

Capproved
Candia Selectmen's Public Meeting Minutes
Monday, January 28, 2008

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

7:00 p.m. Chairman Kelley opened the Public Meeting and immediately followed with the Pledge of Allegiance.

The Board will discussed tabled item from 01/14/08 meeting regarding Selectman Lazott's motion to have all Town Boards or Committees requesting to use the Town mailing stamp (permit) for a town wide mailing to receive prior approval from the Board of Selectmen: Selectman Lazott mentioned the concern was brought to his attention recently as a result of a Conservation Commission mailing but felt the request to have Board approval on town wide mailings was a good idea for all Board and Committees as a matter of good business practice. Selectman Lazott stated the LGC Attorney contacted felt the recent Conservation mailing had crossed the line politically. Selectman Lazott advised Attorney Mayer did not feel the same way as LGC and further advised he had shipped the information to the Attorney General's Office for their review. Selectman Duarte thought the review of mailings was a good idea because tax dollars are being utilized. Selectman Brennan felt the items should have some type of approval through the Board but was concerned that the process may slow things down for the Boards and Committees. Selectman Lazott felt the review was important to make sure that the content does not cross the line politically. Selectman Giffen advised he respected Selectman Lazott's opinion but felt the funds were already being approved via the budget process. Selectman Giffen felt Selectman Lazott was clearly interested in regulating content and further felt that was a draconian approach. Selectman Giffen advised he was reluctant to stand up to censorship. Selectman Giffen noted that Attorney Mayer was contacted on the mailing in question via email and that he was unsure how the LGC Attorney was advised. Selectman Giffen felt the suggestion was micromanaging. Selectman Giffen stated if the concern is content regulating, then perhaps the rep. should be responsible by attending the meetings. Selectman Lazott stated he was looking to protect the Town from liability if it is not approved and the contents is deemed inappropriate. Selectman Lazott noted as far as being rep. to the Conservation Commission he did not want it but felt Selectman Giffen pushed it on him. Selectman Lazott stated he did not accept it that night but after thinking about it he informed the office the next day that he would accept. Selectman Giffen recalled the situation differently noting Selectman Lazott clearly wanted to be the rep. the night the Board decided on department coverage. Selectman Lazott asked Assistant Chabot her recollections as the recorder of the minutes. Secretary Chabot recalled that Selectman Lazott requested at the meeting to think about it and advised the next day. Assistant Chabot noted the Commission is not required by RSA to have a Selectmen's Representative and that the position in question was not a rep. position just a liaison to the department. Selectman Lazott stated he resigned as liaison to the Conservation Commission effective immediately. Selectman Lazott thought Selectman Giffen should have been the liaison as he was there as a member anyway. Selectman Lazott stated he question where Selectman Giffen's loyalties lay with the Board of the Conservation Commission. Selectman Lazott noted in the case of the Sanborn Easement, Selectman Giffen voted with both parties and he felt it was unethical but not illegal. Selectman Giffen asked how LGC received the information on the mailer that they felt crossed the line. Selectman Lazott stated it was read to them over the phone word for word. Selectman Duarte felt the Board should approve or deny mailer request in order to look at what's being spent. Selectman Giffen thought the Board should rely on the Selectmen's Rep. and the budget

