

~~Unapproved~~Approved
Candia Selectmen's Public Meeting Minutes
Monday May 23, 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 accept National Trust Historic Preservation Grant on behalf of the Town in accordance with policies and RSA 31:95-b III (b). Selectman Robie explained this is the grant for the Smyth Building which guaranteed a matching half of \$2,500. We are trying to get the matching funds elsewhere before we come back to the Town. Selectman Snow motioned to accept the grant as presented. Seconded by Selectman Robie. All were in favor. Motion carried.

The Board to consider the reappointment of Heritage Commission members Betty Sabean and Ray Cresswell. Selectman Robie motioned to reappoint Ray Cresswell and Betty Sabean to the Heritage Commission as full members. Seconded by Selectman Soares. All were in favor. Motion carried.

The Board to discuss the BTLA case settlement plan. Selectman Robie explained Vision has negotiated a property settlement with Reggie and Elizabeth Torrey of 101 Douglas Drive. The proposal is to abate the value by \$17,800 on the property. The abatement would result in a \$354.22 refund plus interest for the 2009 tax year and would carry forward the abatement for the 2010 tax year. Selectman Robie motioned to accept Vision Appraisals recommendation for the abatement. Seconded by Selectman Soares. All were in favor. Motion carried.

The Board to authorize payment of payroll checks and accounts payable checks. Selectman Snow motioned to approve payment of payroll manifest number 000625-03, checks to be dated 05/05/2011, with a total gross payroll amount of \$14,695.68. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 050111 checks to be dated 05/05/2011, with a total amount of \$464,353.52. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of payroll manifest number 000626-01, checks to be dated 05/12/2011, with a total gross payroll amount of \$15,177.09. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 050211 checks to be dated 05/12/2011, with a total amount of \$25,629.42. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of payroll manifest number 000627-01, checks to be dated 05/19/2011, with a total gross payroll amount of \$14,399.44. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 050311 checks to be dated 05/19/2011, with a total amount of \$8,525.81. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow

motioned to approve payment of payroll manifest number 000628-01, checks to be dated 05/26/2011, with a total gross payroll amount of \$14,430.06. Seconded by Selectman Soares. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 050411 checks to be dated 05/26/2011, with a total amount of \$59,163.69. Seconded by Selectman Soares. All were in favor. Motion carried.

The Board to consider authorizing Stantec to review Candia Sand & Gravels site plans.

Selectman Snow gave the Board an update. The Board received a letter from Jones and Beach Engineers on behalf of Raymond Sand and Gravel. They wanted to start and complete the restoration of the lot in Candia. The letter was considered by the Board and review with Town Counsel and he answered the letter. They receive a letter from Stantec asking if they should review the restoration plan which was completed in 2005 and updated last year. They postponed that until this meeting. We have since received another communication from Jones and Beach that relates to the letter they received from Town Counsel. Selectman Snow suggested they hold off on spending any money on any engineering study based on the second letter they received. It raises more questions than it answers. It would not be proper to spend the \$2,500 yet. When the property was initially reviewed by the Town in 2001, the Town paid for a survey to determine the area of the illegal activities. It was before the court from 2001 to 2005 and it was being negotiated between the Town and the applicant. After 2005 a decision of the court came in that said this is what you have done wrong and there was further negotiations about the extension of the inappropriate activities on the Candia parcel. The agreement had certain conditions that needed to be met i.e. a payment of a fine, provide a certain amount of money for restoration, and paying for the engineering studies. This transpired six years ago. We are attempting to look at a set of plans that were developed by Richie Ladd in 2005. We now have a set of plans before us that were somewhat modified. There were land change gradients and it appears there would be a significant amount of material that would need to be moved to do the restoration. This is inconsistent with the 2005 plan where it said all of the slopes were 4 to 1. Selectman Snow also mentioned there was a significant environmental review done which indicated there were a number of problems. He felt before they spent any money he would like to make sure they are asking the engineer the questions that are relevant i.e. what happened between 2000 and 2006 and what has happened since then. He would like to call Rene at Stantec to discuss this. Selectman Robie thought they shouldn't call anyone until Cole brings in some plans. Selectman Snow felt they needed to do a site walk and see what existed in 2005 and look at the condition today to see if things have changed. If they have changed that would change the restoration plans. Then they could tell Stantec what they want them to do to ensure that the Town is protected. Chairman Kelley replied legal counsel doesn't want us to get involved with this right now and Atty. Mayer is handling it. He doesn't want to spend any more money on this and felt Cole needed to see the Planning Board if he wants to do something. Selectman Snow asked the Board if they wanted to hold off on the approval of the restoration plans until Cole provides us with something stating what he intends to do. Selectman Robie said he recently asked for a full set of plans and Jones and Beach couldn't produce them. All they have are the plans that we have. He can't see having Stantec do a survey because it's going to cost us money, which we don't have. This should be Cole's expense. Selectman Snow replied that he understood, but the restoration is an issue for the Selectmen to address. Selectman Robie explained his reclamation plan has lapsed from 2005. Selectman Snow replied that he is still under court order to do it.

