia Selectmen's Public Meeting
Monday, October 8, 2007**

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

7:03 p.m. Chairman Kelley called the Public Meeting called to order and immediately followed with the Pledge of Allegiance.

7:03 p.m. Chairman Kelley opened the Public Hearing in accordance with RSA 41:14a the Board will continue and hold a second Public Hearing to discuss the authority to sell two parcels of Town-owned land identified as 410-161 and 410-162.1 in conjunction with the town's land as 410-162 which the Town authorized the Board of Selectmen to sell. Chairman Kelley yielded the floor to Selectman Duarte, Selectmen's Representative to the Exit 3 Committee (E3C). Selectman Duarte reported the next Exit 3 Committee meeting would be held on Friday, October 12, 2007 as it would be the first meeting after the Public Hearings. Selectman Duarte advised the Committee would cover various items such as, drafting architectural designs, technical qualifications, and review future developer proposals, etc. Selectman Duarte stated the Board in accordance with RSA 41:14a the Board would take a vote on 10/15/07 on whether they are in favor on the sale of the property. Selectman Duarte stated Town Counsel liked the idea of hiring a professional real estate marketer for the marketing of the property. Selectman Duarte wondered how the Board felt about the approach. Selectmen Kelley and Lazott were fine with the approach. Selectman Giffen mentioned the possibility of finding someone willing to partner with the Town and work off a commission after a potential sale. Selectman Lazott thought it would be important for the Board to place the bulk of the work in the hands of a professional as they have contacts. It was noted that the Board currently has a list of Realtors and Developers which contain seven individuals or companies that have expressed an interest for the potential development. Selectman Duarte stated the Committee can explore the options as well as work on RFPs. Selectman Giffen stated the Board has to have standards in place to ensure that the Town gets what they want at that location but noted the standards should not be too strict that no one will build there. Selectman Lazott agreed and reminded the Board that Town Counsel had cautioned them not to be too restrictive. Selectman Duarte stated Counsel had advised to get your nose to the grind and get it done. Selectman Lazott pointed out the potential development had been placed on the backburner by prior Boards and that Counsel stated it's time to get it down as the taxpayers have already voted and want it. Chairman Kelley opened up the discussion to attendees. Exit 3 member Betsey Kruse of New Boston Road questioned the Board on how they planned on getting the proposal 100% done on Friday at the Exit 3 meeting prior to the vote. Selectman Duarte stated the Committee would obtain information to bring before the Board for any decisions. William Byrd of Depot Road informed the Board that RSA 41:14a gives the Board the authority to sell property with the proper steps however, he further informed the RSA provides two safeguards 1) the Board must hold two Public Hearings 2) a written petition. William Byrd presented the Board with a petition containing ten pages and 90 signatures. The wording on the top of the petition is as follows:

"Under the provisions of RSA 41:14-a-I. we, as registered voters, ask that the following question be voted on by ballot at the March town meeting.

"Are you in favor of the proposed sale of town owned property at Exit 3?"

By signing this petition, you are asking that the voters, not just the selectmen, be given the opportunity to vote on the proposed sale of the Exit 3 property. In addition, by town meeting, more information about the proposal should be available.