process instead of coming up with a policy. Conservation Commission member Betsey Kruse wanted to know what the procedure would be if a policy was instituted. Conservation Commission Chair Fowler provided information on his involvement in having the mailer reviewed by Town Counsel for his input. Chair Fowler noted the funds for the mailing came out of the Conservation Budget. Chair Fowler also stated he spoke with Attorney Kim Holquist of LGC and she did not see a problem with the mailing. Selectman Giffen did not address the Board on the mailing as he was in the same opinion as Attorney Mayer and did not feel the contents was illegal. Todd Allen of Palmer Road asked if the Chairs of the Committees had access to Town Counsel. Chairman Kelley advised that they did. Selectman Duarte thought it was important that everyone worked together for the good of the Community. Selectman Brennan did not want to have a policy change based on one situation and noted to Selectman Giffen that because the contents was edgy and a sensitive subject to Selectman Lazott he should have passed it by the Board. Selectman Brennan did not want to jeopardize everyone else over this one situation. Selectman Giffen apologized for failing to keep the Board in the loop and did not see liability to be a concern as the only person that would possibly sue the Conservation Commission was sitting at the table. Selectman Lazott admitted he had a problem with the content on the mailing as it had blatant misinformation. Selectman Lazott recited timeline information relative to the Current Use Change tax. Selectman Lazott thought approx. \$180,000 would be deposited in the Conservation account this year as a result of the current use tax. Selectman Lazott read a declaration of intent from 1973. Joanne Beckwith of Old Candia Road asked if the Town could vote on it. Selectman Lazott stated the matter was up for discussion at the upcoming Deliberative Session in which he felt the room would try to amend the warrant article. Selectman Lazott stated the Conservation Commission was one entity that could spend money without coming before the taxpayers. Selectman Giffen disagreed noting the request would have to be approved by the Selectboard. Chair Fowler advised any funds to purchase interest in land or outright purchases need to be approved by the Selectmen and also require a Public Hearing in order to inform the Public. Selectman Giffen stated they had wasted a lot of time as an individual has strong opinions, has been outspoken on Conservation efforts and feels that expending money for Conservation is against public interest. Selectman Giffen felt it was this person intent to incapacitate and muzzle the Conservation Commission. Selectman Lazott stated he had a problem with purchasing development rights and against 3rd party easements. Selectman Lazott stated he did not have a problem with the Girard purchase just the 3rd party easement. Chair Fowler mentioned a recent article in the Banner in which Selectman Lazott was quoted on easement tax information. Selectman Lazott stated he was misquoted on the statement. After heated debate, Selectman Lazott motioned due to the liability that could arise the Board of Selectmen should view and approve all town wide mailers utilizing the Town's mail permit prior to going out. Selectman Lazott felt the motion should cover all Town Boards and Committees but mentioned that in some cases the Planning Board and the Zoning Board would not fall within that category. Selectman Lazott felt the motion was important in order to obtain approval on the contents and the amount of money being spent. Selectman Giffen disagreed and felt the funds used for mailings were already being handled and addressed through the budget process. After some discussion from the Board members and attendees there was a request to polish the motion. Selectman Lazott withdrew his prior motion. *Selectman Lazott motioned that the Board of Selectmen as a matter of policy will review for all Committees and Boards all Town wide mailings in which taxpayers funds are utilized prior to mailings going out. Seconded by Selectman Duarte. Fire Chief Cartier noted the Board currently has long meetings and wondered if all requests would be brought to Selectmen's Meetings. Selectman Lazott felt they would. A vote on the motion was called: Selectmen Kelley, Lazott and Duarte in favor. Selectmen Giffen and Brennan opposed. Motion carried. Town wide mailing policy in effect.*

The Board to review letter from Michalle Lavallee requesting a 50/50 raffle on 01/30/08 to benefit Candia Moore School girls' basketball team: The Board reviewed the attached request. Selectman Lazott motioned to approve the raffle as requested. Seconded by Selectman Giffen. All in favor. Motion carried.

The Fire Chief to update on pending items

The sale of the Suburban: Fire Chief Cartier stated he prepared a bill of sale. Fire Chief Cartier advised Mr. William Brown will be at the Town Office to finalize the sale on either Tuesday or Wednesday.

Chairman Kelley to remind on upcoming deliberative session: Chairman Kelley reminded the Board and the attendees on the upcoming Deliberative Session scheduled for Saturday, Feb. 4, 2008, commencing at 9:00 a.m.

Selectman Brennan asked the Board their thoughts on how they wanted to approach the operating budget on at the Deliberative Session. Selectman Giffen stated he was proud of the budget that the Board prepared as it was based upon reality rather than Fantasy Land. Selectman Lazott agreed noting the Budget Committee had reduced lines throughout the budget by a certain percentage which included fixed items. Selectman Lazott noted even Highway and Welfare budgets were reduced which were of concern to him. Selectman Lazott stated state law mandates that the Town will fund Welfare appropriately. Selectman Lazott noted if the Budget Committee's recommended budget passes the Board would need to weigh out the services the Town provides and further noted there will have to be some hard cuts where the citizens may feel it. Selectman Lazott stated Fire and Safety comes first and the rest would have to be determined. Selectman Giffen stated the Budget Committee even cut wash items which have no tax impact and he felt this was a pathetic approach.

Approval of Previous Minutes: Selectman Giffen motioned to accept the Public Meeting Minutes of 01/08/08 as presented and the Public Meeting Minutes of 01/14/08 with the following correction: page 8, remove the word "Enron" and replace with the words "end run". Seconded by Chairman Kelley. All in favor. Motion carried.

Any Other Business

CYAA's Recent Invite: Selectman Duarte told Selectman Brennan he was accept the recent invite to learn more about CYAA as he had other commitments. Selectman Duarte advised he would like another invite in the future in order to find out more about what they do. Selectman Brennan stated unfortunately the CYAA Board members had sent the invitation to the Selectmen hoping to meet with them prior to the Deliberative Session in order to address any questions.

