

- Approved
Candia Selectmen's Public Meeting Minutes
Monday, November 5, 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.

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

The Board and Town Clerk Dupere to discuss recent notification on an unfunded mandate for an upcoming Tues. 12/18/07 NH Special State Primary Election: Town Clerk Dupere informed she was recently notified on a NH Special State Primary Election to be held on Tues. 12/18/07 due to the recent resignation of State Representative Bob Johnson. State Representative Dick Snow informed that Representative Johnson had first served as State Representative in 1940. Town Clerk Dupere provided detailed information on the process for the upcoming special election. Town Clerk Dupere stated the filing period for the vacant position was now open until November 13th. Town Clerk Dupere advised Chief McGillen they would need an Officer present during the voting event and would also need an Officer available to relay the results to Hooksett. Town Clerk Dupere noted that the State would be responsible for the printing of the ballot. After some discussion the Board determined the following: the polls would be open from 11:00 a.m. to 7:00 p.m. (a shorter polling period due to budget constraints and an anticipated low turn out rate), and the workers would be asked to bring their lunch. For the evening meal Selectman Lazott suggested that the Board members pitch in to buy pizzas. Secretary Chabot took an informal poll and all members indicated they were okay with pitching in to buy pizzas. Selectmen Kelley, Lazott and Duarte would work out between themselves, which Selectman would open up the polls. Selectmen Giffen and Brennan would appear at the polls during the evening shifts. The Board would make sure a quorum was available at the close of the polls.

Departmental Reports

Highway: Road Agent Lewis reviewed the attached report. Road Agent Lewis stated he had not done some of his summer work as he was waiting for additional FEMA funding to arrive as his budget was tight due to the 2007 storm. Road Agent Lewis advised that he and Director Emerson were working with FEMA as they are \$38,000.00 short because their application paperwork does not match what the Town's. Road Agent Lewis advised he would need to re-send the paperwork to FEMA in effort to resolve the problem.

Police: Chief McGillen presented the attached report. Chief McGillen reported recent theft cases involving theft of lumber and theft of a copper weather from the top of a barn. Chief McGillen noted he was still trying to hire a full-time officer to fill former Officer Beaulé's position but unfortunately had to recently flush a prospective candidate out of the process due to a polygraph concern. Chief McGillen expressed concerns over recent changes in the Part-time Officer training requirements which were raised from 100 hours to 200 hours meaning more time and money out of his budget. Selectman Lazott mentioned the need to budget additional funds to

cover the recent law change. Chief McGillen advised he would meet with Director Emerson to review the line.

Fire: Fire Chief Rudy Cartier reviewed the attached report. Fire Chief Cartier informed that calls were up over 20% compared to last year's statistics. Fire Chief Cartier mentioned he received a letter from DES on the law changes concerning the underground oil storage tank located at the Fire Department. Fire Chief Cartier thought the changes to the tank would be relatively inexpensive. Fire Chief Cartier stated he had been working with Building Inspector Hallock on several projects in Town. Fire Chief Cartier stated he was not receiving plans in a timely fashion from the - Applicant. Fire Chief Cartier stated he was working with the Fire Marshall's office conducting inspections on high hazard occupancies. Fire Chief Cartier stated he had one department application in process and recently had to reject one application as something came up during the police department review process.

Building: Selectman Lazott presented the attached report. Selectman Lazott reported that permits were up this month and that things continue to run smoothly. Selectman Giffen advised he continues to hear good things about Building Inspector Hallock's job performance. Ed Fowler mentioned he had recently attended a NH Conservation Commission meeting in which DES passed around information concerning well contaminant information. Ed Fowler stated DES is pushing for Towns to consider having their Code Enforcement Officers test wells prior to issuing a Certificate of Occupancy. Ed Fowler advised he would forward the information to Building Inspector Hallock.