William Byrd mentioned more pages to the petition would soon follow. Secretary Chabot cautioned the Board noting she believed the petition had to be submitted as complete with no additions at a later date as the Board would need to contact the Supervisors of the Checklist to verify the signatures. The Board double checked with William Byrd as to if he was ready to submit the petition as is. William Byrd stated he was. Selectman Lazott stated the petition was legal but felt it was unfortunate that the vocal minority was stalling something that the people have already voted on. Selectman Duarte agreed it was already voted on. Joe Saxon of Critchett Road wondered why the residents were stalling. The Board noted the petition was within the RSA. E3C member John Cole stated the Board and the Committee were brought before Town Counsel and given a direct charge to see that the property gets sold in line with the will of the people noting at that time everyone on the E3C agreed. John Cole felt there was a direct conflict when someone on the Committee is against what they were charged to do by Town Counsel. Selectman Giffen clarified that the Exit 3 Committee was charged by the Board of Selectmen and not Counsel. John Cole agreed with the clarification. E3C member Ingrid Byrd felt the petition would up the voting process on the potential development to every citizen in Town. E3C member Ingrid Byrd informed the Committee was told by Counsel to start working on the points listed and felt the Committee was wasting time as they had not met to address any of the concerns. Selectman Duarte told Ingrid Byrd the reason why the Committee had not met was he wanted to wait until the Public Hearings were complete in order to get all the input from the Community. A comment was made on the need to have architectural standards in place through the Planning Board and that the Heritage Commission had a proposal currently in place. Selectman Duarte advised we are not going to do that and noted with the Heritage Commission's proposed standards 50% of the property would remain undeveloped for green space and this would mean the Town would only have 6 acres to work with instead of 12 acres. Judy Szot of Libbee Road accused Selectman Duarte of being rude with one of his comments. Mary Hall of South Road questioned how many times does the Town need to vote on the proposal. Judy Szot questioned why Counsel was advising to get it down quickly. Selectman Duarte stated he mentioned that the real estate market was not going up. Judy Szot asked then why rush it. Selectman Duarte stated Counsel was not concerned about the price as much as giving the Community what they want. Selectman Duarte stated Counsel said to get architectural standards in place as the Town has the right to say what can or can not be placed on the land. Donna Cinelli of Old Candia Road noted the picture of an example of a store at the Moore School was esthetically pleasing and further noted everyone one is so concerned about what it will look like but wondered if they have looked at seen some of the homes around Town. Selectman Lazott stated the Board could only develop in accordance with what was voted meaning they could not put an office building. E3C member Betsey Kruse mentioned that there appeared to be a difference of opinions on what was said with Counsel and felt it was important for the

Committee to start working right away on Architectural Standards, RFPs and the need for an appraisal. Betsey Kruse thought the Committee should have been more active as the Board would be voting on a particular sale soon. Chairman Kelley stated the sale of the land was not going to take place after a vote in 7-days noting as no one is buying it. Selectman Lazott informed that Counsel stated at the meeting the Board needed to acquire the right to sell the two parcels and felt technically they had already obtained authorization in line with the 2005 vote when the Town vote to purchase the land with the curb cut for the purpose of accessing the larger parcel (that authority to sell was given in 2003) but further felt it would not hurt to follow the guidelines of RSA 41:14-a. Selectman Lazott noted Counsel advised as a Board they could set their own Architectural Standards for this property when it is marketed and further noted the Standards do not need to be in place with the Planning Board. E3C member Ingrid Byrd read a section of wording from the 2003 Town Meeting minutes which stated "performance standards have to be in place". Ingrid Byrd commented that the Town does not have performance standards in place. Ingrid Byrd stated everybody in Town wants to know who the developer is and what it will look like. E3C member John Cole informed when he put in an application to serve on the Exit 3 Committee it was to serve in the best interest of the Town not to be self serving. John Cole stated the Town could handle the standards through the RFP process to ensure it is esthetically correct. John Cole advised when the Town of Bedford puts out RFPs they inform first consideration will be given to those that adhere to the standards within the RFP. John Cole advised he would not personally sit on a Committee that would come up with a development that is not esthetically pleasing. Judy Szot questioned if they were limited to a grocery store. Chairman Kelley stated they were limited to a grocery store. Judy Szot said why not office space. The Board members noted no to office space. Chairman Kelley stated it has to be a grocery store and perhaps a small pharmacy. It was mentioned that the Board was only pursuing grocery store options and that there would not be a lot of room for much of anything else on the land. Judy Szot advised that Surveyor James Franklin has said before you can put whatever you imagine on the property. Dan Jaskolka of Old Mill Road stated there would be no way to have a grocery store by itself on that land and thought they may need to combine the proposal with something else. Chairman Kelley stated a Developer may come in with a proposal that includes other parcels within that area. Secretary Chabot read sections 1, 2, and 3 from the attached memo dated 08/29/07 from the Board to the Planning Board and Conservation which outlined what the sale of the property would require at least. Secretary Chabot noted sections were based upon Counsel's interpretation of the 2003 Town Meeting vote. Selectman Lazott stated only a Grocery Store with perhaps some other retail for that location. Frank Albert of Diamond Hill Road stated he was personally happy to hear that the Board would not be able to pick and choose in which he indicated he was hearing otherwise outside of the meeting. Selectman Lazott mentioned there were some misrepresentations like when a Board member was misquoted when he said to a news reporter we would like to see something like a Demoulas and then it hit the papers that the Board was working with Demoulas. Selectman Lazott stated after the article hit the papers Demoulas called and said it was news to them. E3C member John Cole stated the RFPs would request a grocery store for that location and that anything beyond that would need to be addressed. E3C member Cole thought it was imperative for the Community to put trust in their Board. Jennifer Haggett of Old Candia Road asked what happens next now that the petition was received. Chairman Kelley informed the Committee is going to move forward and the Board would need to address the petition. Selectman Lazott asked if anyone wanted to remove their name from the petition. Selectman Lazott stated that he intended on making the

