

Approved
Candia Selectmen's Public Meeting Minutes
Monday, November 19, 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 to discuss the appointment process for the Fire Chief position and to discuss Fire Department job descriptions with Fire Chief Cartier: It was noted the Fire Chief had sent over the attached Proposed process for the appointment of a Fire Chief for the Board's review and consideration. Fire Chief Rudy Cartier stated the new process would be a hybrid of the way it use to be and would include the Board in the process as well. Fire Chief Cartier noted there was no job description used under the last process when he was appointed as Chief. Fire Chief Cartier felt qualifications would be extremely important, as liability would fall on the Town. Selectman Duarte felt the 7-step process outline the process well. Selectman Lazott agreed. Fire Chief Cartier mentioned the timeline was too late to begin the process in October or November but thought the Board could consider commencing a process in December. Fire Chief Cartier advised the Board he would be putting his name in for re-appointment. Selectman Giffen asked how the members of the Association felt about the process. Fire Chief Cartier stated some members in the department didn't want the Board to be part of the process. Fire Chief Cartier stated he explained to the members that they would still make the recommendation. It was explained that the structure was based upon a State RSA, which was part of the original vote when the department transitioned to the Town. Fire Chief Cartier and Secretary Chabot gave some history to the Board members on the Transition Committee that was formed prior to the Town Meeting vote. After some discussion, Selectman Duarte motioned to accept the 7-Step Process for the Appointment of a Fire Chief. Seconded by Selectman Duarte. All in favor. Motion carried. **Job Descriptions:** Secretary Chabot informed that in 2005, job descriptions for the Fire Department were reviewed by the Board but unfortunately were not officially approved by the Board. It was noted in addition to the job descriptions from 2005 the Board also reviewed a recently drafted Town of Candia Fire Chief job description provided by Fire Chief Cartier. It was questioned if the job descriptions were part of the Chief's responsibility. Director Emerson pointed out that the warrant article outlined the responsibilities of adopting policies and guidelines. Director Emerson thought job descriptions fell within that responsibility. Selectman Duarte thought Fire Chief Cartier did a good job on the description and thought the Board should take time to review. Selectman Giffen stated he could not find anything out of line in the draft job description. Selectman Giffen pointed out the 10-years of fire service requirement. Selectman Lazott asked if that was just fire service in Candia. Fire Chief Cartier did not think so but stated it could be up to the Board. Selectman Duarte suggested adding a general clause, which would state "at the discretion of the Board". The Board members were unsure if the suggestion was necessary as the qualifications would be at the discretion of the Board as the appointing authority. Selectman Lazott questioned the Certified Fire Inspector requirement and wondered how long it would take a person to be certified. Fire Chief Cartier stated 40-hours. Fire Chief Cartier stated if someone was working towards becoming a Fire Chief they should be familiar with the qualifications and work towards getting the certifications ahead of time. Selectman Lazott stated he would not want to disqualify someone qualified just because they lacked a certification that they could simply obtain at a later date as part of their hire arrangement. The Board members unanimously agreed noting in some cases they would need use their discretion when comparing qualifications of candidates to the qualifications listed within the job description. The Board members unanimously agreed that they wanted to be able to use their discretion when reviewing qualifications. Fire Chief Cartier thought the Board would have the ability to utilize discretion as well. Selectman Duarte questioned if there was a residency requirement. Fire Chief Cartier stated the Fire Chief did not have to be a resident and would need to reside within a 30-minute response time to the fire station. After some discussion, the Board agreed the wanted the following wording inserted under the residency section "Preference will be given to Candidates residing in the

Town of Candia". Secretary Chabot pointed out Step 2 under the process for appointment of a Fire Chief in which the Human Resource Director would be responsible for reviewing the candidates qualifications to determine if they meet the minimum requirements. Director Emerson wondered if she was the Human Resource Director responsible for this. The Board agreed it would be a new responsibility for her. Secretary Chabot wondered how Director Emerson would handle cases where the Board may use their discretion in the qualifications section. The Board agreed that Director Emerson would highlight and note sections that were lacking qualifications for the Board's review and discretion. Selectman Giffen motioned to adopt the Fire Chief's job description as amended with the proposed wording inserted under the residency section. Seconded by Chairman Kelley. All in favor. Motion carried. Chairman Kelley motioned to approve the seven job descriptions originally reviewed in 2005 as presented. Seconded by Selectman Giffen. All in favor. Motion carried. Fire Chief Cartier stated he would soon have a job description for the Deputy Fire Chief position for the Board's review as well.