Solid Waste: Selectman Giffen reviewed the August and September reports provided by Facility Operator Whitcher. Selectman Giffen stated the employees have done reasonably well with recyclables. Selectman Giffen reported as of 10/25/07 the Town had received \$15,316.03 in revenue for metal recycling. Selectman Giffen credited the employees and also credited a citizen who had worked with the employees to train them on proper metal recycling. Selectman Giffen advised the contract for the future Transfer Station had been signed. Selectman Giffen mentioned that a preconstruction meeting had been set to address any of the upcoming details.

The Board to continue their discussion on warrant articles

Articles 3-13 (Charitable Agencies): Selectman Lazott stated he reviewed the information on the agencies and had also researched them with Health & Welfare Director Hall and Police Chief McGillen. Selectman Lazott stated after conducting the research he could not find any that were not a benefit to the taxpayers of the Town. Selectman Lazott also stated he found the dollar values to be reasonable considering the amounts on the requests and what they provide. Dick Snow of Depot Road asked if the Town had requested 990s from the charitable agencies. It was noted past Boards had obtained the information but at this time they currently provide a year end report. After some discussion Selectman Giffen motioned to establish a policy to receive audited reports on the charitable organization for next year. Seconded by Selectman Duarte. All in favor. Motion carried. The Board instructed Director Emerson to request the additional information from the charitable organizations for next year. The Board was okay with Articles 3-13 as presented.

Article 14 (Operating Budget): This article is not available at this time.

Articles 16-23: These articles were discussed at the prior meeting on 10/22/07 and were previously approved.

Article 24 (Capital Reserve fund for future re-evaluation): Selectman Lazott stated this article tied in with article 34 in effort to save money for Department of Revenue's requirement to have Town's re-val every five years. Selectman Lazott thought the article represented proper budgeting by setting money aside. The Board was in favor of the article as presented.

Article 25 (\$15,000.00 for household hazardous waste day): The Board was in favor of the article as presented and noted it was an important article to support.

Articles 26-30 (Various articles presented by the Solid Waste Committee for completion of the Future Transfer Station): Selectman Brennan thought it was important to keep all of the articles and to allow the voters to decide. Selectman Lazott thought some of the articles were wants verses needs. The Board agreed to leave the articles on the warrant. Dick Snow asked if the Board if the could get rid of the Solid Waste Capital Reserve Fund for equipment. Director Emerson checked on the wording of the fund. Selectman Giffen determined that they would need to appoint the Board as Agents on the equipment Capital Reserve fund in order to considering using any of the funds for equipment for the new facility.

Article 31 (to change the purpose of the Incinerator Expendable Trust Fund): The Board was okay with the article as presented.

Article 32 (to establish a Capital Reserve Fund as an Emergency Fund): Dick Snow questioned why the Board was presenting this article as a Capital Reserve Fund instead of as an Expendable Trust Fund. Director Emerson thought the expendable trust funds were for more maintenance items whereas the emergency fund appeared to be a more capital fund project for major repairs. Dick Snow continued to question why not present it as an expendable trust fund. After some discussion Selectman Lazott felt they were arguing over semantics. Director Emerson agreed. The Board instructed Director Emerson to double check with the attorneys at the Local Government Center (LGC).

Article 33 (to establish an expendable trust fund for Building Maintenance): It was noted that Director Emerson would double check this article as well with the LGC attorneys.

Article 34 (to see if the Town will change the percentage on the land use change tax): Conservation Commission (CC) Chair Fowler stated he was extremely disappointed about this article and felt it was back stepping on the Board's part. CC Chair Fowler stated with the I93 expansion other Towns are trying hard to protect open space and with this proposal the Board is proposing to take money away from the Commission. CC Chair Fowler stated if this article passes it will mean approx. \$75,000.00 annually not available to the Commission. CC Chair Fowler noted the overall funds would equal 20-cents per 1,000 or \$60.00 yearly per household. CC Chair Fowler felt without having funding available to the Commission the Town could be built out and they will not have the funds to protect Open Space. Selectman Lazott stated the tax was originally installed to recoup tax dollars that someone else would have to pay over the many years. Selectman Lazott felt the money was originally placed in the general fund to offset taxes.

