

Approved
Candia Selectmen's Public Meeting Minutes
Monday, January 14, 2008

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

7:02 p.m. Chairman Kelley opened the Public Meeting and immediately followed with the Pledge of Allegiance.

In accordance with RSA 31:95b the Board will accept donations or grants on behalf of the Town: Chairman Kelley reviewed the attached sheet labeled "Donations and Grants to be accepted at January 14, 2008 meeting". The following food pantry donations were rec'd: \$50.00 from Dawn Clancy, \$50.00 from Thomas, Alice and Crystal Seward, \$250.00 from George Hurley of Construction Exchange, \$25.00 from Graichen/court ordered, and \$25.00 from Corso as Police Dept. Restitution Requirement. Total Food Pantry donations \$400.00. The following Health & Welfare Donations were rec'd: \$101.00 from CCC, CBC, St. Paul's, \$200.00 from Douglas & Germaine Foss, \$100.00 from Dick Duhaime, \$300.00 from Mark & Holly Hamel, \$250.00 from George & Eileen Denoncourt, \$50.00 from Thomas, Alice & Crystal Seward, and \$100.00 from Richard & Katherin Caron. Total Health and Welfare donations \$1,101.00. Selectman Giffen motioned to accept \$1,501.00 in donations to the Town as read. Seconded by Selectman Duarte. All in favor. Motion carried.

Departmental Reports

Highway: Road Agent Lewis presented November and December reports. Road Agent Lewis reviewed his attached December report. Road Agent Lewis stated he was way over budget as a result of a difficult December with serious winter storms. Road Agent Lewis stated a typical December payroll would be approx. \$20,000 and this past December he spent \$46,000 on just payroll not including materials. The Board members agreed there were record breaking snowfalls across the State in December. Road Agent Lewis stated unfortunately due to 2007 spring storms and December storms his yearend budget was way over budget, which impacted the overall bottom line of the Town budget.

Police: Selectman Lazott presented the departmental reports for the Police Department noting at yearend \$3,032 total offenses for 2007. Selectman Giffen commented that the department appears fairly active. Selectman Lazott agreed.

Fire: Selectman Duarte presented the department's reports, 2007 yearend and Nov & Dec monthly. Selectman Duarte advised he personally was interested in calls for service, fireman's activity report which would show who remains active in the department and who does not. Fire Chief Cartier entered the Public Meeting. Fire Chief Cartier stated the yearend report shows calls are up in general and medical calls continue to increase at

a high rate. Fire Chief Cartier stated the increase in medical calls could not be pinned solely to an aging population as many calls are not just for the elderly.

Building: Selectman Lazott presented the attached Nov and Dec reports noting a decrease in the building trend due to the economy.

Recycling: Selectman Giffen presented reports prepared by Facility Operator Whitcher for the months of Oct, Nov & Dec. Selectman Giffen reported thanks to the recycling efforts of the employees and the residents the Town rec'd just under \$50,000 in revenue noting the prior year was at \$27,000. Selectman Giffen noted a large reason for the increase was due to what the employees had learned about metal recycling. Selectman Giffen stated the Town of New Boston with a population of 5,100 rec'd \$100,000 in revenue due to recycling efforts. Selectman Giffen stated he would like to accomplish what New Boston does at the new facility and in addition to that improve plastic recycling programs. Selectman Lazott noted revenues associated with metal recycling have approx. tripled. Selectman Giffen noted the employees continue to do a good job at the Center. The Board members agreed.

Selectman Giffen to report on recent annual review for Part-time Attendant Roy Tomlin: Selectman Giffen stated a favorable review on employee Roy Tomlin had been recently completed and there is no merit at this time due to budget constraints. Selectman Giffen stated he was grateful that Mr. Tomlin was there as he is virtually never out sick and very dependable. The Board members agreed.

Selectman Giffen to discuss Severino's Change Work Order Request: Selectman Giffen stated originally at the future Transfer Station they had planned to have above ground wire for the electricity. However, they recently found out that PSNH will not run above ground wire from and existing underground run and now the Town is looking at a change resulting in \$12,200.00 from the bottom line of the contract. Selectman Giffen stated there was nothing excessive about it and it was beyond the Town's control. Selectman Giffen stated Severino was working with the abutters to avoid an after hours shut. Selectman Giffen noted if they are not able to work with the abutters the Town would have to pay an additional \$8,300 for overtime and after hour's charges. Selectman Giffen thought it was worthwhile to note that a significant amount of ledge was found on site in which Severino absorbed into his costs. After some discussion, Selectman Giffen motioned to authorize Chair Kelley to sign the attached work order request on behalf of the Board. Seconded by Selectman Brennan. All in favor. Motion carried.