The Board to discuss Town Counsel's input on the Sanborn Easement: The Board discussed with Conservation Commission Chair Fowler Town Counsel's letter dated 10/11/07 regarding his input on the Sanborn Farm easement deed. Selectman Giffen noted the Board did vote to apply for the funds under the Farm and Ranch Lands Protection Program and further noted part of the contract was to place the easement on the property. Selectman Giffen felt the Board needed to approve receipt of the grant. Selectman Giffen asked what the Public Minutes from 2006 reflected on the matter. Secretary Chabot stated on 05/08/06 the Board unanimously voted to enter into the application process with the Farm and Ranch Lands Protection Program and on 06/26/06 a Board vote was taken for the signing of the Cooperative Agreement Contract for the Sanborn Easement in which the vote was three in favor and two opposed. Selectman Lazott asked Secretary Chabot to announce for the record the two Selectmen that were opposed. Secretary Chabot stated Selectmen Kelley and Lazott. Selectman Lazott wondered about the appraisal for the property. Selectman Duarte pointed out that counsel questioned if an appraisal was done. Selectman Brennan asked Chair Fowler if they had secured an appraisal. Chair Fowler stated an appraisal was complete on 10/30/07. It was noted that the Board or the Town's Attorney had not seen the document. It was also noted by Chair Fowler that two appraisals were conducted on the property and that one appraisal was \$15,000 less than the other. Selectman Lazott asked who conducted the appraisal. Chair Fowler stated it was Kevin McManus. Selectman Giffen noted the Appraiser was on an approved list for the Federal Government. Selectman Duarte stated the Town should send Counsel a copy of the appraisal. There was discussion on reimbursement process for the payments. Ed Fowler advised that Counsel looked at the easement to see how it would be paid for. Chair Fowler noted it would be paid in five equal installments by reimbursement. Selectman Lazott thought for future reference that Counsel did not seem in favor of reimbursements. Selectman Giffen said he was not sure if Counsel had seen the Cooperative agreement and thought the Board should send it to him for his review. Selectman Duarte agreed. There was also some discussion from a few Board members questioning what would happen if they did not accept the grant money. Arthur and Betty Sanborn were present for the discussion. Arthur Sanborn asked why the Board would not want to accept the grant money. Selectman Lazott stated he was against the easement from the beginning. Arthur Sanborn noted that he and Betty had spent approx. \$16,000 to \$17,000 of their money on two appraisals and two surveys. Mary Currier of Rockingham County Conservation District mentioned the original agreement for the award was signed by Chairman Thyng and was sent on behalf of the Town of Candia. Mary Currier mentioned the Town competed with other Towns in the State of New Hampshire for the federal funding. Mary Currier felt the document signed by Chairman Thyng on 06/26/07 indicated that the Town was accepting the money. Mary Currier stated if the Town does not accept the award \$273,000 plus the cost of title insurance will go back to Washington and leave the State of New Hampshire unless the Town does another qualifying easement. There was some discussion between, the Board, Mary Currier and Director Emerson. Mary Currier disagreed with Director Emerson on the need to hold a Public Hearing for the acceptance on the award noting it was not a grant. Director Emerson thought it fit under RSA 31:95-b because the RSA was not specific to grants only. After some discussion the Board instructed Director Emerson to send Counsel the appraisal once received from Chair Fowler and also to send the Cooperative Agreement and any other necessary

documents in order for his input on 31:95-b to see if the Board was required to hold a Public Hearing on the acceptance of the funds.

The Board to address the Planning Board's recommendation letter dated 11/08/07 to reduce the Halls Mill Subdivision bond amount to \$95,952.00: The Board reviewed the attached request from Severino for the bond reduction and the attached recommendation letter from Stantec to reduce the Halls Mill Subdivision bond amount to \$95,952.00. In accordance with Severino's request and Stantec's recommendation to the Planning Board, Selectman Giffen motioned to reduce the Halls Mill Bond amount to \$95,952.00. Seconded by Selectman Lazott. All in favor. Motion carried.

In accordance with 31:95-b the Board will accept donations and grants on behalf of the Town: Chairman Kelley reviewed the attached breakdown sheet containing donations and grants to the Town totaling \$1,590.00. The donations to the food pantry were as follows: Rockingham Lodge 76F& AM-\$612.00, GE Fundraiser-Ron & Cecilia Jean Louis-\$343.00, Annmaria Tierno-\$30.00, and Police Department Restitution requirements-\$175.00. Glen Hurlburt donated \$100.00 to the Recreation Department. Candia Garden Club donated \$330.00 to the Health & Welfare Department. Selectman Lazott motioned to accept the donations as presented. Seconded by Selectman Giffen. All in favor. Motion carried.