Selectman Lazott noted at one point someone had proposed a 50/50 split which was changed to 100% going to the Conservation Commission. Selectman Lazott stated his proposal of 75% to the general fund and 25% to the Conservation Commission which would help the Town with the money needed for future re-evaluations. CC Chair Fowler wondered what benefit that would be. Selectman Lazott felt maybe there was now a more critical need elsewhere as the taxpayers have indicated times are tough. Dick Snow stated his prospective on current use was to keep land open for hunting and when it comes out of current use there is a need to protect more areas. CC alt. member Dick Snow stated he wanted to maintain the rural character of the Town. Selectman Duarte thought both sides made very good points and thought it was important to let the Community decide. Dick Snow noted if land was to come available the current funding process makes it easier meaning they do not have to go to a special meeting to ask for the funding. CC member Betsey Kruse noted if the Commission continues to obtain the funding through the tax, they do not have to ask for funds from the tax payers. Judi Lindsey read RSA 79A:1. Selectman Giffen stated he could appreciate Selectman Lazott's feelings as times are tight. Selectman Giffen thought part of the big picture was to help the Town preserve its rural character. Selectman Duarte advised the warrant article would put the vote before the people for them to decide. Dick Snow responded to Selectman Duarte's comments by stating the warrant article was being presented by the Board as the Fathers of the Town and felt for that reason it would be viewed differently which seemed somewhat inappropriate.

Article 35 (granting a Conservation easement on the Deerfield Road Town Forest):

Selectman Lazott asked what would happen if the article did not pass. CC Chair Fowler stated they would have to speak with Mary Girard on that as it would be a breach of a Purchase & Sales agreement. Chairman Kelley repeated the question to CC Chair Fowler. CC Chair Fowler stated they would have to try again the following year. Selectman Lazott question why they could place a deed restriction on it instead. Dick Snow stated it would be a breach of a Purchase & Sales agreement. Director Emerson noted that the deed had already been exchanged. Selectman Lazott continued to provide information on deed restrictions. CC Chair Fowler noted the Conservation Easement would be held by a land trust to monitor it and to make sure the language is upheld not to manage it. CC Chair Fowler noted that without the easement the land would not be protected by future development which means it could be developed after one vote. It was noted that Mary Girard was probably trying to protect the land from future development by placing the easement requirement in the Purchase & Sales agreement. CC member Dennis Lewis advised that State's response to deed restrictions is that they can be broken. After some discussion the Board agreed to leave the article as presented.

Article 36 (Petition Article on the proposed sale of the Town-owned land): The Board was okay with the warrant article.

It was noted that the Board would further review the warrant articles at their next meeting on 11/19/07 and that Director Emerson would report back with her research on a couple of the articles.

The Board to discuss the Budget Committee's request of 10/24/07 to readdress the budget:

Selectman Brennan advised that the majority of the Budget Committee was not pleased with the overall increase to the Town's budget noting once the Bond was backed out, it was close to an 8% increase. Selectman Brennan stated he asked them what they would be happy with and they

indicated between a 2.5% to 4% increase. Selectman Brennan stated he did not find 2.5% to be feasible so he worked with 3%, 3.5% and 4% figures before the insurance rates were available. Selectman Brennan stated the health insurance rates came in at a 10% increase. Selectman Brennan stated the Budget Committee motioned to have the Board re-address the budget with a 3% increase and to send it back to the Budget Committee once complete. Selectman Brennan stated he came up with a budget with the 3% figure and did not like it. Selectman Brennan stated it was not reasonable to cut it down even further with the new information on the health insurance rates. Selectman Giffen made a few comments to put the request in prospective, he thought the default number to represent the Town's commitments would be higher than the 3% and noted the last budget the Board went beyond the meat cutting into the bones. Selectman Giffen found the motion amusing. Selectman Duarte felt the Board spent considerable time with the department heads on the prepared budget. Selectman Brennan thought a 4% was do-able, 3% was scary and 2.5% was unreasonable. Selectman Lazott stated in being realistic, he thought the Board prepared a bare bones budget and had spent a lot of time with department heads going over line by line. Selectman Lazott thought a 3% request after all the time spent was a slap in the face to the Board, Department Heads and employees. Selectman Lazott repeated it was an unfair request. Chairman Kelley agreed noting the Board did an excellent job and then department heads reported to the Budget Committee where they were drilled like they were in the military. Chairman Kelley stated he was not in favor of the 3%. Fire Chief Cartier questioned if what they are asking for was truly in the best interest of the Town. Selectman Giffen stated the Town portion of the tax rate was small and that the Board was faced with rising costs such as insurance rates. Selectman Giffen felt 3% was absurd and that the Board should stick with their proposed budget. Selectman Giffen mentioned concerns from the tax payers as to how the NH property tax was handled. State Rep. Dick Snow provided information on a State subcommittee proposing a 1% tax on all containers which would help out with the concerns for the property tax. After some further discussion the Board members unanimously decided not to re-address their budget as requested by the budget committee.