names on the petition warrant article public as he felt the tax payers had a right to find out who was slowing it down. Fletcher Perkins of Raymond Road asked what if the sale was to be defeated in March. Chairman Kelley did not think it was likely to be defeated if the Board gets the right developer in place. Donna Cinelli expressed concerns over people on the Exit 3 Committee that do not want the development. E3C member Betsey Kruse stated as a person that signed the petition and a person on the E3C she is not against it and she just felt the petition would give a chance for them to go through all the steps for the purpose of what the Town has asked for. It was noted by an attendee that they did not feel the majority of the people had spoken on what they want as Town Meetings traditionally are poorly attended in comparison to the overall population. Crystal Mandigo of North Road asked if all members of the Board were in favor of developing the property. The Board members indicated they were. Crystal Mandigo asked Selectman Giffen how he felt. Selectman Giffen advised he believed it was the Board's duty to carry out the 2003 vote and also noted he was in favor of due process as well. William Byrd of Depot Road noted there was nothing in the RSA that says they can't hold a special Town meeting to address the petition. Chairman Kelley stated the Town does not have money for that. Crystal Mandigo asked how much it would cost. Various figures were mentioned ranging from \$2,000 to \$5,000. William Byrd stated if the Board does not hold a special Town Meeting then they would be holding it up. Selectman Lazott commented to William Byrd that as a Budget Committee member he should be aware they nickel and dime the Board to death and stated now you're going to tell us that we have money for that. E3C member Ingrid Byrd stated she was a promoter of Freedom of Speech and felt everyone in Town should vote on the proposal, further she found it offensive that people felt she was on the Committee under false pretenses. Ingrid Byrd stated if someone at the meeting wanted to help out and get involved then maybe she wouldn't need to be on as many Committees. Ingrid Byrd said she was very upset about being accused of having ulterior motives as she was not devious or underhanded. In the event the petition lacked having enough registered voters signatures, Selectman Lazott motioned to set a vote date in accordance with RSA 41:14-a for Monday, October 15, 2007 at 7 p.m. Seconded by Selectman Duarte. All in favor. Motion carried. Selectman Duarte stated he believed in the power of the people and encourage individuals to talk to their neighbors, ask the people why they are bucking the system and going against something that was voted in on 2003. Selectman Lazott stated he was going to be right up front and motioned to remove Ingrid Byrd and Betsey Kruse from the Exit 3 Committee because he felt they were not working in good faith. Seconded by Selectman Duarte. Ingrid Byrd expressed dissatisfaction with the motion. Selectman Lazott stated he knew she was distributing the petition as she asked Charlie Wheeler to sign it at the Mobil. Ingrid Byrd said she was not distributing the petition she just asked them if she could put it on their counter. Ingrid Byrd then asked the Board if they were sure they wanted to remove the only two women on the Committee especially considering there was a reporter in attendance of the meeting. Jennifer Haggett said she was not clear as to how Selectman Giffen felt on the matter. Selectman Giffen said he felt the Board should get it done as per the 2003 Town meeting vote but still respected the Petitioners point of view. Selectman Giffen said he thought it all came down to a matter of trust. Donna Cinelli stated she trusted the Board and wondered why other people did not trust the people they voted in. Judy Szot said she was not opposed to the development but felt the Board needs to have their things in order. Donna Cinelli requested the petitioners to tear up the petition if they were not opposed to the development. Selectman Lazott did not think it was appropriate for the E3C members to be distributing the petition as they were not presenting themselves in good faith by circumventing the 2003 Town Meeting vote. William