Discussion on Severino's verified document: The Board discussed the attached document requesting verification on Severino's contract expenditures for auditors Nathan, Wechsler & Company for the purpose of auditing Severino's books. Director Emerson noted she had verified the financial information. Selectman Giffen motioned to authorize Chairman Kelley to sign the document on behalf of the Board. Seconded by Seconded by Selectman Brennan. All in favor. Motion carried.

The Board to discuss with Facility Operator Whitcher his recent memo regarding a capital reserve fund on the warrant: Item tabled at the Board's request.

Chief Cartier to report on any bids that have been received for the 1987 Chevy Suburban: It was noted that one bid had been received. The Board opened and announced the bid for \$301.00 from William Brown for the purchase of the 1987 Chevy Suburban. Selectman Giffen motioned to accept the bid of \$301.00 from William Brown for the 1987 Chevy Suburban. Seconded by Chairman Kelley. All in favor. Motion carried.

The Board to accept Director Carolyn Emerson's recent resignation: Secretary Chabot read the attached letter of resignation from Director Carolyn Emerson with a last date of employment on 01/21/08. Selectman Giffen commented that Director Emerson's contributions to the Town over the past 16-years were beyond measure and noted she would be virtually impossible to replace. The Board members all agreed. Selectman Giffen motioned to accept the resignation of Director Carolyn Emerson with regrets. Chairman Kelley seconded with regrets. The Board members were all in favor with regrets. Motion carried.

Discussion on encumbered items: The Board discussed with Director Emerson recent concerns over the 2007 budget numbers due to invoices recently received, recent notification from department heads on encumbered items and record breaking winter storms which were at the end of December 2007. Director Emerson cautioned the Board that the remaining amount in the 2007 budget was \$6,538.00 and that it is possible that more invoices for 2007 will be received. Director Emerson stated she was notified by Department Heads of other items that wanted to order because they had funds remaining within their department but unfortunately because of severe weather the Highway budget was largely over expended. Director Emerson noted she had contacted FEMA because the Town had not received the final Federal and State funds from the 2007 Nor-Eastern. Director Emerson stated based on her conversation with FEMA she was able to post the amounts as receivables. Road Agent Lewis reiterated that his budget was in the red due to December 2007 storms and also in addition to hard hit storms in the beginning of 2007 noting the weather is hard to predict. Director Emerson noted the Director Assistance line was over budget as well, which would have impacted the bottom line. Director Emerson reviewed the list of items that the Department Heads were hoping to purchase out of the 2007 budget, as follows: Police Department pistols \$599.00; Police Department mobile radio \$2,900.00; Concrete Blocks for the Recycling Center \$1,500.00; and Radio for the Fire Department \$2,900.00. Fire Chief Cartier expressed dissatisfaction with the decision noting he felt hard hit as the Board is taking 5% out of his budget and further noting his budget was very fragile. Chairman Kelley stated the problem was that there was no money left. Selectman Lazott noted the Board was in a situation because of the unforeseen storms and the downturn in the economy drove the Direct Assistance expenses up. Selectman Lazott stated he did not feel the Budget Committee was supporting the taxpayers with their current budget methodology. Fire Chief Cartier stated he could expect grumbling from the Fire Department Association as they did supply the Town with \$6,000.00 to help out with the department's budget. The

