

~~Unapproved~~Approved
Candia Selectmen's Public Meeting Minutes
Monday March 28, 2011

Attendance: Chairman Fred Kelley, Vice-Chair Carleton Robie, Selectman Joe Duarte, Selectman Amanda Soares, Selectman Richard Snow, 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.

The Board will discuss purchasing a pick-up truck for the Forestry Department. Fire Chief Young mentioned the old truck is tired. We have talked a lot about this and came to the conclusion to purchase a new vehicle out of the capital reserve. Fire Department Captain Jim Wilson did a lot of the leg work on the research and they decided on the Chevy. They will have Frank Sarra letter it and they need a utility box in the back. Fire Chief Young felt the tax payers would agree with this, he is very frugal and he thinks long and hard before they spend any money. They tried starting the old truck yesterday and it wouldn't start. Selectman Duarte asked why they picked the Chevrolet. Captain Jim Wilson explained they wanted to give Chevy a shot. They have a Firefighter who works for Auto Fair, so he looked at Fords for them. They looked at Bonneville for the Dodge. Originally they looked at putting a work truck body on the back of it. He called Dave Bloom of Quirk Chevrolet and asked if they could borrow the truck for a couple of hours. They determined the space wouldn't be adequate for what they needed. They decided to go with a flat bed body. The quote from Ford was to go with something identical to what they had. The price was considerably higher than Quirk Chevrolet. He noted that Dodge could do government bids, but only on gas trucks and they wanted diesel. Selectman Robie explained the financial report shows the Fire Apparatus Capital Reserve balance as \$201,000 and this doesn't include the \$50,000 we just appropriated in March. He clarified the price of the Chevrolet is \$38,570 plus the extra's. He asked if the truck comes with a flat bed body, not the utility body. Captain Jim Wilson said it's an all aluminum flat bed with two stainless steel tool boxes that are mounted under the flat bed between the cabin and rear tires. They may need a few more boxes and that is why they estimated an extra \$2,500. Selectman Robie stated they are looking to expend \$41,645. Selectman Snow suggested not tying this to a specific number because it is an estimate. The intent is to pay for the entire thing out of the Capital Reserve Fund. We are authorizing the purchase of this particular truck. *Selectman Snow motioned that the Board authorize the Fire Department to purchase a truck for the Forestry Department to be paid out of the Capital Reserve Fund. Seconded by Selectman Robie.* Selectman Snow questioned why they had all of this discussion about police cruisers and yet we didn't discuss any budget stuff (for the truck). He thought it would have been more appropriate to say we want to get \$50,000 put in the Capital Reserve Fund for the anticipated purchase of a truck. This should have been part of the budget discussions. Fire Chief Young replied if we didn't want a forestry truck they still would have had the \$50,000 warrant article for the Capital Reserve Fund.

Selectman Snow stated he was talking about the perception of all the time we spend talking about the cruisers every year and we spend \$38,000 to \$40,000 with very little discussion. He attended the public hearing for the Budget Committee meetings and the purchase of a new truck was never discussed. Chairman Kelley called for a vote. *All were in favor. Motion carried.*

The Board to discuss hiring a full time officer to fill vacancy. Selectman Robie motioned to authorize Chief McGillen to hire a full time police officer. Seconded by Selectman Duarte. All were in favor. Motion carried. Selectman Snow asked if he had any candidates. Chief McGillen replied that he is in the process.

Chairman Kelley to discuss process for the sign folders in the Selectmen's Office. Chairman Kelley noted that things are not getting signed in the sign folder. He would like to make a motion that if there are three signatures on the paperwork, it can be removed and filed. Selectman Snow asked him to differentiate between signatures and initials. Chairman Kelley clarified it would be the initialed items. Selectman Snow replied three signatures on a piece of paper does not constitute an action by the Board. There has to be a meeting, a motion, and it needs to be signed. It was the consensus of the Board to file paperwork and information after it's been initialed by three Selectmen.

The Board to consider extending the cleaning contract from 1 year to 2 years. Selectman Snow motioned to extend the cleaning contract from 1 year to 2 years. Seconded by Chairman Kelley. All were in favor. Motion carried.

