

~~Unapproved~~Approved
Candia Selectmen's Public Meeting Minutes
Monday, March 10, 2008

Attendance: Chairman Fred Kelley, Vice-Chairman Tom Giffen, Selectman James Brennan, Selectman Richard Lazott, Selectman Joe Duarte, and Secretary Andria Hansen.

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

In accordance with 31:95-b the Board will hold a Public Hearing to accept Grant Funding from FEMA and the State of NH for the May 2006 and April 2007 Flooding. Chairman Kelley stated the total amount of funds to be accepted is \$164,798.77. Chairman Kelley asked Road Agent Lewis if the Town has received all of the funds. Road Agent Lewis explained the Town was eligible for \$171,000, so there may be a small amount left. Selectman Giffen motioned to accept the funds. Seconded by Selectman Lazott. All in favor. Motion carried.

The Board will also accept in accordance with RSA 31:95b other donations and grants on behalf of the Town. Chairman Kelley reviewed the attached breakdown sheet containing donations and grants to the Town totaling \$1,871.00. The donations to the food pantry were as follows: First Baptist Church - \$75.00, Eric Burpee/Court Restitution - \$100.00, Swift Water Girl Scout Council - \$106.00, and Rockingham Lodge #76 for \$400.00. Candia Community Woman's Club (Loaf n' Ladle event) donated \$350.00 to the Health and Welfare Department. The Fire Department received a grant from the State of New Hampshire Department of Resources & Economic Development; Division of Forest & Lands 2008 Volunteer Fire Assistance Funds for 8 backpack pumps with mounting brackets for \$840.00. Selectman Giffen motioned to accept the donations and grant. Seconded by Selectman Lazott. All in favor. Motion carried. Selectman Giffen thanked the members of the community who donated the funds.

The Board will possibly meet with resident Betsey Kruse regarding her recent email sent to various Town residents regarding the warrant article on the Sale of Exit 3 property. Selectman Duarte explained that he received an email that Betsy Kruse (former Exit 3 Committee member) had written. He felt the recipients of the email were being misinformed. Selectman Duarte asked Betsy Kruse to explain her email. Betsy Kruse stated she would like to retain her right to vote on this piece of property and since there is no proposal put forth she didn't feel she was ready to give her vote (to sell the land). She felt there should be a proposal before people vote. Selectman Duarte stated he didn't have a problem with that, but had a problem with the voters getting misinformation. He referred to the third paragraph of the attached email and stated this information was incorrect. He further stated the Exit 3 Committee followed every guideline Atty. Mayer suggested. Selectman Duarte reiterated if you are going to send out an email dealing with how people are going to vote, than make sure the information is correct. Selectman Duarte added that the Town Attorney asked him to relay this information back to Betsy Kruse. Betsy Kruse stated she had the minutes of the August 27th, 2007 public meeting, which followed two non-public meetings. During the August 27th public meeting the Selectmen explained to the audience that the Board was advised they could proceed with the two