Health Insurance Discussion: The Board reviewed and discussed the attached information provided by Cindy Theberge the Town's Insurance Broker containing five possible health insurance plans and the percentage of increase from what the Town is currently paying. The increase range was 11% to 27.7%. It was noted that a couple of the Selectmen and Director Emerson had spent two hours meeting with Mrs. Theberge to review the information and discuss the Town's options. Selectman Duarte stated they discussed the cash out program and found it to be extremely generous. Selectman Duarte stated they discussed freezing the cash out amount in order to help offset the increasing expense. Selectman Duarte stated the cash out program pays the employee that does not take the insurance 30% of a family plan. Director Emerson provided history on the cash out program noting there was an employee that did not need the insurance but took it anyway. Director Emerson stated the Board decided to institute the cash out program to entice the employees to take their spouses insurance to save the Town money. It was noted that there were four employees currently on the cash out program. Director Emerson stated the Board should be cautious with the cash out program because more employees could come on the Town's insurance. Director Emerson stated she quickly looked up other municipalities in the LGC directory to review percentages and the cash out program and the Town appears to be in line or on the low end. Selectman Lazott stated after looking in the directory he noticed a lot of Towns pay 100%. Chief McGillen stated the bigger Towns pay 100% and that is why smaller Communities lose Officers to larger Communities due to the

benefits. Director Emerson stated the Board has been able to maintain good plans due to shopping around in the past but unfortunately the closest plan they could find to the current plan was the 13C at a 17.4% increase. After some further discussion Chairman Kelley motioned to accept the Anthem HNE13C health insurance plan for the Town of Candia. Seconded by Selectman Lazott. All in favor. Motion carried. Director Emerson noted that Mrs. Theberge recommended that the Board hold a meeting for the employees on the new insurance. The Board instructed Director Emerson to set up the meeting. The Board further discussed freezing the Cash Out rates. Selectman Giffen could not see the benefit to freezing the rate. Selectman Duarte stated to help offset the increasing expense. The Board agreed to freeze the Cash Out rates to 30% of the 2007 rates for a one year period.

The Board to discuss Fire Chief Cartier's request of 10/28/07 to purchase (3) SCBAs out of the Capital Reserve Fund: The Board reviewed Chief Cartier's request of 10/28/07 to purchase 3 SCBAs out of the Capital Reserve Fund for a total of \$3,155.00. Selectman Lazott motioned to approve Fire Chief Cartier's request as presented in his letter of 10/28/07. Seconded by Selectman Giffen. All in favor. Motion carried. Selectman Duarte mentioned he had asked the Fire Chief for an inventory list for the proper monitoring of fire department equipment. Fire Chief Cartier stated he was currently having the Administrative Assistant put the inventory list into the computer system in order to consolidate into one program.