The Board to adopt internal control and fraud procedures. Selectman Robie said Selectmen's Assistant Eastman did a good job on putting together the procedures. He felt it was very thorough and it will serve its purpose. *Selectman Robie motioned to adopt the procedures. Seconded by Selectman Duarte.* Selectman Snow found some things in the procedures that they should work on in the future. There were policy numbers on the fraud procedure and he thought that was a good thing. He questioned number 1 in the internal control policy regarding purchasing. He would like to see this in another policy that has to do with purchasing. He thought the time slips and signed manifests didn't need to be sent to the Treasurer. Once the Board has signed off on the manifest, the Treasurer has nothing necessary to do other than review if the checks agree with the manifest. He would take those items out of the procedures. He didn't think they needed all of the signatures, just the date it was adopted by the Board. *All were in favor. Motion carried.*

Then Board to consider the appointment of John Easter to the ZBA as an alternate member and the reappointment of Amanda Soares as an alternate member and Boyd Chivers as a full member to the ZBA. Selectman Snow noted there is legislation going through the legislature that would disallow a member of the Board of Selectman to sit on the

ZBA or the Planning Board. Chairman Kelley motioned to accept the appointment of John Easter to the ZBA as an alternate member and the reappointments of Amanda Soares as an alternate member and Boyd Chivers as a full member. Seconded by Selectman Robie. Chairman Kelley, Selectman Robie, Selectman Duarte, Selectman Snow were in favor and Selectman Soares abstained.

Selectman Snow to update the Board on the Exit 3 / Old Candia Road intersection Road Safety Analysis. Selectman Snow noted that sometime next month (between April 18th and 29th) Stewart Thomson from the DOT will meet with Chief McGillen, Road Agent Lewis, and himself. He will bring back a recommendation to the Board on what needs to be done.

Selectman Snow to update the Board on the status of the Raymond Planning Board actions on the Raymond Sand & Gravel / Candia Sand & Gravel operations. Selectman Robie asked if Raymond Sand and Gravel has a reclamation plan approved by the Candia Planning Board. Selectman Snow replied no. Selectman Robie received a call from their engineers and he wanted to know if the plan was approved. He thought they had a conditional approval at one point. Selectman Snow noted this has been going on for about six months. Raymond Sand and Gravel and Candia Sand and Gravel are two separate companies. They each have an excavation operation on a 77 acre piece that straddles the town line between Candia and Raymond. Raymond Sand and Gravel has been operating an excavating operation for a significant number of years permitted by the Town of Raymond. Candia Sand and Gravel has an approved grandfathered excavation operation on a small portion of the 77 acre site. They were grandfathered because they were the only excavation operation in the Town of Candia that came to the Planning Board before the deadline so they were controlled by RSA 155E as opposed to the Town. In November of last year Raymond Planning Board granted them a variance that would allow them to crush rock imported from the Candia Sand and Gravel site. At this hearing they presented a bunch of evidence that indicated that Candia had given them permission to do that. However when the variance came over it stated they couldn't do anything unless they had all of the local, state, and federal permits. There was a request by Raymond Sand and Gravel to the Raymond Planning Board to do an approval of an excavation operation. The one they had before expired in November 2010. Raymond Sand and Gravel had no authority to do anything in Raymond or Candia prior to that time. They had a variance that said they could do this but they had to do a site plan or an excavation permit in Raymond first. The Raymond Planning Board had a technical review meeting and the applicant from Raymond Sand and Gravel had their engineers there. They were getting ready to do their blasting and they told the Raymond Planning Board that they had the approval to take material out of Candia over to Raymond. Selectman Snow was told they couldn't take anything out of Candia. He presented the information to Raymond. He went to the Board and the Attorney and got paperwork. He told the Raymond Planning Board this is the status of the Candia Sand and Gravel operation in the Town of Candia. There was a reclamation plan that was presented by Raymond Sand and Gravel to the Town of Candia and it went to the Town's engineers. The engineers appeared to have

