

~~Unapproved~~ **Approved**
Candia Selectmen's Public Meeting Minutes
Monday, April 13, 2009

Attendance: Chairman Fred Kelley, Vice-Chairman Rick Lazott, Selectman Joe Duarte, Selectman Carleton Robie, Selectman Richard Snow, Selectmen's Assistant Cheryl Eastman, and Administrative Assistant Andria Hansen.

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

Planning Board member Scott Komisarek to discuss four corners work. Scott Komisarek was present. He explained to the Board that he was working on behalf of the Planning Board. One of the things they would like to do is a fiscal impact study and to do it is a lot of leg work. He thought that input from Building Inspector Hallock would be helpful. Scott Komisarek asked the Board if they would authorize BI Hallock to help him out on this project. It would be a few hours a week for approximately 6 to 8 weeks. Selectman Lazott stated he didn't have a problem with this request as long as it didn't interfere with BI Hallock's inspections. Scott Komisarek thought it would be about 4 hours per week. Chairman Kelley spoke with BI Hallock and he didn't have a problem with helping Scott. Selectman Lazott stated BI Hallock will be an asset to the project. Selectman Snow asked if it will go over BI Hallock's existing hours. Chairman Kelley replied no. It was the consensus of the Board to have BI Hallock work with Scott Komisarek on this project. Scott Komisarek noted this is an extension of the "Envision Candia" work that was done in 2001.

Ed Fowler to discuss boundary line agreement of the southern boundary of the Deerfield Road Town Forest. Former Conservation Commission Chairman Ed Fowler and Jim Franklin were present. He explained that, for years, the boundary in the southern part of the Deerfield Road Town Forest has been in question. He explained on the map presented there are question marks along the boundary. The Conservation Commission contacted Jim Franklin to help clarify that boundary and remove the question marks. Ed Fowler explained he felt the boundary should be clarified since it is a Town owned piece of property. He further explained that the Town is responsible for the property; this is why they have brought it to the Board. Ed Fowler stated Citizen Dean Young has been paying property taxes on some of the lots that have question marks. He explained Dean and Sue Young were present tonight, because what ever agreement they decide on will be between the Town and the Young's. Selectman Lazott noted that Dean Young is the main abutter. Jim Franklin presented the Board with a map (see attached). Jim Franklin explained the survey started when they did the work for Mary Girard for a subdivision. He went on to explain in order to do the deed research they had to ignore the present day location of Route 43. At the time when these properties were created, Old Deerfield Road was the main road in the area. They specifically looked at the properties on Old Deerfield Road and New Boston Road and did a lot of research at the Registry of Deeds. Jim Franklin explained they searched back to 1808 and the Town obtained one of the pieces of property in 1943 and the other in 1922. This research was done to establish the position of the southerly boundary of the Town forest land based on the location of New

Boston Road. Jim Franklin noted they were able to trace back the property Dean Young owns to 1822. They are able to establish a boundary line from New Boston Road up to the Town Forest land and they can account for Dean Young's boundary line, but they didn't know what happened with all the small properties not accounted for (see map attached). Jim Franklin noted there were a lot of vague deed descriptions on those parcels. He made a recommendation to the Conservation Commission and Dean Young that the best way to establish a boundary line is through a boundary line agreement. They could continue to do deed research, but thought they wouldn't come up with anything better than what they have found. They have a deed description for each of the parcels and they are labeled on the map. The CA 1 thru 6 stands for contentious area. In addition, they have a metes and bounds area for each one of the six parcels. They don't have a present day owner and that's why the area is in contention. Jim Franklin stated he wasn't saying they can't find the present day owner, but it goes beyond what a surveyor would do. It gets into the realm of title examination and finding heirs of the people who had deeds to these pieces of property at various times. Jim Franklin couldn't say definitively that Dean Young does or doesn't own the parcels, because he can't say what happens to the chain of titles from a certain time period up to present. So his recommendation is a boundary line agreement rather than have the area in contention. Jim Franklin explained they have a deed and physical evidence on the ground that is going to closely match the deed description. This gives him greater confidence regarding the line they should be agreeing on. Jim Franklin stated the boundary line would go all the way to the backline, because it's the most sensible way to do it. Chairman Kelley asked Dean Young if he had any questions. Selectman Snow asked if the Board signed a boundary line agreement between the Town and the Young's were they then defining those properties legally as being his (Dean Young's) ownership. In addition, what does this agreement do? Jim Franklin explained that state statute says in order for there to be a boundary line agreement the line has to be in dispute. The first step is if the line can't be determined based on the present deeds nor their predecessors and titles, the line has to be monumented and surveyed, and then you sign the statutory form for the boundary line agreement. The agreement would be between the Selectmen and Dean Young and it would be binding if both parties own it. It's not binding on any party other than those two. Selectman Snow asked if at some point in time the heirs of one of the CA lots wanted to contest it, would they be contesting it with Dean Young. Jim Franklin replied they would be contesting it with the Town. He further explained they could have a quiet title proceeding and suggested consulting the Town Attorney for direction on this. The Town would petition the court for quiet title for these pieces of property (see attached map), you name the people who you have deeds for and their heirs or any other interested parties, and then you show the court why the quiet title should not be placed. Selectman Snow asked who would be placing the actions. Jim Franklin replied it would be the Town and the Young's. Chairman Kelley asked Dean Young how many acres he currently pays taxes on. Dean Young replied it was one piece for years, but when they re-did the tax maps it changed. Selectman Lazott stated he didn't have a problem with this and felt a boundary line agreement would clear things up. Chairman Kelley asked Dean Young if he was okay with this. Dean Young replied he was fine with the agreement and noted most of the land was swamp anyway. He noted when Ron Girard was alive they tried to figure out the boundary lines, but were never successful. Sue