Selectman Soares noted this man has defied every court order possible and Atty. Mayer said he would handle this with Jones and Beach Engineering. He will ask the questions we need to find out i.e. if they're removing stuff, if their blasting or excavating. She added what happened from 2005 until now has been addressed. Selectman Snow said he was talking about if there was illegal excavation and we have a set of plans from 2006. Chairman Kelley felt they should leave it alone and wait for Mr. Cole to submit a set of plans. Selectman Snow asked how they are going to respond to the recent communication from Jones and Beach. Selectman Robie said it was his understanding that Atty. Mayer was going to replied to Jones and Beach's recent letter. He added that the plans are null and void now and he needs to bring in some new plans. Selectman Duarte thought they should wait for Bart to respond. It was the consensus of the Board to not spend the \$2,500 to have Stantec review the plans.

Selectman Snow to discuss possible conservation easement on Critchett Road. Selectman Snow explained Mr. Critchett came to him to see if the Conservation Commission would be interested in doing a conservation easement on two pieces of property he owns on Critchett Road. The lots are 407-027-2 which is roughly 27 acres and 407-054 which is 19 acres. He would like to put both of these pieces in one conservation easement that would cover the two properties with the intent that in the future his son and daughter would be able to live on one side or the other. He explained there is a house currently on 407-054. On 407-027-2 the conservation easement would have an excluded area that would allow somebody to build a house. You would end up with a 27 acre piece in a conservation easement with a house on it. The 407-054 piece has a lot of options depending on what happens in the future. The first option is doing a subdivision to carve out the 3 acres to build and then you would have an excluded area on the remainder of that (16 acres). Mr. Critchett could also do a subdivision for his daughter and that would leave a 16 acre piece with his house on it. The total amount of acres in the easement would be 47 acres. The proposal has been brought to the Conservation Commission who has voted to proceed with it. The next step is to get an appraisal done. This will give them a value, so they know how much money they will have to pay for a conservation easement. They do this by appraising the entire property as it exists under the conditions that are being presented. It will then be negotiated with the owner so they can decide to continue with the process or not. They are further ahead in the process this time than they were with the Rand's, because they have experience with several different land trusts. The Conservation Commission asked Southeast Land Trust to come out and walk the property with them. Selectman Snow said there is a lot of woods, nice open fields, and good open space. There is frontage on Critchett Road and on Island Road. It abuts properties that Bear Paw owns. If they are going to do the appraisal they want to make the Select Board aware of it. This will be paid out of the Conservation Fund. This will be part of an agreement between Dwayne Critchett and the Conservation Commission/ Town. If this goes forward and Mr. Critchett decides not to do the easement he has to reimburse the Conservation Commission. If he agrees and proceeds with this the Conservation Commission and Town are on the hook for \$1,300. He will keep the Board updated as the process moves along. They will be coming back with a purchase and sale agreement and a conservation easement in final draft form. The Board would be expected to vote to approve and sign. Selectman Snow asked the Board what they wanted to do. Selectman Duarte would like to hear from Mr. Critchett and his reasons for doing this. Mr. Critchett explained it would either be sell it into house lots or give his kids a piece of property. He would like to give his kids some property and not have any more neighbors. This property is his