Jim Lindsey's request dated 01/28/08: The attached request was received from Jim Lindsey based upon a recent article in the Hooksett Banner in which Selectman Lazott stated "less tax revenue would be generated by the farm because the tax assessment on the entire Sanborn homestead will now exclude that 49 acre piece". Mr. Lindsey's letter was requesting that the tax assessment on his homestead exclude the land they put into an easement. Selectman Lazott stated as explained earlier in the meeting the statement was not correct as it was a miss quote by the reporter.

Selectman Lazott's concern over recent Conservation Commission votes made by members Kruse and Lindsey: Selectman Lazott asked Selectman Giffen to look into recent votes in which he found to be a conflict of interest concerning members Kruse and Lindsey. Selectman Lazott explained at the time of their re-appointments to the Conservation Commission they assured the Board that they would step down from any votes involving Bear Paw because of the concern over them serving on the Board of Directors. Selectman Giffen stated he would look into the matter.

Upcoming Process for the Selectmen's Office vacant positions: Assistant Chabot informed that five applications had been received for the part-time Finance Director position. After some discussion the Board determined they would call for a Non-Public at the end of the meeting for the purpose of reviewing and discussing applications to determine who they would interview on 02/04/08.

Kathy Bailey of the Union Leader regarding question on the vacant positions: The Board explained due to the recent loss of Carolyn Emerson the Board determined that they would attempt to break out the financial portion to potential hire someone for financial only at 25 hours a week and in addition to that hire a full-time Secretary/Assessing Clerk. Assistant Chabot provided Ms. Bailey with the 01/08/08 Public Meeting minutes in which the matter was discussed. Selectman Lazott noted Mrs. Emerson grew into the position and noted in order to replace her, the Board did not feel they will be able to find someone to do the whole ball of wax. Chairman Kelley stated he was in favor of future cross training which unfortunately did not happen in this case in the past. Assistant Chabot clarified that cross training did not happen simply due to lack of time in the office.

Exit 3 RFP Update: Selectman Duarte mentioned the deadline to respond to the RFPs was today and unfortunately there were no responses. Selectman Lazott noted the economy was currently in a down trend and felt if the Board sat on it perhaps things could be different in approx. nine months or less.

Recent Information on Crowley Road: Road Agent Lewis advised that a new Developer had approached the Planning Board with another potential subdivision on Crowley Road consisting of 10 lots. Road Agent Lewis stated he was requested to come up with a plan for an upgrade for the Road that the Developer would be responsible for. Road Agent Lewis stated he came up with \$205,000 of necessary upgrades for the road which would include replacing a box culvert, adding 6" of gravel to the whole road and to pave the road with a binder and a topcoat. Road Agent Lewis stated it would be the decision of the Planning Board on the upgrade requirements but he wanted to make sure the Board was in agreement with the approach. The Board unanimously agreed with the Road Agent's approach on the necessary upgrades for the 10 lot subdivision. Fire Chief Cartier informed he had email contact with the Developer on the fire protection requirements.

Driveway Permit for the Future Transfer Station: Road Agent Lewis advised he had heard rumors regarding the driveway permit issue for the future Transfer Station that the Road Agent was being difficult. Road Agent Lewis informed he obtained the driveway permit application about 3 weeks ago and found out that the driveway was on the abutting lot not on the Town's parcel as originally proposed when it was before the Planning Board during the subdivision process. Road Agent Lewis stated he then obtained a copy of the easement through the Selectmen's Office. Road Agent Lewis stated he could not sign off on the driveway permit until the matter went before the Planning Board. Road Agent Lewis stated the Planning Board discussed it at their recent meeting and Surveyor James Franklin advised he would update the subdivision plans for free. Selectman Duarte told Road Agent Lewis he had made the right decision. Selectman Giffen stated he was supposed to go to the Planning Board meeting on the 16th but forgot to notify the Secretary that he would not be present for that

meeting as Severino was still trying to finalize the location on the driveway. Selectman Duarte noted the Road Agent acted in the best interest of the Planning Board and the Town because if not done correctly the Town could have problems with future bonding down the road.

Announce Next Regularly Scheduled Meeting Date: The next regularly scheduled meeting will be held on Monday, February 11, 2007, at 7:00 p.m.

8:30 p.m. Chairman Kelley announced he would be closing the Public Meeting and noted the Board would enter into a Non-Public Meeting in accordance with RSA 91-A:3 II (e). Chairman Kelley thanked attendees for attending. In accordance with RSA 91-A:3 II (e) Chairman Kelley opened the Non-Public Meeting. Seconded by Selectman Giffen. Roll call vote conducted: Selectmen Kelley, Giffen, Brennan, Lazott and Duarte in favor. Motion carried.