

Approved
Candia Selectmen's Public Meeting Minutes
Monday, May 5, 2008

Attendance: Chairman Fred Kelley, Vice-Chairman Richard Lazott, Selectman Joe Duarte, Selectman Carleton Robie, and Secretary Andria Hansen.

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

The Board will address the Budget Committee's recommendation to hire Mary Phillips as a contracted hire recording Secretary for the Budget Committee. Selectman Giffen stated the procedure the Budget Committee followed to hire a new secretary was run by and approved by him (as the Budget Committees Selectmen's liaison). They received two applications and interviewed both. Selectman Giffen didn't see any issues accepting the Budget Committees recommendation to hire Mary Phillips. Selectman Giffen motioned to accept the Budget Committees recommendation to hire Mary Phillips as the Budget Committees secretary at an hourly rate of \$12.00. Seconded by Chairman Kelley. All in favor. Motion carried.

The Board to meet with Tax Collector Sanders upon her request to discuss Mortgage Searches. Tax Collector (TC) Sanders stated there were 84 outstanding accounts and the lien date will be Friday May 16th. In 2007 there were 54 properties that went to lien. TC Sanders noted certified letters have already gone out. Selectman Giffen asked if TC Sanders felt comfortable with this volume of liens within the resources available in her office. He further stated this was a follow up to the hire of Atlas last year, which did not work out well. They agreed to have TC Sanders do all of the searches at a fixed flat price. Selectman Giffen stated TC Sanders has the resources to handle it and she feels comfortable doing. Selectman Lazott asked what the cost was for the searches. Selectman Giffen stated the flat total was budgeted for \$700. TC Sanders stated it is currently budgeted for \$915 and an outside vendor would charge \$15 per search. Chairman Kelley asked TC Sanders if she could do the searches for the money budgeted. TC Sanders proposed to do the searches for the amount the Selectmen agreed on last year (\$350). It was the consensus of the Board to let TC Sanders do the mortgage searches for \$350.

The Board to address collectively recommendation letters received from the Boards, Committees and Commissions and also letters of interest that have been received requesting appointments and/or re-appointments for SWC, ZBA, Conservation Commission and Heritage Commission.

Solid Waste Committee: The individuals that were up for reappointment were as follows: Lucinda Griswold, Paul McHugh, Amanda Soares, Al Couch, and Roger Stenbak. Selectman Giffen commented that all of these individuals have made significant contributions to the committee in their own way. Selectman Giffen motioned to accept all of the recommendations of the Solid Waste Committee for reappointment. Seconded by Chairman Kelley. All in favor. Motion carried. Selectman Lazott