Young asked if it was possible to get one tax bill. Jim Franklin stated the process would be to write a request to the Selectmen to consolidate all of the parcels to create one tax bill. Selectman Snow thought that request should go to the Planning Board. Jim Franklin replied if it's a voluntary lot merger, as opposed to a tax bill, which is different. Chairman Kelley noted if it's in regards to a tax bill it has to go to the Selectmen to be consolidated for taxation purposes. Selectman Snow asked if the Young's were interested in consolidating for land use purposes also. Dean Young noted all of the small pieces are in current use. Sue Young stated approximately 29 acres are in current use. Jim Franklin suggested that the Board meet with the Town Attorney and the Young's before they make any decision on this. A quiet title is binding on all persons notified and if you're not notified you may not be bound. There is also another statute that states quiet titles are binding for absentee land lords (as long as they're not in the military). Chairman Kelley stated he will get in touch with Town Atty. Mayer. Selectman Snow motioned that the Board proceed with the actions necessary to establish the process of establishing quiet title between the Town of Candia's properties to the north and to the west of the Dean Young properties. Seconded by Selectman Lazott. All were in favor. Motion carried.

Board to discuss updates to the Solid Waste Ordinance. Solid Waste Committee Chair Al Couch was present. Chairman Kelley stated Atty. Matt Serge has reviewed the changes. Chairman Kelley noted he would like to recommend that people scrape their old dump stickers off of their vehicles when they sell their cars. It's not mandatory, but it would be nice. SWC Chair Couch stated it's something that is so rare it shouldn't be an issue. Chairman Kelley motioned to accept the Solid Waste Ordinance as written and approved by Atty. Matt Serge. Seconded by Selectman Lazott. All were in favor. Motion carried. SWC Chair Couch noted this ordinance was changed and revised to reflect the new location and how the Town processes trash.

Selectman Lazott asked if the Recycling Center could burn brush only on certain days of the week, so they can give people some notice. Chairman Kelley thought Facility Operator Whitcher burns brush on Tuesdays and Wednesdays. Selectman Lazott thought they should put a notice out for the Public, especially for the summer. He noted they have had some smoke complaints. Selectman Duarte noted he had been at the Recycling Center this week, because of one of the complaints. He explained one of the problems is an overload of dead wood and trees from winter clean up. Selectman Duarte stated they don't have a choice, but to burn. He agreed with Selectman Lazott and thought they should come up with some specific schedule on which days they will burn. SWC Chair Couch mentioned that Facility Operator Whitcher has to check with the Fire Department before he burns, so it's hard to come up with a specific schedule. Selectman Duarte noted the Recycling Center was overloaded with brush last week. SWC Chair Couch stated Facility Operator Whitcher was doing the best he could. Selectman Duarte noted he was doing a good job at the facility.

Tax Collector Jane Sanders to discuss lien process and mortgagee searches. Tax Collector Jane Sanders was present. Tax Collect Sanders explained the letters for the 2006 remaining balances for the property owners and mortgagees will have to go out

within the next 10 days. They will need to be identified. TC Sanders asked for the Board's formal approval to do the searches. She noted there are currently 77 outstanding accounts and last year there were 55 that went to lien. TC Sanders stated she wouldn't start lien searches until after May 1st. Selectman Lazott motioned to allow Tax Collector Sanders to do the mortgagee searches. Seconded by Selectman Duarte. All were in favor. Motion carried.