Board reiterated the fact that unanticipated record breaking storms affected the bottom line of the budget and that the Board was faced with a bottom line budget. Chair Kelley stated departments started spending at the end of the month and that is when the Town was hit with serious storm related expenses. Fire Chief Cartier asked if the Board could ask for money out of the fund balance. It was noted in the event of an emergency the answer would be yes but buying items at the end of the year did not constitute an emergency. Road Lewis agreed stated the State would look at the bottom line to see if there was money still left and would not be in favor of last minute purchases. Selectman Giffen stated in the past prior to the Budget Committee's existence the Board had been successful in turning money back in to the general fund, typically about 2%. Selectman Giffen stated as the Board is faced with a default budget it becomes more difficult to turn any funds back. Selectman Giffen stated it was his opinion that the Budget Committee should allow some room for unpredictable items much like a home budget because things just simply happen. Selectman Giffen stated the Budget Committee had left the Board without funding for unplanned items, such as: severe unanticipated weather and over expended lines that are required by law to fund. Selectman Giffen noted the unanticipated items were beyond the Board's control. Selectman Giffen stated it was irresponsible of the Budget Committee to reduce the budget by a certain percentage line by line, which includes fixed lines such as insurance lines, wash items and lines with amounts covered by contracts. Selectman Giffen felt the Committee failed the taxpayers when they asked the Board to resubmit a budget by reducing it by a certain percentage across the board because the concept ignored increases that were beyond the Board's control. Selectman Lazott felt there were two sets of standards being applied by the Budget Committee, noting one for the Town and one for the School. Selectman Lazott mentioned a \$60,000 Bond Payment which came out of last year's budget, however the Budget Committee was okay when School did not reduce their budget by \$60,000 when preparing their 2008 Budget. Selectman Lazott asked Budget Committee Rep. Brennan if that was correct information. Selectman Brennan stated it was correct and that the School was able to justify to the Committee why they did not reduce the 2008 budget by \$60,000.

Director Emerson noted an expenditure of \$1,155.14 for the Police Department which was authorized by the Board at their 12/10/07 meeting. The Board agreed they were locked into that expenditure. The Board discussed the \$2,900.00 request from the Fire Chief to buy a radio. After some discussion the Board instructed the Fire Chief to cancel the order or to put the order under his 2008 budget. In regards to the previously mentioned want items the Board felt the items should not be ordered unless the Department applies the order to the 2008 budget.

The Board to discuss with Director Emerson a deposit policy: The Board with Director Emerson discussed RSAs 41:29 VII and 41:26 d, relative to the Treasurer's deposit procedures. The Board expressed funding concerns over 41:29 VII in recognition of the long standing deposit procedure in which the current procedure is reflective in the Treasurer's stipend. The Board noted there was no additional funding in the budget to support a change in the deposit procedure. The Board indicated they were happy with the current procedure. Director Emerson noted the wording in RSA 41:26d states failure to

comply may be cause for removal by the governing body. Director Emerson stated the wording is "may" not "shall". The Board members agreed. Director Emerson stated she contacted the Auditors and they stated if the Board had a deposit policy in place they would be satisfied. Director Emerson stated she also checked with Attorney Mayer who felt the law came about as a result of Towns that have had problems with their deposits, for example, losing checks in drawers and not directed at Towns that are consistent with their deposits. Director Emerson stated with the current procedure the Town has never had any complaints. Selectman Giffen noted the Town was bound by RSAs but there appeared to be a loop hold due to inconsistencies in the law.

After some further discussion, Selectman Lazott motioned to accept a deposit policy outlined as follows: deposits for the Town of Candia will be done weekly by the Town Treasurer and done more frequently during tax season which will be at the discretion of the Town Treasurer. Seconded by Selectman Giffen. All in favor. Motion carried. Deposit Policy in place.

Selectman Brennan asked if a policy would be written up separately. Director Emerson noted it was not necessary as the minutes would reflect the policy and records would be kept on it.

The Board will address any abatement applications that have been received to date:

It was noted that the Board had received four abatement applications from Tower Hill Road residents they are as follows: 411-078 Colette Gagnon, 411-080 Todd Lessard, 411-013 Russell Dann and 411-006 Bryce & Diana Watts. Selectman Giffen noted the four abatements were as a result of successful agreement reached prior to the BTLA case with other Tower Hill Road residents. Director Emerson noted that was correct and stated as a result of the agreement the site index for the road went from an "8" to a "6". Director Emerson stated the abatements were from residents on Tower Hill Road that were not part of the agreement. Director Emerson stated in 2008 the Site Index will be corrected by our assessor but residents not part of the agreement can file for abatements for the 2007 tax year. Selectman Giffen motioned to approve all four of the abatements for the 2007 tax year. Seconded by Selectman Lazott who stated fair is fair. All in favor. Motion carried.