suggested that all of the reappointments get addressed once a year instead of being staggered through out the year. He thought May 1st would be a good date to address reappointments because it's after the elections and interested individuals (in various boards and committees) would have a time to submit a letter of interest. Selectman Lazott stated they would need to check with the LGC or Atty. Mayer to make sure it would be okay to address once a year. Selectman Giffen motioned that the Board authorize Selectman Lazott to investigate this matter with LGC as he sees fit. Seconded by Chairman Kelley. All in favor. Motion carried. **Zoning Board of Adjustment:** The individuals that were up for reappointment were as follows: Boyd Chivers, Ingrid Byrd, and Amanda Soares. Selectman Duarte stated he was pleased to see the way Chairman Chivers ran his meetings. Chairman Kelley agreed and added he runs a fantastic meeting and his member's work with him well. Chairman Kelley motioned to accept all of the recommendations of the Zoning Board of Adjustment for reappointment. Seconded by Selectman Duarte. All in favor. Motion carried. **Conservation Commission:** The individuals that were up for reappointment were as follows: Tom Giffen, Dennis Lewis, Joe Miele, Debra Levesque, and Ellie Davidson. Chairman Kelley noted that all of these terms would expire in 2011. Selectman Lazott expressed his concern with reelecting Selectman Giffen and double votes. He asked Selectman Giffen to give his word that he wouldn't vote twice (as a Selectman and a Conservation Commission member). Selectman Giffen stated he wouldn't give his word because the Conservation Committee falls under the general definition of a subcommittee. The fact that he makes a recommendation of the board and then gets to vote as a member of the board is part of the way government is structured. Selectman Lazott stated he would not give his recommendation. Selectman Duarte noted he thought that Selectman Giffen has done very well in his capacity as a Conservation Committee member. He further explained as a Selectman's representative to the Planning Board, if there was ever a conflict, he could only vote once. Selectman Duarte stated if there was a situation where Selectman Giffen could vote twice, he should act ethically and vote once. Selectman Giffen stated it is not relevant. The Conservation Committee is an advisory committee and makes recommendations to Selectmen and he can vote on both without any ethical concern. He further stated it's not unethical in any way, shape, or form and if the other Board members have concerns they should contact Atty. Mayer. Selectman Lazott stated he knows that it's legal, but is it ethical to vote twice on the same matter. There was a discussion to make a motion. Selectman Duarte stated it could be unethical if there was a vote regarding a large sum of money. Selectman Giffen stated it would be unethical if he voted to recommend something and then vote against it, which would be contradictory. Chairman Kelley suggested tabling the reappointment and get Atty. Mayer's opinion. Selectman Lazott noted this was legal because he has checked into it in the past. He further stated just because it's allowed by law doesn't make it ethical. He felt that Selectman Giffen should still be a member of the Conservation Committee, but not vote. Ingrid Byrd of Depot Road asked if the Selectman Representative to the Budget Committee could vote, because it could be a double vote on a Selectmen's issue. She added would the same rule apply to the School Board. Anne Tierno stated that she checked with the LGC regarding this issue and they said if the are a member of that Board (Budget Committee, etc.) they should vote. Carla Penfield stated the Selectmen have representatives on all of the Board and they are required to vote. She further stated

why is there an issue if Selectman Giffen is a representative to the Budget Committee and has to vote. The Budget Committee sends a budget to the Selectmen and he will vote again. Selectman Lazott stated there is an RSA that states there has to a Selectmen's Representative on the Budget Committee and the Planning Board, but the Conservation Commission does not require a representative just a liaison. Selectman Robie felt if Selectman Giffen votes one way with the Conservation Committee, he would come back to Board and vote the same way. The Board decided to accept the recommendations in a group motion. Selectman Robie motioned to accept the all of the recommendations of the Conservation Commission members Tom Giffen, Dennis Lewis, and Joe Miele and alternate members Debra Levesque and Ellie Davidson for reappointment. Seconded by Selectman Duarte. Motion carried. All in favor. (However on the group motion the following took place: Selectman Lazott noted he was opposed to Selectman Giffen's reappointment and Selectman Giffen abstained from the vote pertaining to his reappointment.) **Heritage Commission:** Chair Philbrick recommended three new members to the Heritage Commission they are as follows: Christine Dupere as a full member, Betty Sabean and Ray Cresswell as alternate members. Chairman Kelley motioned to accept Chair Philbrick's recommendation to appoint Christine Dupere, Betty Sabean, and Ray Cresswell to the Heritage Commission. Seconded by Selectman Giffen. All in favor. Motion carried.

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

Highway: Road Agent Lewis read from the attached report. He noted that Jane Drive might be paved the last week of the month.

Police: Chief McGillen read from the attached report. Chief McGillen mentioned that he and Chairman Kelley had put up "No Trespassing" signs at the new recycling center due to recent thefts (in Town) of copper wire. Chief McGillen asked if he could draft a letter and send it to the DOT regarding the Exit 3 stop sign. He noted the DOT wants the Town to be on board (regarding the request). Selectman Lazott motioned to authorize Chief McGillen to use Town letterhead to write a letter to the DOT. Selectman Giffen proposed an amendment to Selectman Lazott's motion to add that Chairman Kelley sign the letter. Seconded by Selectmen Giffen. All in favor. Motion carried.

Fire: Fire Chief Cartier read from the attached report. Fire Chief Cartier thanked Selectman Duarte for coming to the recent operations meeting.

