

~~Unapproved~~ **APPROVED**
Candia's Selectmen's Public Meeting Minutes
August 27th, 2018

Attendance: Chairman Susan Young, Vice-Chair Carleton Robie, Selectman Boyd Chivers, Selectman Russ Dann, Selectman Scott Komisarek, and Administrative Assistant Andria Hansen.

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

Approval of Previous Minutes: Public meeting minutes of 8/13/18 and the Non-Public meeting minutes of 8/13/18. Selectman Chivers moved to approve the August 13th, 2018 Selectmen's Non Public Meeting minutes (6:00 pm) as presented. Seconded by Selectman Dann. Chair Young, Selectman Dann, Selectman Chivers, Selectman Komisarek were in favor and Selectman Robie abstained. Motion carried on a vote of 4 to 1 (4-0-1). Selectman Chivers moved to approve the August 13th, 2018 Selectmen's Non Public Meeting minutes (6:45 pm) as presented. Seconded by Selectman Dann. Chair Young, Selectman Dann, Selectman Chivers, Selectman Komisarek were in favor and Selectman Robie abstained. Motion carried on a vote of 4 to 1 (4-0-1). Selectman Chivers moved to approve the Selectmen's Public Meeting minutes of August 13th, 2018 as presented. Seconded by Selectman Dann. Chair Young, Selectman Dann, Selectman Chivers, Selectman Komisarek were in favor and Selectman Robie abstained. Motion carried on a vote of 4 to 1 (4-0-1).

Public Comment: Chair Young explained they put the public input at the beginning as a resident had requested that they try that. She wanted to assure the public that everyone would have a chance to speak. They usually get to an item and there is discussion from the audience they would let them speak, she didn't think they would ever not let them speak. She asked if anyone would like to say anything before they went on to their business.

The Board will meet with Dan Cotnoir of B.M.T. Construction. Dan Cotnoir of B.M.T Construction was present. Mr. Contnior said he had a plan and some photos that he would like to share with the Board. He asked if every has visited the site. He referred to the two upper lots. What they have done up there so far is put a retention pond and swales. There is also a silt fence and a silt sock. They have put stumps down to slow the water flow as well. He is working with Eben Lewis and he is meeting Neil Bilodeau at the site tomorrow to review what he has done there do far. He retained an engineer and his name is Anthony Costello. He is going to submit the drawings of the storm water control. Roscoe Blasdell is the surveyor. He is going to monitor the progress. He is here to work with the abutters and he is here to work with everybody. He wants to make this right. They are taking immediate action with the equipment. There are a couple of things he would like from the abutters. If they want to email him their address and contract number, then he can meet each one of them on site and review the concerns that they have. His email address is nhbuilder41@gmail.com. He said they can email him with their concerns. He reiterated that he was willing to meet each person on site. Chair Young said the purpose Mr. Cotnoir was before the Board today was because there is a cease and desist issued. This is for the rest of the audience who might not know why they are discussing this. She asked