retirement and he hasn't done anything with it for 26 years and he doesn't plan on doing anything with it in the future. He really doesn't want to sell it, but it's going to happen sooner or later. Chairman Kelley asked how many acres are on lot 407-054. It was noted there is 19 acres. Selectman Snow mentioned that lot 407-054 has not been surveyed. Selectman Duarte asked if the Conservation Committee was going to work with Bear Paw. Selectman Snow replied either Bear Paw or Southeast Land Trust. They have talked with Southeast Land Trust. Chairman Kelley asked what he wanted from the Board. Selectman Snow said he wants the consensus of the Board that they are in favor of moving forward with this. It will be based on the expectation that we end up with a dollar value that fits in with what Mr. Critchett wants and we are able to come up with the language that is acceptable to the Board and Mr. Critchett. If it is acceptable the Board will be asked to sign the purchase and sale agreement otherwise the Conservation Commissions on the hook for the \$1,300 - \$1,400. Citizen Ingrid Byrd asked if we are buying the land or the developmental rights. Selectman Snow replied just the easement. Road Agent Lewis stated we are buying the developmental rights, but Mr. Critchett still owns the land. He could still sell the land, but the easement goes with the land which means it can't be developed. Selectman Snow clarified we are buying the development rights and the language of the easement will be carefully crafted to ensure that. Road Agent Lewis said the reason we are bringing this to the Board tonight is that we don't want to go through the process of getting an appraisal and going through all of the leg work to find out the Board isn't acceptable to this. They brought this to the Board to see if the Board would be agreeable before they purchased the developmental rights. The easement is valuable to the Conservation Commission, because there is property on both sides of the road. It would be a corridor for wildlife access and a lot of their easements don't have that. There is also a huge track of land behind there on the Critchett Road. It has some importance to Conservation Commission and it would be a valuable piece. They just don't want to move forward without the Board's okay. Citizen Rick Lazott stated when he was a Selectman he wouldn't agree to anything until he saw it in print. He can't see how they can state this and the Board should only agree to the appraisal then they can make the decision after that. Selectman Snow noted if the Conservation Commission spends the \$1,400 is the Board willing to pay if Mr. Critchett backs out. Selectman Robie replied we wouldn't pay for it that's the Conservation Commission's money. Selectman Snow said this is why he is bringing this to the Board and to let them know they are working on it. Selectman Robie questioned if there was a "For Sale" sign on Mr. Critchett's property and it must have been appraised at some point. Mr. Critchett replied it's been for sale for about a year or so. Selectman Snow said he can't come up with an arbitrary number. You need to get an appraisal. Citizen Rick Lazott thought the Conservation Commission should be willing to sign off on the \$1,400 (out of the Conservation Fund) to have it appraised. Selectman Robie replied the Conservation Commission can spend \$1,400 if they want to have the appraisal done. Road Agent Lewis explained they don't want to move forward with the easement until they have a feel from the Board. If they spend the \$1,400 and the Board says no the Conservation Commission is out \$1,400. We're trying to avoid losing money if there is a flat out refusal of the easement. This easement will be similar to the Rand easement. Selectman Robie thought they should get in the ball park for what they are going to pay for the easement on Critchett Road. Selectman Snow asked if the Board has any outstanding concerns that make them say they can't do this. Selectman Duarte felt they didn't have enough information this evening to make an intelligent decision. Road Agent Lewis asked if the majority of the Board felt they would refuse the easement if it was similar to the Rand's. Chairman Kelley replied it depends on what the easement language says. Mr. Critchett asked