The Board and Road Agent Lewis to discuss Tower Hill Road bond release. Road Agent Lewis stated once Mr. Rose comes in with his request, it will be okay to release the funds. He noted that they were all done logging and there was no damage. Chairman Kelley stated they can table this until Mr. Rose can come in with a request to release the funds. Selectman Lazott stated they could make a motion this evening so the Board doesn't need to address it again. Selectman Lazott motioned to release the funds if and when Mr. Rose comes with a request based on Road Agent Lewis' recommendation. Selectman Snow found it difficult to vote on this when he doesn't have a request in front of him. Selectman Robie motioned when Mr. Rose comes in with a request we release his bond. Seconded by Selectman Lazott. All were in favor. Motion carried.

The Board to open sealed bids for the Fire Department roof repair and announce who will be awarded the bid. Chairman Kelley opened the sealed bids for the roof repair. The bids received were as follows: A-1 Siding, Roofing, & Insulation LLC with a quote of \$23,251.00; DSR Construction, LLC with a quote of \$16,295.00; Storage Solutions with a quote of 18,650.00; Bemis Construction with a quote of \$19,850.00; Frazier Construction with a quote of \$17,850.00; DC Moran Construction with a quote of \$20,000.00; and In-Laws Construction with a quote of \$18,725.00. Selectman Duarte stated he liked Frazier's Construction's quote and felt they would be a good pick since they have already been doing work on the Fire Roof. He added that the bidder is a Candia resident which carries a lot of weight with him. There was some discussion on the bids submitted. Fire Chief Cartier asked if the disposal of the shingles are part of the contract. Chairman Kelley thought the contractor was responsible for disposal of the shingles. Selectman Lazott pointed out that it was listed on the RFQ. Selectman Duarte reiterated he liked Frazier Construction. Selectman Lazott noted he was going to abstain from voting, because he has worked with Paul Frazier in the past. Citizen Ingrid Byrd stated she has had Paul Frazier do work for her and his work is outstanding. He is concerned with doing the best work at the lowest cost, but will not compromise his quality of work. There was further discussion on the roof. There was discussion on re-roofing the tower. Selectman Lazott thought it was not part of the RFQ. Roger Demanche of In-Laws Construction stated he included the tower in his bid. There was some discussion on ice and water shield. *Selectman Duarte motioned to award Frazier Construction the job. Selectman Snow seconded for discussion.* Roger Demanche noted he is a Candia resident as well. In addition, his bid includes a 3-year labor warranty and feels it's a benefit. Chairman Kelley asked the Board if anyone was ready to second Selectman Duarte's previous motion. Selectman Snow stated the Board should speak up if they have any problems. He felt Frazier Construction and In-Laws Constructions were both viable bids, but would go with Frazier Construction. Selectman Robie stated he like In-Laws Construction and there would be no conflict with the Board. Roger Demanche

stated when he went to the Fire Station he asked if the tower needed to be done and was told it did. He put the tower in the quote and if you take out the safety equipment to do the tower alone, his bid is almost the same amount as Frazier Constructions. Roger Demanche noted the Town needed to be more specific on their RFQ. Selectman Lazott stated in all fairness to In-Law Construction they should have the opportunity to re-write their figure (without the tower), because the tower was not included in the RFQ. Selectman Snow asked Fire Chief Cartier if the tower needed to be done. Fire Chief Cartier stated the Fire Department needed a new roof; he was not sure about the tower. Selectman Lazott asked the Board what they would like to do, because some figured in the tower and some did not. Selectman Snow suggested taking the three bids and tabling the current motion until the next meeting and further define the RFQ. Selectman Robie stated if someone came to him when the spec sheet was written this wouldn't have happened. Selectman Duarte stated they should give everyone the opportunity to resubmit an RFQ. He further stated he would like to vote on his motion one way or the other. Selectman Lazott stated he drafted this RFQ with Building Inspector Hallock and they were working on straight body, they didn't consider the tower. Citizen Ingrid Byrd noted if they table this tonight the information would be a matter of public record. It would not be fair, because everyone will know what everyone else bid. She suggested going with what they received and do a separate bid for the tower. Chairman Kelley stated he would like to bring this to a vote tonight. Selectman Snow stated he would like move to table this discussion until the next meeting. Selectman Robie reiterated that In-Laws Construction would be his choice. Emergency Management Director Bob Panit commented the gentleman from In-Laws Construction was the only contractor to show up and answer questions and that should count for something. Selectman Snow stated he hasn't been on the Board all that long but he has a problem with a faulty process. He would like to see the job put out to bid again. Roger Demanche noted if they put this out to re-bid it will turn into a bidding war. *Chairman Kelley called for a vote for Selectman Duarte's previous motion. Selectman Duarte and Selectman Snow were in favor of awarding the job to Frazier Construction. Chairman Kelley and Selectman Robie were opposed. Selectman Lazott abstained. Motion failed due to tied vote. Chairman Kelley motioned to award the job to In-Law Construction. Seconded by Selectman Snow. Chairman Kelley, Selectman Snow, and Selectman Robie were in favor. Selectman Duarte was opposed and Selectman Lazott abstained. Motion carried on a vote of 3 to 1.*

Board to discuss two abatement requests received. Selectman Snow motioned that the Board approves the agreement reached between Town Assessor Tammy Jamison and the Hillcrest Apartments (map 410 lot 068) as presented. Seconded by Selectman Lazott. All were in favor. Motion carried. Selectman Snow motioned to approve the abatement requests of Brenda Talbot and Kevin Whitmore, 467 North Rd, Map 402 Lot 002, assessed value from \$388,300 to \$360,900 per Assessor Tammy Jamison's recommendation. Seconded by Selectman Duarte. All were in favor. Motion carried.