Mr. Cotnoir what he would like done now. He is asking that the cease and desist be lifted. He thought they have done a lot of action right now, but the DES is requiring him to submit the plan by September 11th. He is assuming the cease and desist was issued so he would get the work done, which is great. He felt this requirement by DES, if you read it he doesn't want to deal with those penalties. So he has been very proactive. He has three homes that are sold and right now he is at a standstill. He would like to continue working and maybe on September 11th they take another review. Chair Young asked how many cellar holes he had, one or two. Mr. Cotnoir said he had two foundations in and he is ready to submit two more building permits. Chair Young asked if the audience understood. Resident Scott Menzel of 413 North Road thought the cease and desist was so he could do no further damage to our properties. He thought the cease and desist would stop him from messing around in there and stop this until he got a plan on what he is going to do. Digging another cellar hole and putting in more stuff is great, but all that does is give another place for more water to collect and come down on everyone else's property. Chair Young believed he only had those two (foundations). Mr. Menzel understood that but digging anymore holes or anything else up there without a further plan on where this water is going once it leaves those properties. Once it leaves those properties it comes down into Pat's property, my property, and the Vander-Heyden's. That swale is great but now he has water where he has never had water. All of the things he did to mitigate what had happened previously are happening all over again. Every time it rains even just a little bit he loses a little more driveway. He would say 70% of his driveway is in the culvert pipe and across the street. He reiterated that every time it rains he loses a little more driveway. He is tired of worrying about it every time it rains. He is tired of it and that is why the cease and desist needs to stay in place. Mr. Cotnoir didn't think they did a site walk yet. Mr. Menzel said he has been on his property a couple of times and he has talked with his wife. Chair Young said they need to keep this respectful. She knows the frustration but if they could keep things calm. Mr. Cotnoir said he is trying to fix the problem. He has hired engineers and surveyors and has been speaking with DES. He spoke with Eben at length this morning. He is the one who is going to measure the shape of the land and the water flow. He'll come up with a plan and present this to the state. He is going to come up with at design that he is going to send to the state. They have to do that by September 18th. He asked if the Board could lift the cease and desist until September 18th. If he doesn't meet the requirements then let's go forward with whatever it may be. Chair Young asked if there were any more questions from the audience. Resident Jennifer Mandigo of 395 North Road was curious why this wasn't looked at before the building and cutting down of everything. She is late to game and wasn't sure if they have gone over this at other meetings. She asked when this approved for these buildings to be built. She was of the understanding that years ago this lot was deemed unbuildable. So she is curious and she knows this is an open question. Why wasn't this looked at before? Mr. Cotnoir said he wasn't at the meetings for the approval, so he doesn't know that end. He just bought approved buildable lots. Selectman Robie said that was a Planning Board decision. The Planning Board voted to approve the lots about a year ago or so for Mr. Blaisdall. Mrs. Mandigo said they got approved to build without having engineers coming out and look at what is going to happen with the water with that steep incline. Selectman Robie said he would assume that nobody anticipated what took place there. Usually that doesn't happen when you build a house. Mrs. Mandigo said on a incline like that it would when you clear cut. Selectman Robie said usually you don't anticipate such a thing happening as a Planning Board on a single family lot. Mrs. Mandigo asked how many lots were there total. Mr. Cotnoir said there were four total. Chair Young clarified that they are approved buildable

lots. She assumed at the time Mr. Blaisdell had to present a plan to the Planning Board. Selectman Komisarek said the million dollar question is why would you clear cut that lot when you have a slope like that and would have run off. He isn't an engineer but when you get approval from the Planning Board, you have Stantec look at it and say we are going to have run off and you do a calc. When the engineer is doing his calc he probably never imagined it being clear cut. The builder must realize that by clear cutting that he would probably never do that again. Mr. Cotnoir asked what clear cut meant. He noted that Mr. Blaisdell did a calc on that and he has the numbers, on one lot only 2,600 square feet was disturbed. So when they remove the trees they don't remove the stumps. They don't count that. Chair Young said they are getting into Planning Board territory which is our expertise. Selectman Komisarek said when Mr. Blaisdell presented the drainage calculations to the Planning Board they are done by certain engineering classifications for calculating a certain amount of runoff. How do they remediate this? This is a bad thing for all of the abutters. How does he mitigate that now? Mr. Cotnoir said this why he hired a engineer and he is trying to move forward. What happened, happened and the trees are cut and the land has been altered. So they are here to move forward and work with the engineers. They are going to have it monitored. He has been speaking with a lot of people about this, because he is not ignoring them. You have to work with people. He is here to work with the people. He felt if he could continue the foundations then he knows the shape of the property and keep stabilizing it. He didn't want to be held back to next spring with these lots where he can put down vegetation if it gets disturbed again. The best thing to do is get these foundations in right away and get it stabilized and get down the seed. Get the vegetation growing right away. He has put a lot of seed down, 90,000 yards worth of seed. Selectman Komisarek noted that is over two acres. Scott Menzel of North Road said his concern is not the stripping and taking the lumber down, but leaving it so you still have something that is going to suck up the water as it comes down. Those lots are being sculpted all the way down to the ledge there is nothing that is going to stop it. There's that or sewage is going to be going into those lots coming down over the hill into those lots and nothing is going to stop it. Its 100 yards to North Road. Chair Young said she was going to give her personal opinion. It has been a horribly rainy year. She believed in her heart that North Road was not built properly and that washed out. Scott Menzel replied excuses, excuses for water. He asked how much money did it take to fix that road. They've never had water like that. He's not talking about the rain; he's talking about it coming down in that magnitude its coming down over the ledges. He has been there for 30 years and he has never had an issue. Chair Young asked Road Agent Lewis what his opinion was on this. Road Agent Lewis explained there are four lots up there that were basically over cut and no erosion control in place that he ever saw while he was doing this. Chair Young asked if that was required. Selectman Robie said no. Mr. Cotnoir said there was nothing on the building permit. Road Agent Lewis further explained these lots were cleared then they were gradually stumped. The stumps kept getting pushed down and there was more ledge exposed. Unfortunately they got massive amounts of rain but they always have to plan for the 100 year storm and guess what we got it. All of this went down at 10 o'clock at night. He got a call that it was all in North Road. He took a look to see where it was coming from and it was all coming from up there. Now the water has changed its course because of all of that. Then we met with DES up there and in the meantime the builder had done some more work which funneled the water further down. It concentrated further down which made matters worse. They met with DES and hadn't gotten a letter yet and they did more site work after the DES meeting, dug a few trenches and dug a few detention ponds. It didn't help at all, all it did is make more