Building Department: Selectman Lazott read from the attached report. Selectman Lazott mentioned that they would be implementing a new permit procedure involving propane installation. In addition, they will be looking at the zoning laws to revise the requirement for a permit for 10' x 12' sheds (or smaller). The setback requirements will still be enforced. Selectman Robie asked when the Town started enforcing a permit for a shed. Chairman Kelley stated about 3 years ago. Selectman Giffen stated the proposed change would bring them in compliance with the Building Code and right now the Town is in excess with the IBC (International Building Code) and is a result a Zoning

Ordinance that would have to be amended. The Zoning Ordinance was put in place as a blanket thing and there are some things that are exempt under the building code. An amendment to the Zoning Ordinance will have to go to the Planning Board and to vote. Selectman Robie stated there seems to be an increase in permits and fees over the recent years and how did this come about. Selectman Lazott stated it was voted in at the polls and people didn't understand what they voted on. Selectman Robie felt that there are too many permits required. He further stated how come a resident has to pay a permit fee to put shingles on their house, when they can put a tarp on their roof and a bucket in their kitchen and its okay. Selectman Lazott agreed and added that he thought the permit was put in place to protect the homeowner, but the homeowner has to accept responsibility for their actions. Fire Chief Cartier noted the main reason for the permits is to protect the homeowner. He added it's a matter of checking out the homeowner's work and make sure their doing it correctly (for their safety). Selectman Robie stated he was just looking out for the people and felt they shouldn't have to pay most of the fees, as a builder he doesn't mind paying certain fees.

Solid Waste: Selectman Duarte stated he did not have a report; they have not received the numbers from Pinard. He noted he would have the report as soon as Chuck Witcher received the numbers. Chairman Kelley mentioned a new alarm system for the new Transfer Station. He stated he met with the alarm company and they strongly recommended having two cameras, one pointing at the gate and one pointing at where people dump their garbage. Chairman Kelley stated he asked for two quotes (one with and one without a camera) from the alarm company and is still waiting to hear back. He added the insurance company would require them to have it. Paul McHugh stated they had an ADA compliance situation that didn't seem to make sense. He explained they were supposed to put in an ADA compliant water cooler system. The only place to put it is on the outside wall in the main recycling portion of the building, which will be unheated. Also, it will be a restricted area where residents wouldn't go. He asked if they should get a variance on this particular requirement or does it take a vote of the Selectmen. Selectman Kelley stated it didn't make any sense putting a water cooler in a building that's not heated. Fire Chief Cartier stated if there is a public water fountain they will need to get a public water supply permit from DES. Chairman Kelley stated they didn't need a water fountain. Selectman Lazott motioned to eliminate a public water fountain at the transfer station. Seconded by Selectman Giffen. All in favor. Motion carried. Paul McHugh asked if two Selectmen could be present for Household Hazardous Waste Collection day in case any issues came up. Selectman Duarte and Selectman Kelley volunteered to attend Household Hazardous Waste Collection day.

Approval of Previous Minutes: Public and Non Meeting Minutes of 4/28/08.

Selectman Giffen motioned to approve the non-public and public minutes of 4/28/08 as presented. Seconded by Selectman Duarte. All in favor. Motion carried.

Other Business

Letter to Auburn Fire Chief: The Selectmen signed the attached letter. There was no further discussion on this matter.

Round Table Discussions: Selectman Giffen mentioned he received a letter requesting another round table meeting between the various boards and committees. Chairman Kelley stated he thought it was a good idea and would have Secretary Hansen send out emails to the various Chairs. Selectman Giffen noted that it should be scheduled for the second Selectmen's meeting of the month.

Announce Next Regularly Scheduled Meeting Date: The next scheduled Selectmen's meeting will be Monday May 19th, 2008 at 7:00 p.m.

Selectman Giffen motioned to adjourn at 8:30 p.m. Seconded by Chairman Kelley. All in favor.

Respectfully submitted,
Andria Hansen, Recording Secretary