Byrd stood up and called a point of order noting the Board was not correct with their removal procedure. Chairman Kelley stated William Byrd was out of order and directed him to sit down. Dan Jaskolka of Old Mill Road told Chairman Kelley as Chairman he should find another Selectman to take over the Committee as Selectman Duarte has been bashed and beat up. It was noted by a Board member that the entire Board decides who will oversee the Exit 3 Committee not just the Chairman. A quick unofficial vote was taken by the Board on having Selectman Duarte continue as overseer of the Exit 3 Committee, all members agreed on having Selectman Duarte continue. Several attendees commented in support of Selectman Duarte's efforts. John Cole commented that Selectman Duarte was dedicated and he was proud to serve on the same Committee with him. Secretary Chabot advised she did not get a clear vote for the record on the removal of the two members' motion. Chairman Kelley called for the vote. Chairman Kelley, Selectman Lazott, and Selectman Duarte all in favor. Selectman Giffen opposed noting he was in favor of the diversity they would offer. Motion carried. Selectman Lazott motioned to appoint alternate E3C member Larry Twitchell as a full member. Seconded by Selectman Duarte. All in favor. Motion carried. The Board asked if there were any other interested individuals wishing to serve on the Exit 3 Committee and requested that they submit a letter of interest tomorrow. Fletcher Perkins Jr. and Jennifer Taggett expressed interest. Secretary Chabot noted that Frank Albert and Nat Torrey had submitted letters of interest the last time members were selected. Nat Torrey stated she was interested. Frank Albert first said he was no longer interested and then said he would put his name back in if the Board needed him. Frank Albert requested to remove his name from the petition. Frank Albert approached the Board's table to cross his name off the petition and initialed the document. Judy Szot commented that the Board's decision gave a bad message showing they do not appreciate dissent. Chairman Kelley closed the Public Hearing.

Vote to Appoint a Deputy Tax Collector: Based upon the recommendation of Tax Collector Sanders, Selectman Giffen motioned to appoint Jane Twitchell as the Deputy Tax Collector pending successful completion of the standard required employment checks, hourly rate to be \$12.50, term to run in line with the Tax Collector and to expire in March 2009. Seconded by Chairman Kelley. All in favor. Motion carried.

The Board will meet with Comcast Representative Bryan Christianson to discuss Comcast's input on Town Counsel's recommendations to the Cable Contract: The Board referenced the attached draft contract which contained Comcast's input on Counsel's recommendations. Bryan Christianson noted some of the input Comcast could agree to and some things he did not think they could do. Bryan went over the following with the Board: **Page 7**, (t) Standard Installation, Counsel suggested a 200' drop connection. Bryan Christianson advised they were okay with 175' but no more as quality is distorted with high definition if they go beyond that. The Board was okay with 175'. **Page 14**, Section 3.1-Area to be served, Counsel suggested 20 dwelling units per aerial mile and 60 per underground mile. Bryan Christianson said Comcast could do the 20 per aerial mile but could only do 40 per underground mile. The Board agreed to 20 and 40. The Board and Road Agent Lewis discussed their concerns with Bryan Christianson on some of the infrastructure that was improperly installed in the past. Road Agent Lewis noted the Comcast crews had improved over the years but was concerned over cables that were improperly buried between 1 to 18 inches under ground which makes it difficult when he is trying to maintain on the side of the Road. Road Agent Lewis