public hearings and didn't need a specific plan other than what was outlined at the 2003 town meeting vote. This gave the Board the authority to sell the Exit 3 land. Betsy Kruse went on to explain that the confusion is in Atty. Mayer's June 13th memo, which outlined all of the procedures. Betsy Kruse stated the Exit 3 Committee followed the specific recommendations from Atty. Mayer, but they still don't have a proposal. Therefore how can they talk about the sale of the property, when Atty. Mayer referred back to the 2003 Town meeting, which says the Town needed a proposal to sell the land. Selectman Duarte stated they had Atty. Mayer come to the public hearing to clarify that and he believed Betsy Kruse was at that meeting. Selectman Duarte stated they did follow Atty. Mayer's recommendations and she was incorrect. Betsy Kruse asked the Board if she could send out a clarification email. Selectman Duarte stated he did not have a problem with that. He further stated if you try to influence people to vote in a particular manner it's important to be careful and make sure the facts are correct. Selectman Brennan asked Betsy Kruse if the Town votes yes on the sale of the property are you worried it will be sold two days later. Betsy Kruse stated she didn't know what to expect, she is concerned with the fact that there is a lot of confusion around this issue. Selectman Brennan noted she was at the meeting when Atty. Mayer explained the whole RFP project. Betsy Kruse replied that she was at the meeting where Atty. Mayer explained the relationship between the Committee and the Board. She was not privy to the information of the meeting prior to that. Selectman Brennan confirmed at that time she was still a member of the Exit 3 Committee and she knew how the procedure worked. Selectman Brennan stated the Board hasn't received any RFP's and the still need to address that issue. He stated if the Town votes no it could discourage potential developers. Selectman Brennan explained this warrant article doesn't state that the Town needed a proposal before they get permission to sell it. Betsy Kruse replied the Town has clearly stated they wanted a grocery store. Selectman Brennan stated that this petition warrant article might discourage developers. Betsy Kruse replied she found that difficult to believe. Selectman Brennan stated he works in the construction industry and if a developer knows a Town is not ready then why would they waste their time. Selectman Lazott stated they will never get a developer to come in if it they don't have the support of the town, it is too expensive on their end. Judy Szot stated the petition warrant article was presented, because an RFP was not presented at either of the public hearings. She further stated the reason for the petition warrant article was because the Board did not have anything to present to the people. Judy Szot stated she wrote the petition warrant article, because the Board didn't do what they were supposed to do. She explained if the Town votes no then they can hold another hearing next month and go through the process again. Todd Allen commented that he wasn't in favor of the Exit 3 development at first, because of the timeline. He explained if the timeline had been different, there wouldn't have been a petition and there would not be so much animosity against Exit 3. Selectman Brennan stated that Atty. Mayer may have to clarify a need for a RFP. Selectman Lazott stated Atty. Mayer told them to get their standards in place. Selectman Giffen stated that he agreed with Judy Szot when reading the RSA, if a proposal was required first then you hold a hearing on the proposal. He further explained Atty. Mayer took the hearings to be based on the Town meeting vote of 2003. Selectman Giffen thought a proposal had to be available to present at the public hearing, but he interpreted the RSA wrong. Selectman Giffen stated for the record this is about trust and perception. He further stated Atty. Mayer's interpretation of the RSA was that the Town agreed to put up a grocery store (that was the proposal). Selectman Giffen stated he agreed publicly with the rest of the Board with what Atty. Mayer stated was the law. He stated it comes down to how people perceive the RSA. Selectman Giffen acknowledged there

was clearly a lack of trust in the community which has lead to this petition warrant article. He believed they need to work more effectively together and didn't think a person should be punished for their opinion. Selectman Duarte stated he agreed that people have a right to their opinion, but he does have a problem with people handing out ways to vote on a petition warrant article with misinformation. Selectman Duarte went on to explained that they have followed Atty. Mayer's guidelines explicitly and have gone above and beyond (by adding architectural standards). Ingrid Byrd stated misinformation is usually a lack of information. There has been tremendous lack of shared information from the Exit 3 Committee and the Selectmen to the community. She went on to say there have been no informational meetings or public hearings to keep people up to date with the committee. She stated the Friday night Exit 3 Committee meetings are the least desirable night. Ingrid Byrd stated if the citizens are not allowed to hear what the Attorney has to say, because of non-public meetings, how are people going to be informed. She further stated that when she and Betsy Kruse were kicked off of the Exit 3 Committee it sent a message that if you disagree with the Selectmen you will be kicked off any Board or Committee you serve on. Linda White asked where the situation currently stands. Selectman Giffen stated they have not received any proposals, so the Selectmen have to decide what they will do next. Linda White asked about the letter in the Boy Scouts packet and who was the source of the letter. Selectman Lazott stated he wrote it, it was paid for by an anonymous citizen and no tax dollars were used. Linda White stated because of that letter the whole election (on 3/11/08) should be null and void. Selectman Lazott questioned why, it was only an opinion. Linda White replied if you wrote it, you should have put your name on it. She pointed out other letters in the handouts have their names on them (i.e. Conservation Committee). Selectman Lazott read from the letter and stated the purpose of it was to explain the articles on the town ballot. Linda White felt this letter influenced the vote and would pay her own legal fees to fight the election, because of this one letter. Donna DeRosso stated that people can have their own opinion just like Betsy Kruse did. Linda White replied they can, but this smacks of the opinion of the Selectmen and that why she is bringing it up. Donna Senelle Cinelli asked if a supermarket chain was not going in at exit 3 would something else go in. Selectman Lazott stated it would have to go back to town vote if it was not going to be a grocery store. Judy Szot stated the warrant article was a discussion of whether or not to sell the land. There were discussions about a grocery store, restaurant, office buildings, and some kind of commercial space, that discussion was not limited to a grocery store. Selectman Lazott stated a conceptual design of a grocery store was shown. Judy Szot noted selling the land has never been the issue, but would like to see what is going on that land. She further stated it was her right to petition the government and it was not back door. Carla Penfield stated it was Betsy Kruse's right to send the email. It is up to the recipient to decide whether or not that information is correct and seek out clarification. She felt that the Selectmen started off on the wrong foot by removing Ingrid Byrd and Betsy Kruse from the Exit 3 Committee, because they have opposing points of view. Carla Penfield further stated they have called another woman in town to task because she sent out an email. She felt the Selectmen can not pick and choose people to call to task because of information they choose to disseminate. Donna Senelle stated there is a big difference between ~~deformation~~ defamation of character and down right lying about someone. She pointed out the first letter (dated July 19th, 2007) made it look like the Selectmen were on the take, that was ~~deformation~~ defamation. There should be a difference of who is called to task and who isn't. Jen Hackett stated that it is the responsibility of the citizens of the town to read the minutes and keep themselves updated. Ingrid Byrd stated she agreed with Carla Penfield in that