approved it, but the Town of Candia never approved it. It is the opinion of the Town Counsel that Raymond Sand and Gravel has a piece of paper that says you can take stuff out of the Town of Candia. However there was a court case and it says they illegally excavated in Candia and they have to reclaim that. They need to go through a Candia planning process to get this done. He went to the Raymond Planning Board process where they had the excavation request going in. He told the Raymond Planning Board that the Town of Candia doesn't oppose the application presented to them, but this site has a long history and Candia has a reasonable concern about what happens. The Town of Raymond Planning Board required the applicant to put in ground markers on the town line. They would be wooden stakes but that was the best he could get. Currently Raymond Sand and Gravel has an excavation permit to crush rock on the ground in the Town of Raymond. They don't have any authorization to take material off of the Candia site and bring it over to Raymond because they have not been through the Candia planning process. The only problem that he could see is that there was a loam pile that straddles the boundary line. They were told the existing loam pile should stay on site. The decision of the Raymond Planning Board was to limit the excavation operation until October of this year and limit the reclamation effort until a year after that. The crushing operation may be done by the end of April after that they can sell it. The reclamation effort will have to take place after that and that is a function of the Raymond Board. Selectman Robie stated we don't care what Raymond tells them what they can do in Raymond. He questioned if the Cole's have come in with a new plan to reclaim the Candia side. Selectman Snow replied it is Candia's business because they illegally excavated on the Candia side. Selectman Robie thought it was their intent to reclaim the Candia side. Selectman Snow suggested to the Raymond Planning Board that they do this as a joint hearing which is allowed in the statutes. Selectman Robie thought the Cole's sent some plans to the town engineer, which they okayed. It never went back to the Candia Planning Board for a conditional approval. This is the direction we need to go, because we don't care what they do in Raymond. Selectman Snow replied that he cares what they do in Raymond, because what they do in Raymond may affect what they do in Candia. We need to make sure Candia is not harmed. Selectman Soares read from the ZBA notice of decision and one of the conditions is that Candia does have a say. Selectman Robie clarified they can't go in and start taking rock out of Candia. Selectman Snow stated they think they have permission to take rock out of Candia. Selectman Snow further stated we have a letter from our Attorney which provides some information on a plan of action. He suggested we send this to our current engineers and then send it to the Planning Board or Board of Selectmen because this is a decision we have to make as to who is going to approve the restoration plan of Candia Sand and Gravel. Selectman Robie replied it is the Planning Board who makes that decision. Selectman Snow said the problem is that this was a court case and court cases are done by the Board of Selectmen and we are responsible for the beneficial management of the town. The decision of the court sits on the Selectmen's table. The Selectmen need to decide if we are going to do a joint hearing or are we going to give it to the Planning Board. He noted this came back in 2005 and nothing happened. He reiterated they need to make a decision is the Planning Board going to handle it or will the

Selectmen. He felt they should send Candia Sand and Gravel a letter stating that they need to see the Candia Planning Board or the Board of Selectmen. If they want to do something in Candia they need to put in an application to the Planning Board. They need to tell the Planning Board that they have an action. Selectman Robie wanted to know who sent Atty. Mayer the plans back on February 15th. Selectman Snow replied that he sent those plans immediately to Atty. Mayer. He went to the Raymond Planning Board's first hearing and he presented them with the information from our Attorney. Jones and Beaches gave him those three pages of plans and he passed them along to Atty. Mayer. Selectman Robie asked why he didn't give the plans to the Planning Board. Selectman Snow replied the Planning Board doesn't have control of the process, the Board of Selectmen do. Selectman Robie read from Atty. Mayer's letter which states the Selectmen are responsible for enforcement in proceedings but the Planning Board is ordinarily vested with the authority to review and approve excavation permits and restoration plans. Selectman Robie added if Candia Sand and Gravel comes to us with a set of plans we will refer him to the Planning Board. Road Agent Lewis questioned why we are discussing this, because isn't it up to Mr. Cole to approach the town. This is his business not ours. Selectman Snow moved that the Selectmen send a letter to Candia Sand and Gravel saying if they wish to do something in the Town of Candia in relation to this court case you have to file an application with the Planning Board. Citizen Charlie Bowman said someone other than the Town of Candia should be paying for the engineering on this property. He read in the newspaper that Candia Sand and Gravel filed for bankruptcy and how would that affect this. Selectman Snow thought they were out of bankruptcy and they are crushing gravel to make some money. Selectman Robie agreed with Mr. Bowman and it should be Candia Sand and Gravel's cost for the engineering work. Selectman Snow questioned who from Candia is going to make sure they aren't taking anything out of the Candia side. He noted Building Inspector has the authority to check in on them anytime we want and are we going to send him over there on a regular basis. Selectman Soares noted that he drives by once a week. Selectman Robie noted they have a court order saying they are not supposed to be over there excavating material. Selectman Snow questioned how do we know if he is doing it. Selectman Soares stated Kevin Cole Jr. gave Building Inspector Ciardi authority to go on the land whenever he wanted. Selectman Snow asked if he got it in writing. Selectman Soares wasn't sure if it was in writing, but he stops by once a week. Selectman Robie stated we are not going to pay someone to watch him. Selectman Snow suggested that we do because we spent all of that money to sue him. Selectman Snow reiterated that they should send him a letter saying that he needs to go to the Candia Planning Board. Chairman Kelley stated if Mr. Cole wants to take stuff out of Candia then he needs to come back to the town and get permission. Selectman Snow replied we haven't told him he has to and a letter will send a clear message. Chairman Kelley stated if he gets caught then he will get fined. There is nothing we can do until he submits something. Selectman Robie noted per his conversation with the engineer he thinks they are on the right track and will be coming to the Planning Board. Selectman Snow would like to table this discussion until the next meeting.