asked the Comcast Rep. if he could get his crews to clean up their wires on the sides of the Roads when working in Town. Bryan Christianson made note of the requests. **Page 9, Section 2.4, Non-Exclusivity of Franchise**, Bryan Christianson said the language suggested could be construed as anti-competitors. Bryan Christianson suggested simply quoting RSA 53-C:3-b. The Board agreed. **Contribution of Aid**, Bryan Christianson noted that Counsel suggested this portion and stated it was a feel good policy but in all practicality the concept does not work out. Selectman Giffen asked how it fails. Bryan Christianson stated because the distribution of charges does not get adequately distributed. Selectman Giffen commented that the Board was negotiating for the consumer not Comcast. **Repairs and Restoration**, Bryan Christianson noted he inserted the word "reasonable". The Board was okay with it. Road Agent Lewis noted if any work within the Road Right of Way was not returned to its original condition the Town would then require Comcast to bond future projects. Bryan Christianson advised their contractors are covered by a bond and they would be covered by Comcast. He further stated the Town could be provided with a letter on this upon request. **Page 27, Section 8.4 Franchise Fees**, Bryan Christianson advised Counsel suggests 5% and the Town is currently at 3%. Bryan Christianson advised he was under the impression that the citizens did not want to pay more for the cable service and by increasing it they would. The Board discussed with attendees how the franchise fees worked. Secretary Chabot noted the Town receives approx. \$7,500 in quarterly in fees. It was noted that the fees were deposited into the general fund to offset taxes. Selectman Giffen noted cable subscribers were paying something additional in which non-subscribers would benefit from. The Board agreed to leave it at 3%. Selectman Lazott advised he would love to have a Public Access channel but did not feel the funding would be approved for it in the near future. Bryan Christianson advised he would prepare a revised draft based upon the discussion and forward the document back to the Board. The Board noted they would then ship the document to Counsel for his final review. The Board and Bryan Christianson agreed to meet in approximately 4-weeks.

The Board to meet with Health & Welfare Director Hall to discuss a mutual aid agreement proposed by the Town of Deerfield: Director Hall explained that the purpose of the attached agreement was to enable the Town of Candia and the Town of Deerfield to continue its welfare services should citizens be unable to access their Town's welfare administrator due to some type of emergency. After some discussion the Board felt it was a good idea. Director Hall mentioned upon his review of the agreement, Emergency Management Director welcomed the additional help but mentioned concern over the voucher system. Director Hall stated the documents would be the same and if she were to administer assistance to a Deerfield resident the funds were come from Deerfield's budget. Selectman Giffen motioned to accept the agreement subject to Counsel's review. Seconded by Selectman Giffen. All in favor. Motion carried. Director Hall advised she would ship the document to the Board once she inserted signature blocks for both Town's Board members.

Scouting for Food: Director Hall advised the Scouting for Food donations would take place locally again this year and that they would bypass having the food leave Town to go to an offsite distribution center.

Fire Chief Cartier to recommend the appt. of Jeffrey Boisvert as a Probationary Firefighter: Fire Chief Cartier introduced Jeffrey Boisvert of Podunk Road to the Board and

attendees. Fire Chief Cartier advised Mr. Boisvert has a criminal justice degree and a desire to work in the emergency services field. Based on Fire Chief Cartier's recommendation, Chairman Kelley motioned to appoint Jeffrey Boisvert as a Probationary Firefighter effective 08/10/07. Seconded by Selectman Duarte. All in favor. Motion carried.

The Board to consider an increase for Deputy Town Clerk Cheryl Bond: Chairman Kelley motioned to increase Deputy Town Clerk Cheryl Bond's hourly rate from \$13.00 to \$13.50 effective on 08/10/07. Seconded by Selectman Giffen. All in favor. Motion carried. It was noted the reason for the increase was due to the earlier hire of a Deputy Tax Collector and concerns on the starting rate compared to the sixth year Deputy Town Clerk's current rate.

Departmental Reports

Highway: Road Agent Lewis presented the attached report noting it was a quiet month and that he was still waiting for some of the FEMA money to arrive.