people have a right to their opinion. She further stated that people have the right to voice their opinion any way they choose and it bothers her that the Selectmen have asked a citizen to come in to justify her freedom speech. Selectman Duarte stated they asked Betsy Kruse to the meeting, because she stated that we Selectmen were not following the guidelines that our Town Attorney had set. He explained the Selectmen had followed the guidelines and he wanted to clarify that with Betsy Kruse.

Departmental Reports: Highways, Police, Fire, Building, Solid Waste & any other depts.

Highway: Road Agent Lewis read from the attached report. He stated it's been a tough winter and the Highway Departments budget is pretty much gone. Selectman Giffen commended Road Agent Lewis on doing a good job.

Police: Chief McGillen read from the attached report. He stated they have spent all of their OHRV money and applying for another grant. They have applied for another highway safety grant, speed patrols, and DUI grant (for the 101 corridor). Selectman Lazott asked if there is anything they can do as a Town, like incorporate regulations that would generate income coming back to the Town instead of it going to the state. Chief McGillen stated some fines could go back to the general fund, but it was something they could talk about. Chief McGillen noted there was one burglary on Tower Hill Road. Ingrid Byrd asked for a clarification of snow mobiles on Town roads. Chief McGillen replied they are against the law and if you see them call the police department.

The Board to discuss Chief McGillen's memo dated 3/4/08 reporting favorable evaluations for Officers Daniel Gray, Kevin Bowen and Kevin Cashman and to request possible Matrix step increases for the individuals. Selectman Lazott noted favorable employee evaluations have been completed for Officers Daniel Gray, Kevin Bowen, and Kevin Cashman per the matrix they are scheduled for the following step increases: Officer Gray's (Matrix step 4 effective 02/07/08) current rate is \$22.07, new rate \$23.57; Officer Bowen's (Matrix step 4 effective 02/07/08) current rate is \$22.07, new rate \$23.57; and Officer Cashman's (Matrix step 2 effective 03/10/08) current rate \$17.38, new rate \$18.13. Selectman Lazott motioned to accept the favorable evaluations of Officers Daniel Gray, Kevin Bowen, and Kevin Cashman with Matrix step increases. Seconded by Selectman Giffen. All in favor. Motion carried. Chief McGillen noted that step 4 in the last step of the Town's Matrix plan.

Fire: Fire Chief Cartier read from the attached report. He stated EMS calls were up 10% from last year. Fire Chief Cartier presented George May's resignation to the Selectmen with regrets. Selectman Lazott thanked George May for his service to the town. Selectmen Lazott motioned to accept George May's resignation dated January 30th, 2008 with regrets. Seconded by Selectman Duarte. All in favor. Motion carried. Fire Chief Cartier then addressed the appointment request.

The Board to consider the appointment requests of Fire Chief Cartier for the appointments of new members Robert Goings and Robert C. Corleto as EMS Providers. Fire Chief Cartier noted that with the new members it will be adding more coverage at the Fire Station on a regular basis. Selectman Giffen motioned to accept the recommended appointments of Robert Goings and Robert C. Corleto. Seconded by Chairman Kelley. All in favor. Motion carried.