Discussion on Settlement agreement with Community Golf Corp for Map 410, Lots 78 & 143:

The Board noted they were in agreement with Vision Appraisal's negotiated settlement with Community Golf Corporation which would reflect a 2004 value of 2.8 million dollars for the two properties. Selectman Giffen noted the original amount requested was higher and the negotiations brought the amount down. Director Emerson noted that the financial impact from the agreement would be substantial. It was noted that the case was negotiated and settled at the recommendation of Vision Appraisal and that the BTLA case would now be dropped. Selectman Giffen motion to accept the agreement and the negotiated amount of 2.8 million dollars for the assessed value total for the Community Golf Corporation properties, value to be applied commencing at the April 1, 2004 tax year. Seconded by Chairman Kelley. Selectman Lazott asked where the money to cover the agreement would come from. Trustee Dick Snow noted it would

come from the overlay. Director Emerson explained each year DRA sets aside an amount of money for an overlay for these types of expenditures.

The Board to discuss Town Report dedication page and announce Trustees of the Trust Funds request: Assistant Chabot noted that Russ Seward was the only person out of prior mentioned individuals that was serving as an elected official at the time of passing. Assistant Chabot read the attached memorandum from the Trustees of the Trust Funds requesting the Board consider Russ Seward for the dedication as he was serving as a Trustee. Selectman Giffen noted in the past they mentioned other individuals that had served the Community. The following deceased individuals were mentioned at prior meetings: Former State Rep Rudy Kobel, Long standing Business owner Fletcher Perkins Sr., Former elected Official George Beane, and Moore Park contributor Charles Doucette. Selectman Lazott stated he had a problem with just naming Russ Seward as the recipient when Rudy Kobel was serving as an Elected Official as State Rep. at the time of his passing. Assistant Chabot and Director Emerson stated they had found out he was not in Office at the time of passing. Based on a prior suggestion from Selectman Duarte, Assistant Chabot suggested having Russ Seward as the recipient with the others listed as honorable mention. After some Board discussion they agreed to have all of the five individuals named in the dedication of the Town Report. The Board noted it would be too expensive to have photos of all five individuals. The Board directed Director Emerson to list all five individuals with a brief description of their contributions to the Town for the dedication on the Town Report.

The Board to discuss Congresswoman Carol Shea-Porter's recent request to have a congressional report in the Town report: The Board reviewed the attached request with notes from the office on the financial impact and past practices. The Board noted to grant such a request would open the doors to other Politicians which would be very expensive to the Town. Selectman Lazott motioned to deny the request from Congresswoman Carol Shea-Porter's office. Seconded by Selectman Giffen. All in favor. Motion carried. State Rep. Dick Snow asked if the request would have been denied if it came from Senator Gregg's Office. Selectman Lazott stated the no would apply to any Politician no matter what their affiliation was. The Board directed Assistant Chabot to contact their Office and provide them with information on the Boy Scout distribution as a possible outlet for distribution of the Congressional report.

Request from Heritage Commission for the restoration photo of the Soldier's Monument to go in the Town Report: Director Emerson stated the cost for the request to have the photo on the Town Report cover is as follows: \$450.00 in black & white and \$1,300.00 in color. The Board unanimously agreed to deny the request as they could not justify the additional expense. After some discussion, it was suggested that the photo could be placed on the Town website for viewing. Selectman Duarte commented that the parties involved with the website were doing a heck of a job. Selectman Giffen agreed noting Joe Miele as the webmaster was outstanding.

Announcement of signed Welfare Mutual Aid Agreement with the Town of Deerfield: Secretary Chabot noted both Town Attorneys reviewed the agreement and

were satisfied. It was noted a signed Welfare Agreement was in place between Candia and the Town of Deerfield.

The Board to accept Malcom Higgin's letter of resignation from the Heritage Commission: Secretary Chabot read the attached resignation from Malcolm Higgins. Selectman Giffen motioned to accept the resignation as read with regrets. Seconded by Chairman Kelley. All in favor. Motion carried.

The Board to consider signing the proposed draft Comcast Contract after Counsel's final review: Selectman Giffen noted there was no requirement of the Board to hold a Public Hearing prior to the increase of the franchise fee but felt it would be a courtesy on behalf of the Board to do so. Selectman Giffen stated Comcast wants it in the contract so that the Town informs the public in order to deflect the complaints they may receive. The Board members agreed a Public Hearing prior to any potential future increases would be the proper thing to do. Selectman Giffen motioned to accept the Comcast agreement as presented. Seconded by Chair Kelley. All in favor. Motion carried.