loose dirt to move down the hill further and faster if they get another round of storms. Maybe we aren't going to get them and maybe they are. As far as his opinion of lifting the cease and desist, DES spells it out pretty clear in their letter of what needs to be followed here. He thought once an engineer looked at it and they have made a plan they all review the plan and find out where that water will go and how it is going to be mitigated, the money is going to be spent in the back yards of these houses and driveways. They should bond that amount then lift that cease and desist. This is to protect anybody from this happening again. Chair Young said there are foundations there that are not going to disturb the earth. Road Agent Lewis said if the houses get done and someone is waiting to move into them and then none of this work has taken place yet. This has to be done. They have to make sure it is going to get done. If it is bonded there is a timeline. If that doesn't happen then the town is prepared to step in and do that work and take the bond before winter. They can't go through another spring with this site the way that it is. Mr. Cotnoir said there are other ways to hold it like the CO, they have the September 18th deadline, and there are a lot of requirements. Selectman Robie said in your letter from Neil Bilodeau it says "Please stop all earth moving activities on your property immediately except as necessary to stabilize the properties". This is what they have asked Mr. Cotnoir to do. Mr. Cotnoir said that is what he has been doing. Selectman Robie said by August 28th he asked you to get a certified Professional Erosion Control Specialist. Mr. Cotnoir said he has been retained. Selectman Robie said they also asked for a stabilization plan for the property prepared by a PE and submitted to the NH DES and it should include temporary and permanent erosion and stabilization measures in the schedule for the implementation for the measures. He thought this was reasonable. When he gets that in place and it meets everybody's criteria and he asked you to stop all earth moving activity until these things are done. So if he can get that done by September 11th and have a plan that is acceptable that would be the time that they reheard this. It's not that far away it is only two weeks. Mr. Cotnoir said it is only two weeks and he can actually gain a lot and if they didn't meet those conditions then he stops. He has to meet these conditions, he doesn't have a choice. Road Agent Lewis said having a plan and having the job done are two different things and they have to be assured that the job is going to be done. They are going into September and before you know it it's going to be October and you won't be able to get anything to grow in there. There are going to be a lot of other factors going on here and they have to be certain it will be done. If this goes into November or December the ground freezes and in the spring when the ground thaws it is going to slide when the spring rains come. Chair Young didn't think the builder wanted this to go into December. Road Agent Lewis said they have to make sure that it doesn't. Resident Scott Menzel said his concern is the same as Dennis's you know how things work and it takes time. But they have to make sure that before winter comes that there is a plan that the water transits Pat's property and my property. This work has to get done. Mr. Cotnoir said that is why he is here. Mr. Menzel said he saw his point that he wants to get going and they are saying maybe we want to make sure what should happen is going to happen. Mr. Cotnoir said there are a lot of things now that are required by him from DES, a CO, Building Inspector, and Road Agent. A lot of people have to approve the final product. Mr. Menzel said he was not here to stop him from working. They are all here because the train came and they are all standing knee deep in water and tons of earth goes past our houses. They just need to make sure this gets fixed. Mr. Cotnoir said he would be more than happy to meet each one of you on your site and do a site walk and see what your thoughts are. It will give him a better idea to of what's up above and down below. He doesn't have a problem bringing in some gravel and reseeding if they need to. Resident Pat Moran of 425 North Road