Fire Department: Fire Chief Cartier reported calls were up 25% noting the majority of the calls were medical calls as the population was getting older. Fire Chief Cartier compared 20 calls in the month of September in 2006 compared to 37 in 2007. Fire Chief Cartier stated the training burn on South Road was successful. Fire Chief Cartier reported on a recent complaint for re-numbering of Currier Road. Fire Chief Cartier stated 911 liaison Denoncourt stated he worked with 911 and the Town of Deerfield couple of years ago and thought Deerfield was taking care of it at that time. Secretary Chabot advised Police Chief McGillen was working on addressing the complainants concerns in regards to police response. The Board agreed the renumbering was long overdue and were happy to see the numbering move forward.

Building Department: Selectman Lazott reviewed the attached report noting the stats were currently down.

Solid Waste: Selectman Giffen advised he did not have the latest figures to report. Selectman Giffen stated in regards to a future Transfer Station a letter of intent was signed and Severino has cleared the Deer Run Road property. Selectman Duarte commented that the employees at the Center do a wonderful job and that he liked the signage. Selectman Giffen agreed noting the signs encourage the residents to recycle.

Police: Selectman Lazott presented the attached report. Selectman Lazott noted the department continues to work diligently with surrounding Towns in effort to solve their cases.

Chief McGillen to present favorable review on Administrative Assistant Merchant and to recommend the re-appointment of Part-time Officer Jonathan Briggs: Selectman Lazott informed that a very favorable annual review had been completed on Administrative Assistant Merchant and unfortunately there is no money in the budget for merit at this time.

Based upon a favorable annual review and Chief McGillen's recommendation, Selectman Lazott motioned to re-appoint Special Police Officer Jonathan Briggs effective 10/08/07 with a term to expire on 08/28/08. Seconded by Selectman Giffen. All in favor. Motion carried.

The Board to consider re-appointing George Denoncourt as the Primary 911 Liaison and appointing Charles Wojcik as the Secondary Liaison: The Board asked Fire Chief Cartier if he was okay with the proposed appointments. Fire Chief Cartier stated he was. Chairman Kelley motioned to re-appoint George Denoncourt as the Primary 911 Liaison and to appoint Charles Wojcik as the Secondary Liaison. Seconded by Selectman Lazott. All in favor. Motion carried.

Clarification on the recent Conservation Easement (Sanborn Farms) sent to Counsel for review: Secretary Chabot noted the need to make a clarification stating at the 09/24/07 meeting the agenda she prepared was labeled incorrectly it stated the "Deerfield Road Easement" when it should have stated "Sanborn Farms" easement which caused confusion in the discussion. Secretary Chabot stated the easement that was shipped to Counsel was the "Sanborn Farms" easement.

Approval of Previous Minutes: Selectman Lazott motioned to approve the Public and Non-Public Minutes of 08/27/07 as presented. Seconded by Selectman Giffen. All in favor. Motion carried. Chairman Kelley motioned to approve the following minutes as presented: Public and Sealed Minutes of 09/10/07 and Public Budget Minutes of 09/08/07 and Public Minutes of 09/24/07. Seconded by Selectman Giffen. All in favor. Motion carried.

Any Other Business

Board Members Comments: Selectman Duarte felt the Board needed to gain more trust. Selectman Duarte mentioned the hours put into the job with very little compensation and felt it was unfortunate the way Elected Officials were treated sometimes. Selectman Lazott mentioned his family much like the Cartier family have been civic minded for years, his family since the 1950s. Selectman Duarte advised he was comfortable with the earlier vote for the removal. Selectman Duarte stated he could not understand why there was so much doubt in the elected officials noting he was not sure what happened in the past as he arrived in Town a few years ago.

Announce Next Regularly Scheduled Meeting Date: The next regularly scheduled meeting will be held on Monday, October 22, 2007 at 7:00 p.m.

10:00 p.m. Chairman Kelley motioned to adjourn. Seconded by Selectman Giffen. All in favor. Motion carried.