The Board to discuss Fire Department Job Descriptions & discuss the process for appointing a Fire Chief: Selectman Giffen requested the discussion take place on another evening due to the late hour and the anticipation of a long discussion. Fire Chief Cartier stated the issue was that his term was up on April 1, 2008 and that if the Board rejects the Fire Chief recommendation from the active members, the members have sixty days to find someone else. Fire Chief Cartier thought the time line would be too tight. Director Emerson noted that Counsel has stated appointed Officials remain in the position until a replacement is found. Selectman Duarte determined he would meet with Fire Chief Cartier on the appointment process in order to be prepared for the discussion at the 11/19/07 meeting. The Board directed Secretary Chabot to place the item first on the agenda. Fire Chief Cartier asked what month the Board would like the Fire Chief's term to expire in. Selectman Giffen suggested in March, noting if it was in April a new Board would be responsible for appointing in a position they may not be familiar with.

The Board to discuss with Director Emerson sign options for State Roads: Selectman Brennan advised he was approached by restaurant owner Pasquale Celone on his concerns regarding Road confusion when looking up online directions to his restaurant because of the absence of Old Candia Road and Raymond Road street signs. Selectman Brennan stated the Town does not have Street signs to match the directions. Chairman Kelley noted as a business owner at the east end Raymond Road he was aware of the constant confusion due to the fact that one road is split with two names (Raymond Rd. and Old Candia Rd.). The Board determined there was a need to install road signs to label Main Street (by the Getty), Old Candia Road and Raymond Road. It was noted that Selectman Brennan would work with the Road Agent and the Police Chief to determine the proper placement of the signs.

The Board to provide direction on recent information from Counsel on the Comcast contract: The Board noted recent correspondence from Counsel regarding his input on the recently revised Comcast contract. The Board unanimously agreed to support Counsel's strong

recommendations and to re-address the contract with Bryan Christianson. The Board directed Secretary Chabot to send Counsel's letter to Bryan Christianson of Comcast and to further advise him that the Board has no intentions of deviating from his recommendations so please incorporate them into the contract.

Chairman Kelley to discuss issuance of memo regarding reaffirming a prior Board's decision to have Director Emerson function as the Town Office IT person: Chairman Kelley instructed Secretary Chabot to read the attached memorandum he wanted to issue to Town Office personnel. The Board members stated they were in favor of continuing to have Director Emerson serve as the Town Office computer IT person and wanted the memorandum issued to all Town Office personnel.

Approval of Previous Minutes: Selectman Giffen motioned to approve the Public Meeting Minutes of 10/22/07 as presented. Seconded by Chairman Kelley. All in favor. Motion carried.

Any Other Business

Recent concern at the Town Office: Selectman Lazott mentioned he was aware of a situation at the Town Office where an individual was unhappy with the Board and raised his voice at the employees. Selectman Lazott felt people need to maintain their decorum with the employees. Selectman Lazott stated this individual accused the employee of being unethical. Selectman Lazott felt if people could not behave themselves they should be banned from the Town Office. Chairman Kelley agreed noting he did not approve of that type of behavior. Chief McGillen advised that the Police Department should be notified when the situation is happening. Selectman Giffen thought it should be dealt with as it sounded like a breach of peace event. The Board determined they were in favor of sending the individual a letter of reprimand

Brownfields Update: Fire Chief Cartier advised he recently attended his first Brownfields Meeting. Fire Chief Cartier stated the Brownsfields Grant Program is a 3-year program and that they identified eight sites in Candia three of which are part of the public water supply.

Sanborn Easement: It was noted that the Office had just received information from Counsel on the easement review that afternoon. Due to the late hour and the fact that the Board members had not had a chance to review the document, Selectman Lazott motioned to table the discussion until the next meeting. Seconded by Selectman Giffen. All in favor. Motion carried. The Board directed Secretary Chabot to place the Sanborn Easement discussion 2nd on the 11/19/07 agenda.

Fire Chief's Statutory Information Provided by Bill Clark at the State Fire Marshal's Office: Fire Chief Cartier provided the Board with the attached information on the Fire Chief's responsibility for their review.

Announce Next Regularly Scheduled Meeting Date: The next regularly schedule meeting will be held on Monday, November 19, 2007. This schedule is off from the Board's typical 2nd and the 4th Monday schedule due to the Thanksgiving holiday.

9:50 p.m. Selectman Giffen motioned to close the meeting. Seconded by Selectman Lazott. All in favor. Motion carried.