Selectman Snow to discuss a Candia Conservation Commission request for an All-Town Boards Forum. Chairman Kelley noted every year we do this and no one shows up. He wasn't sure what they wanted to get together about. Selectman Snow said the question before the Board is will the Board host it and if not the Conservation Commission will. Ms. Kruse felt that if the Selectmen are in charge of it there will be a bigger turn out. Selectman Snow thought they could get more information out of a forum type. They should do it in a master plan concept. It's a public meeting but there isn't anyone in charge. Chairman Kelley asked what they were going to talk about. Selectman Snow asked if it was the consensus of the Board not to handle it. It was the consensus of the Board to not have an all Board meeting and let the Conservation Commission handle it.

Selectman Snow to provide the Board with information on the SNHRCPP program. Selectman Snow started going to the Southern New Hampshire Regional Community Preparedness Program meetings about two years ago. He noted they do a lot of good work and it's funded by FEMA. It's reasonably certain that the only people that can do anything will be us. It's important to prepare ourselves for emergencies, because FEMA won't be there with pots of money in the future. This program looks at a number of different ways to be prepared. They are beginning to do stuff like public service announcements. Candia is a part of but not an active part of it. He felt they should be more involved. There is a meeting coming up on April 30th. He would like Chief McGillen or Fire Chief Young to get someone to go to this meeting.

Approval of Previous Minutes: Public meeting minutes of 3/14/2011 and 3/15/11. Selectman Snow moved to approve the March 14th minutes as amended. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Soares moved to approve the March 15th minutes as written. Seconded by Selectman Snow. Chairman Kelley, Selectman Robie, Selectman Soares, Selectman Snow were in favor and Selectman Duarte abstained.

The Board to authorize payment of payroll checks and accounts payable checks. Selectman Snow motioned to approve payment of payroll manifest number 000619-04, checks to be dated 03/24/2011, with a total gross payroll amount of \$13,184.10. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 030411 checks to be dated 03/24/2011, with a total amount of \$21,730.48. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of payroll manifest number 000620-0, checks to be dated 03/31/2011, with a total gross payroll amount of \$15,533.99. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 030511 checks to be dated 03/31/2011, with a total amount of \$37,430.36. Seconded by Selectman Soares. All were in favor. Motion carried.

Other Business:

Selectman Soares mentioned a recent incident at the Recycling Center where a resident was throwing recyclables away. She told the Board she intends on speaking to this individual and there is probably some history behind this. She asked if they were okay with her handling this situation. Selectman Robie said where it was a potentially volatile situation; he thought a letter from the Board addressing this issue would be appropriate. Selectman Soares was fine with that she just wanted to get the Board's opinion. Selectman Snow suggested having Chairman Kelley sign the letter.

Selectman Soares mentioned that people have been speeding through the Recycling Center. She asked if maybe they could have an officer down there on a Sundays from 12 to 2. She thought maybe they could hide behind the compactors, so they could try to catch some of the offenders. She felt this was a safety issue for the employees. She thought they could have an officer a couple of Sunday's per month. Chief McGillen said having a cruiser visible would be a good idea. He suggested getting names and plate numbers. Selectman Soares would like to get the point across that it's not a speedway.

Selectman Soares asked the Board if they would like to make any changes to the departmental report for the Recycling Center. If so let them know.

Selectman Soares asked the Board if they are okay with the vacation request form she drafted for all departments. Selectman Snow said put it in draft form and we will approve it. Selectman Soares replied that is what we are doing right now. Selectman Snow replied that he didn't see it. Chairman Kelley noted that it was in the sign folder. Selectman Snow asked for clarification as to who was the department head of the Recycling Center. Selectman Robie clarified that Chuck is the department head and Selectman Soares is the Selectmen's Rep.