what he was talking about. Selectman Soares replied it's what the restrictions would be on the land. Selectman Snow said he would provide a copy of the draft easement as soon as they start. The Board needs to make sure they look at it and let him know if they have a problem. They will do this in the same time frame as when they hire an appraiser. When he comes back with the purchase and sale agreement it comes back in final draft form. So if there is something you see in the easement you want to change that would be the time to do it. Selectman Soares noted if you can make changes then it's not really a final draft. Selectman Snow explained this is what the Conservation Commission, the landowner, and the land trust have agreed on and I'm bringing it back with whatever changes have been made. Selectman Duarte said he didn't see any reason not to do this if it's what the homeowner wants to do, but he would like to see the entire package. Road Agent Lewis stated we are in an awkward spot because we could spend the money and bring all this information to the Board and get a flat out refusal. We are here tonight because we don't know what to do. Selectman Duarte replied at this point he didn't see a road block. Selectman Snow had a sense from the Board that this is something that we should spend the money on. He will be coming back to the Board with a draft easement from a land trust. It will take a while to find someone to do the appraisal because they are busy and it will take time to find a land trust. It will probably be a month before he comes back with something. Selectman Duarte asked that they not use Bear Paw. Selectman Snow said he would pass that information along. Selectman Robie asked if the Board says no to the easement will the Town pay back the Conservation Commission the \$1,400. Selectman Snow replied no but they are in a position of possibly losing \$1,400. Selectman Robie thought something like this should be noticed as a public hearing so people know what is going on in the community. Selectman Snow said this has been noticed and he put out the information, but he wouldn't have any objection to having a public hearing. He thought they should have a public hearing when the Board makes a decision on it. Selectman Robie said we need to know this information before the meetings. Selectman Snow replied he would bring it on a regular basis, but the mile stone is when we have the piece of paper. Mr. Critchett asked if this is normally the process and he isn't in a big rush for this. Selectman Snow noted they are the second one in this process. Selectman Robie replied we don't really have a streamlined process. Selectman Snow stated this will be a transparent process.

Selectman Snow to give update on the Exit 3 intersection. Selectman Snow said he met with the SNHPC and the DOT this morning to go over an official Road Safety Audit on Exit 3. Chief McGillen and Road Agent Lewis also attended the meeting. They will put their recommendations together, but this will take time and money. The process is moving along and the Town is doing something with Exit 3 to attempt to make it safer.

Selectman Snow to discuss installation of skateboard park equipment. Selectman Snow said there will be two concrete ramps delivered to the skate board park tomorrow morning. This equipment will be donated. Mr. Robert Leavitt and Mr. Ryan Champane are going to attempt to put it in the right configuration for the skaters.

Selectman Soares to discuss Welfare. Selectman Soares stated the Welfare Director has recently been sick, so she has moved some of the process to the Selectmen's Office. This is to help Welfare Director DelRosso and alleviate any undue stress. This will be until she has a clean

bill of health. She is not going to have her stipend taken away and it will be until she is feeling better.