Building Department: Selectman Lazott read from the attached report. He mentioned that Building Inspector Hallock will be attending a fire training class in April/May (5 week course) and he will be temporarily changing his office hours. There will be no overtime paid during this time period and Building Inspector Hallock will adjust his hours accordingly.

Solid Waste: Selectman Giffen read from the attached report. He mentioned the Town has had some milk jugs go out on the TerraCycle program, which generated \$531.00.

Chairman Kelley mentioned that he received a compliment on the Town website. Selectman Giffen had a request from a non-profit organization to put a link on the site. Selectman Giffen stated the webmaster continues to do a fantastic job.

The Board will address abatement request received from Ryan Dann of Tower Hill Road. Selectman Lazott motioned to grant the abatement as written due to the dropping of the site index from an 8 to a 6 in the amount of \$486.56 to Ryan and Angela Dann of 35 Tower Hill Road. Seconded by Selectman Duarte. All in favor. Motion carried.

Approval of Previous Minutes: Public Meeting Minutes of 2/25/08. Chairman Kelley motioned to accept the minutes of 2/25/08 as amended. Seconded by Selectman Brennan. All in favor. Motion carried.

Any Other Business

Chief McGillen mentioned he received a letter from the NH DOT regarding the passing zone in front of the courthouse. He noted they were going to take it out.

Todd ~~Allen~~ Allen asked the Selectmen if all Town websites are hosted through one account and with one provider. Selectman Giffen replied no. The Fire Department and Library were proactive and had a website before anyone else. After discussions the Town formed a website committee. One of the (Website Committee) members was also working on the Conservation Committee website, by combining the two he was able to work out an affordable hosting deal.

Ingrid Byrd asked Selectman Lazott if he wrote the second anonymous letter regarding the school and if not does he know who did. Selectman Lazott replied he didn't write it or know who did. Ingrid Byrd noted there was a lot of misinformation in the letter. Ingrid Byrd asked if the Town approved the liquor license for Liquid Planet. Chairman Kelley replied it was approved and signed by the Selectman. Selectman Lazott stated it's a parent's responsibility to lead by example. Ingrid Byrd replied if a parent is going to drink, they should do it at home not at a water park.

Linda White motioned to reinstate Ingrid Byrd and Betsy Kruse to the Exit 3 Committee with an apology from the Board of Selectmen. Selectman Duarte replied they didn't do anything wrong. Linda White stated tonight could have been avoided if they were not removed. Selectman Lazott agreed with Selectman Duarte. He further explained when you form a team to achieve certain goals and have two working against those goals it's not helpful. Linda White stated she stood by the motion she made. Ingrid Byrd asked Selectman Lazott how he knew how she felt about a supermarket; he was assuming she was against it. Selectman Lazott asked Ingrid Byrd if she

hand carried the petition in to have people sign it. Ingrid Byrd replied of course and people have the right to vote. Selectman Giffen stated diversity of opinion is valuable in producing a good result. He felt the two individuals in question weren't necessarily against the concept of a supermarket going in, but were untrusting of the process and respects their feelings. Selectman Brennan mentioned the interpretation of the RSA and he based his opinion on how Atty. Mayer interpreted it. He felt that people who signed that petition were saying that they didn't believe that the Selectmen were following Atty. Mayer's guidelines and they were. Selectman Brennan went on to explain that they can't vote to put Betsy Kruse and Ingrid Byrd back on the Exit 3 Committee; it would be doing a disservice to the committee. Linda White replied then an apology was in order. Chairman Kelley asked from who. Linda White stated from the Board of Selectmen. She further stated that warrant articles 32 –36 were in jeopardy. Selectman Lazott asked why it was in jeopardy. Linda White replied that handout would effect the election. Selectman Giffen stated he applies a filter to opinions and if people don't stand behind them, he disregards them. Selectman Lazott stated it was his opinion as a citizen. Linda White questioned if there is a difference between being a citizen and his position. She then asked who paid for the hands out. Selectman Lazott did not answer who financed it. Selectman Lazott did reply that it was not at the taxpayer's expense. Linda White questioned why only women were called on the carpet. Chairman Kelley stated they were never called on the carpet. Chairman Kelley ended this portion of the meeting.

Chairman Kelley motioned to adjourn at 8:45 p.m. Seconded by Joe Duarte. All in favor.

Respectfully submitted,
Andria Hansen, Recording Secretary