Approval of Previous Minutes: The Board reviewed the Public and Non Public Meeting Minutes (1&2) of 12/10/07. Assistant Chabot stated she needed to correct the date on the header of the 12/10/07 public meeting minutes. Selectman Giffen motioned to accept the Public and Non Public Minutes (1&2) of 12/10/07 as amended. Seconded by Chairman Kelley. All in favor. Motion carried.

Any Other Business

Incinerator Application Process: Director Emerson noted it was in her workload and that she still intended on working on it. Fire Chief Cartier offered to file the paperwork for Director Emerson. Selectman Giffen motioned to authorize Fire Chief Cartier to submit the application on behalf of the Board. Seconded by Selectman Lazott. All in favor. Motion carried.

Memo from Assistant Dawn Chabot recommending the temporary hire of Pat Larkin for office coverage: The Board reviewed the memo. Selectman Giffen spoke in favor of Pat Larkin as he was familiar with her work as a Friend of the Smyth Public Library. Selectman Lazott expressed he was unfamiliar with Pat Larkin and felt comfortable having a Board member or members conduct an interview prior to any hire. Assistant Chabot noted time was essential due to the upcoming departure of Director Emerson. After some discussion, Selectman Giffen motioned to hire Pat Larkin as temporary Office coverage based upon a successful interview with Chairman Kelley and Selectman Duarte (interview to be held on 01/14/08), hourly rate to be \$11.25 per hour, hours to be three days a week, 8:30 to 3:00 pm. Seconded by Chairman Kelley. All in favor. Motion carried.

Discussion on Town Mailing Stamps: Selectman Lazott stated he wanted to make a policy that any and all Boards requesting to use the Town's Mail Stamp for town wide mailings obtain approval by the Board of Selectmen. Selectman Giffen asked if he was

including the Planning Board and the Zoning Board. Selectman Lazott stated no they are separate. Selectman Giffen stated he understood the concern but wondered if the policy was to include approval for the funding for the mailings. Selectman Giffen felt that would not be appropriate as the funds would be contained budgeted. Selectman Giffen stated if a Selectmen's Rep attended meetings he would be aware of what was going on. Selectman Lazott felt the Board should monitor the situations. Selectman Giffen felt it would be micromanaging. Selectman Duarte felt if a Board or Committee was using the Town's mailing permit they should get permission from the Board. Selectman Lazott thought it was important to monitor the content and the costs associated with mailings. Selectman Lazott motioned to institute a policy that Boards and Committees should seek approval from the Board of Selectmen when using the Town's mailing permit. Seconded by Selectman Duarte. Selectman Brennan indicated he wanted further discussion. Selectman Duarte motioned to table the discussion until the Committee targeted could be present for the discussion. Selectman Giffen felt it was unfair for the discussion to take place. Selectman Lazott stated he was not singling out the Conservation Commission. Selectman Brennan disagreed. Chairman Kelley felt the matter should be tabled as the Conservation members were told due to the weather the Board would not address matters pertaining to the mailing. Selectman Lazott called for a vote on his motion. It was noted a motion to table was on the floor as well. Todd Allen of Palmer Road noted the motion to table took precedence over the prior motion and that the Board had to entertain discussion on the motion. Selectman Giffen stated to Selectman Lazott it was in the best interest to table and suggested that he should not go for an end run. Chairman Kelley reiterated and re-motioned to table the matter until the 01/28/08 meeting. Seconded by Selectman Giffen. Selectmen Kelley, Giffen and Brennan were in favor. Selectmen Lazott and Duarte opposed. Motion to table carried. Selectman Lazott commented that the Waffle King strikes.

Fire Chief Items: Fire Chief Cartier advised he would prepare a bill of sale for the Suburban. Fire Chief Cartier stated he received many applications for the administrative position and he has currently narrowed it down to four potential applicants with the close date of 01/28/08.

Todd Allen's Question: Todd Allen of Palmer Road asked if with the new deposit policy if checks would be deposited within a week. The Board answered absolutely.

Announce Next Regularly Scheduled Meeting Date: The next regularly scheduled meeting will be held on Monday, January 28, 2008 at 7:00 p.m.

9:00 p.m. Selectman Giffen motioned to adjourn. Seconded by Chairman Kelley. All in favor. Motion carried.