The Board to meet with Solid Waste Committee members. Selectman Snow said he sent an email that said they would not be able to make it. The SWC hasn't had the opportunity to meet to discuss this. Chairman Kelley said they had a two week notice. Selectman Snow explained they didn't meet at the beginning of the month and they're all busy. Citizen Cinny Griswold stated there was never any deadline given to us. Chairman Kelley replied that at the last Selectmen's meeting they asked the SWC to be here. He noted they haven't seen any minutes for the past two months from the SWC and there doesn't seem to be any interest. Citizen Cinny Griswold said it was presented to them that they were to present the Board with a plan. Chairman Kelley asked what this plan is. Citizen Cinny Griswold replied that she isn't the Chairman and she wasn't going to speak for him. She said she was speaking as a member and Amanda has been the secretary and taking the minutes, so ask her where the minutes are. Selectman Soares replied that Chairman Al Couch took the meeting minutes. Citizen Cinny Griswold replied she didn't know about that and the information she got was they were going to talk about plans. Selectman Duarte felt they should continue this until the next meeting. Selectman Snow said he told them they were coming to a meeting to discuss what their plans were. Selectman Soares mentioned that the Committee members were asked to submit letters of interest to be reappointed and they haven't received any in the office. Citizen Cinny Griswold thought that Al Couch submitted one. Chairman Kelley said the office will look into this. Citizen Ingrid Byrd stated she could understand the purpose of the SWC when we were working on the new transfer station. They have a really good manager who is capable of running the new transfer station and Selectmen over site, so why do we still need a SWC. At this point it seems like a redundancy. Selectman Duarte stated we shouldn't be discussing these issues when we don't have someone from the other side of the table to protect themselves. He said that he likes both parts of the plan at a public meeting. We shouldn't be making these decisions when we don't have the SWC Chair present. He felt we they are trying to get rid of the SWC because they didn't show up at a meeting. He couldn't go along with this. Citizen Ingrid Byrd said this is not what she asked. She questioned why do we need the committee now and the Selectmen are responsible for managing the Town. Why do they feel they need a Committee between the management of the facility and the Selectmen? Selectman Duarte replied that when he spoke with Facility Operator Whitcher he felt they were very helpful and it doesn't cost anything for the work they do. Citizen Ingrid Byrd commented that it seems to be a point of aggravation for a lot of people. If Facility Operator Whitcher needs a committee to help him do his job then you need to look at what he is being asked to do and whether he needs an assistant. Citizen Cinny Griswold noted the SWC helps with the sticker checks at the transfer station and helps organize Household Hazardous Waste Day. Chairman Kelley replied that isn't the SWC's job, it's the Recycling Center employees' job. He understands that they are busy and some vehicles get missed, but it is their job. Citizen Cinny Griswold apologized that no one showed up this evening but it was obviously a misunderstanding. She felt the Selectmen have their opinion and the SWC would like to present their side. Chairman Kelley replied this is why he asked them to be here this evening and they had a two week notice. Citizen Rick Lazott asked if any of the SWC reached out to the Board members and asked what was going on. They could have simply made a phone call. He agreed with Citizen Ingrid Byrd and felt they are strictly an advisory committee. Selectman Duarte said there is some hostility going on here and SWC Chair Al