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

Highway: Road Agent Lewis read from the attached report. He noted that he and Bob Panit have recently met with the FEMA representative. Selectman Robie asked how many men he has working on the clean up. Road Agent Lewis replied four men. Citizen Ingrid Byrd stated there is some information floating around Town that homeowners can move the debris (from the ice storm) to the side of the road and the road crew will pick it up. Road Agent Lewis stated the road crew will not pick it up. Selectman Lazott stated homeowners could bring it to the dump.

Police: Chief McGillen informed the Board that last month there was a major case involving horses and wanted to let them know there have been some big expenses building up on that case. He noted at some point there should be a non-public to discuss it further. Chief McGillen noted that burglaries and thefts have been skyrocketing and is probably a sign of the economy. Chief McGillen mentioned they have been approved for a Speed Enforcement Grant and a DWI Grant.

Fire: Fire Chief Cartier read from the attached report. He noted fire danger has been really high and will be high all week. Fire Chief Cartier mentioned the tanker will be going up to Vermont to be fixed at no charge (covered under warranty). He will be applying for a grant to replace the compressor. There will be a Hazardous Materials Grant Table Top exercise on April 25th and followed up with an on-site exercise in mid June. Selectman Duarte stated he met with the Fire Department last week and it was brought up that people have been burning illegal stuff. He thought something should be put on the website. Fire Chief Cartier noted he did update the Candia Fire Departments website after that meeting. He noted they are trying to watch the burning closely. Selectman Snow asked if the Selectmen should be at the Table Top exercise. Fire Chief Cartier replied he would strongly encourage the Selectmen to attend.

Building Department: Selectman Lazott read from the attached report.

Solid Waste: Selectman Duarte stated budget wise they are in pretty good shape. He noted the baler needed to be fixed. Selectman Duarte mentioned the recycling is starting to come together and the community is doing a great job with it. There have been a couple of complaints recently, but it does happen. He stated the workers don't need that grief or aggravation. Selectman Duarte felt the Board should send these people a letter. There was discussion about people recycling properly. Fire Chief Cartier asked if the Town has passed a mandatory recycling ordinance. Chairman Kelley replied a long time ago. Fire Chief Cartier suggested posting something down at the recycling center, because he thought a lot of people still think it's voluntary. Citizen Ingrid Byrd thought they should make the names of people who don't recycle public. Chairman Kelley stated he was pretty sure they couldn't do that, but would check with the LGC. Chairman Kelley noted that a pipe burst down at the old recycling center. He noted there was some mold (from the pipe burst) that will be cleaned up. In addition, the old facility overall needed to be cleaned out. Fire Chief Cartier stated the Fire Department would like to use the area for training and would be willing to help clean it up. Chairman Kelley stated he would talk to him about it. Chairman Kelley noted that Household Hazardous Waste Day will be held October 3rd.

Emergency Management: Emergency Management Director Panit stated he was there to answer any questions about the FEMA clean up. Chairman Kelley clarified the Town would only be getting 75% of the \$100,000. EM Director Panit stated that was correct. Selectman Robie thanked EM Director Panit for his time.

Parks and Recreation: No discussion. The reports are attached.

Approval of Previous Minutes: Public Meeting Minutes of 3/23/09. Selectman Lazott motioned to accept the public meeting minutes of 03/23/09 as presented. Seconded by Chairman Kelley. All were in favor. Motion carried.

Any Other Business:

Tree removal in Moore Park: Selectman Snow stated they would like to do it on April 18th. He noted Rick McGregor was donating his services and would like to see the Board accept the offer publicly. Selectman Lazott motioned to authorize Selectman Snow to cut down some trees in Moore Park as he sees fit. Seconded by Chairman Kelley. All were in favor. Motion carried.

Announce Next Regularly Scheduled Meeting Date: The next Selectmen's meeting will be April 27th at 7:00 p.m.

Selectman Robie motioned to adjourn at 9:20 p.m. Seconded by Selectman Lazott. All were in favor. Motion carried.

Respectfully submitted,
Andria Hansen, Recording Secretary