Stipend Employees. Selectman Soares didn't feel that one stipend employee is paid weekly when all of the other stipend employees are paid quarterly. This is not consistent with what they have done in the past. Selectman Soares motioned that this stipend employee be moved back to quarterly like the remainder of the stipend employees. Seconded by Chairman Kelley for discussion. Selectman Snow thought it was an agreement made as part of the hiring process. We need to look at why we made this decision in the past. He noted this was an exception to policy. Selectman Soares noted it has always been policy that stipend employees are paid quarterly. Selectman Snow would like to table this until next meeting. Selectman Snow stated he doesn't like to make decisions off the top of his head. Selectman Robie explained when Welfare Director DelRosso took the job she wanted a weekly payment so it would not affect her unemployment check. We made the exception so she could get her stipend in a weekly pay check. If we are going to change this it should be changed at the beginning of a calendar year i.e. 2012. He felt this was reasonable and they will look at it in December. Chairman Kelley

said as of January 1st we will make a decision and possibly change the stipend back to quarterly. Welfare Director DelRosso thanked the Board for their consideration.

Selectman Snow mentioned the stuff regarding the SNHRCPP will be on the website.

Selectman Snow advised Fire Chief Young that they can host the Fire Department website on the town website at no cost. Fire Chief Young said he would talk to his computer guy.

Auburn sandpit. Selectman Snow asked if anything has happened with this and do we have any information. Chairman Kelley informed the Board they haven't heard anything yet. It was tabled until the next meeting.

Bleachers at Moore Park. Selectman Snow noted there will be some repairs on the bleachers at the park and there may be pieces of concrete in the skate board park. Selectman Soares asked who was paying for this. Selectman Snow replied that it was a donation. There was some discussion about liability.

Street lights. Selectman Snow asked if anything has been done about it. Chairman Kelley replied nothing has been done on this.

Selectman Snow would like Road Agent Lewis to go to a municipally managed projects seminar. He will get him more information about this.

Selectman Snow mentioned they discussed putting Sharon on full time last week and he has some issues that weren't resolved. Chairman Kelley replied that we resolved it. He questioned how we authorized Selectmen's Assistant Eastman to take minutes for the Budget Committee. Selectmen's Assistant Eastman is a full time employee and she works 40 hours per week. He questioned what happens when she ends up doing overtime for the Budget Committee and who is paying for it. Selectman Robie replied she works 35 hours per week. Selectman Snow said she works 40 hours per week on a regular basis. Chairman Kelley clarified that her regular hours are 35 hours per week. Selectman Robie questioned how did we get to talking about Selectmen's Assistant Eastman when we were talking about Administrative Assistant Robichaud. Selectman Snow noted he voted for Selectmen's Assistant Eastman to be the Budget Committee secretary. He got to thinking that Selectmen's Assistant Eastman has been billing 40 hours per week on a regular basis. There might be over time when she works for the Budget Committee. Also is she is not doing the 40 hours for us she is doing work for the Budget Committee. He might not have voted for this if that's the case, because she has a lot of work in the Selectmen's Office. Selectman Soares clarified that will come out of the secretary wages line for the Budget Committee. Selectman Robie stated we already discussed this with Selectmen's Assistant Eastman. She could do the Budget Committee work without it jeopardizing her other

job. Selectman Robie stated they did their due diligence. Selectman Snow asked when the Planning Board is meeting who is paying her. Selectman Robie replied we are not splitting that job up into five sections. Selectman Snow replied if we can figure out how many hours Cheryl is working for the Budget Committee why can't figure out how many hours Sharon is working for the Planning Board and ZBA and put it on their budget. They charge fees for the services rendered when she is sitting in that chair. This is going against the Building Departments expenditures and its presenting a skewed budget for the Building Department. It's a simple thing to charge the hours out for the meeting. Selectman Robie stated it's not the hours in the meeting it's the hours in the office. There was further discussion about breaking out Sharon's position. Selectman Robie stated it works the way we are doing it so leave it alone. ACO Stephen Bradley asked if anyone else applied for the Budget Committee secretarial job. Selectman Robie replied there was a notice in the paper and it was posted around town and we didn't receive any response.

Chairman Kelley motioned to adjourn 8:24 p.m. Seconded by Selectman Duarte. All were in favor. Motion carried.

Respectfully submitted,
Andria Hansen, Recording Secretary