Couch got up at a Selectmen's meeting and said some things the Board wasn't happy about even though some of it was true. Now we are going to muscle things if we don't agree with what they want. They should be here to defend themselves and then we can make a decision. Citizen Ingrid Byrd replied by their own accord. Road Agent Lewis stated they have been in existence for over 20 years and they have been helpful through the years. They are volunteers who have given their time and if they save us paying some employees certain tasks what's the harm in having them. They are volunteers who are trying to help out and they shouldn't be punished for doing that. Selectman Snow agreed and we should be expanding the number of people that are involved with what is happening in the Town. We want people helping us and giving us new ideas. If it doesn't cost anything why are we turning them away? We need to get the public involved they are the ones who are paying the taxes. Selectman Soares noted it's hard to get people to volunteer. She stated the SWC got defiant about everything. They present something and do something else and that doesn't sit well with people in Town. Selectman Snow replied that he's sure there are things that the Board does that the people don't like. Citizen Joanne Beckwith suggested inviting them to the next meeting. Citizen Cinny Griswold reiterated it wasn't right to be talking about them when they are not at the meeting. Citizen Rick Lazott reiterated they should have reached out to the Selectmen. Selectman Snow replied they had communications through him. He agreed it's not right to talk about them and they are not here. He will pass the information to the SWC. Selectman Duarte said he never received an agenda and he thought the agenda should be on the website on Friday. Administrative Assistant Hansen assured Selectman Duarte that he was sent an agenda. Citizen Stephen Bradley stated that it wasn't on the website. Chairman Kelley replied that isn't her problem. Citizen Stephen Bradley noted how the SWC was supposed to know to be at the meeting if the agenda wasn't on line. Selectman Soares stated we'll discuss this at the next meeting and make a decision whether they are here or not. If they want to state their case tell them to be here at the next meeting. Selectman Snow replied then you want me to give them an ultimatum. Selectman Soares replied if they want to have communications with the Selectmen tell them to come to the next meeting. Selectman Snow said he would pass along the information. Selectman Robie asked if anything has come back from DES. Selectman Soares replied not yet she is getting her last quote. Citizen Cinny Griswold asked how the amounts on the swap shop donations are verified. She is concerned about the amount of money and how it gets here. Selectman Soares explained one of the volunteers tells her there's money and she collects it and gives it to the Accounts Payable clerk. Citizen Cinny Griswold asked who counts it, because she is concerned about the process of verifying the amount of money. Selectman Soares explained there is an account set up for it. Citizen Cinny Griswold felt it should be verified in a better way. Selectman Soares replied it's usually nothing more than ten or twenty dollars and she is just transferring it to the office. Chairman Kelley noted at the old recycling center they had a box with a pad lock on it. They counted the money and Facility Operator Whitcher would send it to the office. Selectman Robie thought it should be set up as a petty cash account. Selectman Duarte asked if the people who are giving the donations are getting a thank you letter. Selectman Soares explained they don't know who is making the donation; people will drop money in the box if they feel something has value. Selectman Snow stated he has a problem with the Board not being concerned about every dollar that comes in as a donation. They have a responsibility to ensure that it's correctly accounted for and it goes for the purpose for what it is given. Citizen Rick Lazott thought they should tell people to bring the donation to the office just like paying for your tire disposal. Citizen Ingrid Byrd said a little while back there was discussion about not discussing members of

the committee, because they weren't here to defend themselves. Now you saying we can't trust the Selectmen to carry petty cash. She is perfectly willing to trust every elected official in this town to do the correct thing.

Bankruptcy paperwork received in office. Selectman Snow explained this is regarding putting in an application to the Bankruptcy Court to have a seat on a committee for the Griffinbrook Bankruptcy. He would like to see the Town have a person on this committee. It would be a way for the Town to get their money and the other side of the coin is maybe it would be a way to help Griffinbrook get back on their feet. He would be perfectly willing to put his name in but he needs the Boards approval. Selectman Soares thought this was for unsecured debtors and the Town is a secured debtor. Selectman Snow replied we are not secured, because they filed for bankruptcy. Selectman Robie stated they always honor the Town first. Selectman Snow replied they don't have to give us the money. Citizen Rick Lazott asked why a Selectman is sticking his nose into a private citizens business. This is not the job of the Selectmen. Selectman Snow replied it's his job to protect the Town's interest in a bankruptcy. Citizen Rick Lazott stated the Town would be paid first and it's always worked that way in the past. Citizen Ingrid Byrd agreed with Rick and asked why Selectman Snow has to stick his nose into everybody's business. You can't speak for all of the Selectmen and you keep using the word "I". It was the consensus of the Board not have Selectman Snow serve on this committee. Selectman Snow felt this was a mistake, but respects the position of the Board.

Approval of Previous Minutes: Public Meeting Minutes of 05/09/11. Selectman Soares motioned to approve the public meeting minutes of May 9, 2011 as presented. Seconded by Selectman Robie. All were in favor. Motion carried.

Announce Next Regularly Scheduled Meeting Date. The next regularly scheduled meeting is June 13th, 2011 at 7:00 p.m.

Chairman Kelley motioned to adjourn at 8:18 p.m. Seconded by Selectman Soares. All were in favor. Motion carried.

Respectfully submitted,
Andria Hansen, Recording Secretary