The Board to continue their discussion on warrant articles

The Board reviewed the 2008 warrant article summary (attached) and the 2008 Draft Town of Candia Warrant (attached). Director Emerson noted articles 32 and 37 were new.

Article 32: To appoint the Board as agents to expend from a previously established Capital Reserve Fund. The Board unanimously agreed on this article as presented.

Article 37: Under the provision of RSA 32:14 V, Are you in favor of rescinding the adoption of the budget committee?" Director Emerson noted this article was drafted at the unanimous request of the Board. Director Emerson stated she spoke with an Attorney at the Local Government Center on the article and he advised the Board should be prepared for the political fall out and also advised that it would only impact the Town not the School. Fire Chief Cartier asked if the article needed simple majority to pass. Director Emerson and the Board answered yes.

Director Emerson stated DRA reviewed the articles and is now requesting the Towns remove "no cents" from the end of their dollar values on the warrant articles. The Board was okay with the request.

Director Emerson noted at the last meeting there was discussion over Capital Reserves verses Expendable Trust. Director Emerson advised LGC and DRA were both okay with the articles as drafted. In regards to **Article 33 (to establish a Capital Reserve Fund as an emergency fund)** DRA suggested that the Town could make request to DRA to utilize funds from the fund balance instead of having the warrant article. With that information Selectman Giffen questioned the need for the warrant article and decided to strike Article 33. The Board unanimously agreed.

Director Emerson advised she re-worded **Article 23 (the article regarding the Americorps Program)**. Director Emerson stated the article was reviewed by DRA and they think the article is wonderful. Fire Chief Cartier stated he added \$400.00 to the article after they were told to make sure the financial part of it was sufficient. The Board was in favor of the article as presented.

The Board to consider approving the (3) presented 2008 Holiday Schedules: It was noted for 2008 two holiday schedules were prepared (1. Town Office employees & Police Department and 2. Recycling Center

employees) and that a separate one for the Police Department was not necessary this year because of the way the holidays fell on the calendar. Selectman Giffen stated he wished Facility Operator Whitcher was present for the discussion as he had some concerns. Director Emerson provided some history on how the Recycling Center's holiday schedule came about. Director Emerson stated if the holiday falls on a Monday when the employees are normally off, they receive 9 hours of holiday pay for that day. Selectman Giffen stated he thought the employees felt time off was more important than holiday pay. Selectman Lazott stated if the budget goes default again the Board may need to save money and may want to consider giving them time off on Sunday. Director Emerson noted that the holiday schedule was addressed in the personnel plan as well so if the Board were to consider any changes they would need to look at the personnel plan. Selectman Giffen motioned to approve the two 2008 holiday schedules for the Recycling Center and for the Town Office Employees & Police Officers as presented. Seconded by Selectman Lazott. All in favor. Motion carried. It was noted that the Board could re-address the matter should there be a need.

The Board to discuss Dental and Life Insurance rates: Director Emerson noted she had received the rates and contracts for Dental and Life Insurance from the Local Government Center. Director Emerson stated the dental rates had increased by 2.6% and a single plan was now \$34.67 per month. Director Emerson stated the life insurance rates remained the same. Selectman Giffen motioned to authorize Chairman Kelley to sign the Dental and Life Insurance Contracts on behalf of the Board as presented. Seconded by Selectman Lazott. All in favor. Motion carried.

Selectman Brennan to update and discuss the Pond Park Project: Selectman Brennan briefed and discussed the project. The Board reviewed the attached memo dated 11/19/07 outlining what they would need to determine in regards to the park. Selectman Brennan advised he was looking for the Board to approve rules for the park in order to proceed with the necessary signage. After some discussion, the Board agreed on the rules as presented with one exception (based upon ordinance regulating the use of Public Parks provided by Chief McGillen), the hours on the park are from Sunrise to 9 p.m. The Board authorized Selectman Brennan to proceed with posting of signs at the park to include rules of the Park. The Board also authorized the hiring of Sarra Signs based upon pricing obtained for \$175.00 for sign and installation, which was much lower than Barlo Signs at \$594.00 installed. After discussion with Chief McGillen on his department's confirmed willingness to enforce parking violations on High Street near the Pond in order to satisfy the State, Selectman Brennan asked Director Emerson to send the letter to DOT requesting permission for the "No Parking" signs. Selectman Brennan mentioned he would have tables donated for the park and he was also looking for someone to donate a timer and a lockbox for a switch at the Gazebo. Director Emerson wondered if the Board wanted to discuss summer time activities as mentioned in the past. Selectman Brennan thought the Board should cross that bridge when the come to it. Fire Chief Cartier wondered who would be responsible for checking the ice. The Board stated no one would as the pond would be a skate at your own risk. Fire Chief Cartier wondered if there was a name for the pond for emergency response reasons. Selectman Brennan advised the Heritage Commission would be discussing that at there next meeting and that citizens input was mentioned in the past.

The Board to discuss Trustee of the Trust fund vacancy and RSA 669:73: Secretary Chabot presented the Board with the attached (3) documents: Memorandum to the Trustees of the Trust Funds dated 11/19/07, a vacancy posting for the Trustees of the Trust Funds, and a copy of RSA 669:73 outlining the Selectmen's responsibilities. The Board approved the documents as presented and directed Secretary Chabot to post the vacancy and to notify the Trustees so that the matter could be addressed at the Board's 12/03/07 Meeting.

The Board to discuss recent request from a State Representative Candidate: The Board noted they received a request from a State Representative Candidate who wanted to introduce herself to the Community. Selectman Giffen noted the Selectmen's Meeting was not the time or the place for a political venue. The Board members agreed. Selectman Giffen motioned to deny the request. Seconded by Selectman Lazott. All in favor. Motion carried. The Board members asked Secretary Chabot to inform the requestor of their decision and also

to advise the requestor that if elected she would be welcomed to attend a meeting to introduce herself to the Community.

Approval of Previous Minutes: Chairman Kelley motioned to approve the Public Meeting Minutes and Non Public Minutes of 11/05/07 as presented. Seconded by Selectman Lazott. All in favor. Motion carried.

Any Other Business

Chief McGillen's request to have the Board send DOT two letters: Chief McGillen explained in the past DOT would accept letters of requests from Police Departments and now they want letters to come from the Town on Town letterhead. Secretary Chabot stated she prepared two letters for the Board's signatures (attached). It was noted one letter was for the review and consideration of "No Parking" signs on High Street near the Candia Congregational Church and the other letter was for the review of the "Passing Zone" on Raymond Road in the area of the Post Office and future Courthouse. The Board members unanimously agreed to sign the letters in support of Chief McGillen's requests.

Stantec's Ground Water Review Proposal: The Board reviewed the attached proposal dated 11/12/07 from Stantec in the amount of \$1,500.00. It was noted that the proposal of service from Stantec was for the review of Eastern Analytical's work and prepare a report in order to satisfy the State. After much discussion on the purpose of the report and what the proposal from Stantec was actually for the Board asked Fire Chief Cartier to look into the matter to find out what the involvement is and why it costs so much.

In the discussion a few Selectmen expressed their concerns over the Town Engineer Firm Stantec. Selectman Duarte asked if there was anyway they could meet with Stantec to see how they generate their fees. Selectman Lazott expressed he was not always in favor of Stantec and their work. Selectman Brennan stated he was aware that a few Selectmen were unhappy with Stantec and thought a meeting to address their concerns would be appropriate. Road Agent Lewis advised the Town's prior Engineer was SEA and that things are much better with Stantec. Road Agent Lewis recalled that their rates were middle of the Road at the time of hire. Road Agent Lewis also noted that Stantec only does Municipal work which is a benefit because it eliminates conflict. The Board determine they would request a meeting with Stantec for their 01/28/08 Meeting. The Board told Secretary Chabot to invite Planning Board Chair Girard to the meeting once set.

Fire Chief's request to address a hire at the 12/3/07 Meeting: The Board agreed on placing the item on the 12/03/07 agenda.

FEMA Update: Road Agent Lewis stated that he and Director Emerson were still actively pursuing the missing FEMA funding situation. It was noted that they may contact Senator Sununu's Office again for assistance if need be.

Announce Next Regularly Scheduled Meeting Date: The next regularly scheduled meeting will be held on Monday, December 3rd at 7:00 p.m. Note: This meeting is out of the Selectmen's normal 2nd and 4th Monday rotation due to the December holiday schedule.

9:20 p.m. Selectman Duarte motioned to close the Public Meeting and in accordance with RSA 91-A:3 II (c) and (e) enter into a Non-Public Meeting. Seconded by Chairman Kelley. Roll call vote conducted by Chairman Kelley. Selectmen Kelley, Giffen, Brennan, Lazott and Duarte all in favor. Motion carried. Public Meeting closed.