said the DES letter doesn't say anything about mitigating water beyond Mr. Cotnoir's property. So what is going to happen from where it leaves and it is now considered to be wetland between 425 North Road and 413 North Road. He never had wetlands until now. Mr. Cotnoir said that was his concern. Mr. Moran said this is his concern they have wetlands now where mosquitoes can spawn and they carry lots of diseases. There are lots of horses and lots of children in this area, it is a huge problem. Mr. Cotnoir said that is why he is here. Mr. Moran said he hasn't seen anything on paper that says the water needs to be mitigated beyond your property. This is his concern because that is his problem. Mr. Cotnoir said he would like to meet each one of you on your property to see the water and where it is going and what it is doing. Mr. Moran said he needs to see something on paper and in writing. If they don't have to get lawyers involved he would prefer not to do that. If they do he needs to know that as soon as possible so he can take care of that. Mr. Cotnoir said he is here to work with everybody. Mr. Moran said he was going to give him the benefit of the doubt on that. Mr. Cotnoir said he has been doing a lot of site work. Mr. Moran said his site work and the mitigation to his property, he needs to know before he continues going further with what he is doing they need to know. Mr. Cotnoir asked what he meant by going further. Mr. Moran said Mr. Cotnoir building up there. They need to know exactly what is going to happen and when it is going to happen. He would not be okay with him continuing to build. He can't see it and he doesn't know what is going on, they'll have to go beyond the town. Mr. Cotnoir said the state said he didn't need to stop building. They didn't see building as a problem. Again he has the September 11th date and that is a big date on what they do next. Chair Young said she interpreted it has they would keep letting him do site work and mitigate if anything extra happens, but she didn't think they minded him building. Mr. Cotnoir asked if there was a recommendation from DES for a cease and desist. Selectman Komisarek asked why these two weeks are so important to you. They are all sitting here and the letter from DES spelled it out and Road Agent Lewis brought up the bonding issue. Mr. Cotnoir said he has to schedule framers, plumbers, electricians. You can't pick up the phone and ask them to start tomorrow. It's hard to get a tradesperson right now. Everybody is busy and shorthanded. You miss that window of opportunity, it could be a month and a half before they get a framer up there. Now you are into November and he is up against winter conditions coming up. Right now he has a framer lined up and he said if can't get him in that day, he has two other frames to start. Now he has missed that opportunity and it is hard right now. It is very frustrating as a builder to get subcontractors right now. They are very independent and there is a lot of work out there right now and there aren't enough subcontractors. There aren't enough trades people right now. Any day he can gain, he is going to try and gain. They have winter conditions, deadlines scheduled, and three homes with closing dates, banks involved, families and children involved. They have that September 11th date that is a big day for him. They can start other action if he doesn't meet those requirements. Selectman Komisarek asked about the letter of credit. Chair Young said there are different ways to do that. Mr. Cotnoir thought they should wait until September 11th. They don't know what they have to do exactly. They are talking about things that they are not sure what is going to be required. Chair Young explained the people want to see that plan, they are afraid if you keep going there is no guarantee their property won't be effected. She was sure he was good for his word. Mr. Cotnoir said if they stop him now and a month from now they have all of the information, now he is a month behind and a month closer to that frost. Jennifer Mandigo of 395 North Road said he should use this as a learning experience to not let what happened on these job sites happen on his next one. It stinks that he is closer to the frost but they are living here and these are their homes and this is their town. They

are going to be dealing with this for the rest of the time that they are living here. It stinks that he is in that spot. Mark St. Peter of 381 North Road asked if Mr. Cotnoir comes in and does all of this work and ten years from now who is doing the up keeping all of that. All of a sudden they have the same issues ten years from now the builder is long gone. Chair Young thought you could say that about any house lot. Anybody could say that, she could say that about where she built. She wasn't sure they could hold him to a ten year plan. She would like to hear from Building Inspector Murray. Building Inspector Murray said he came here tonight thinking they could work with Mr. Cotnoir. He has stepped up to the plate and has worked hastily down there trying to get it secured and working with Mr. Bilodeau and Eben. He noted that Mr. Bilodeau is coming tomorrow to meet with Mr. Cotnoir on site. Mr. Cotnoir said if he had a chance he was going to stop by. This is the only information he had. Chair Young thought if they could get something on paper maybe would that make the resident's happy. Is that what they want, something in writing. Resident Elwin Mandigo of 387 North Road said he wants in writing that come spring thaw he won't have anything to worry about this. Chair Young said it has been a bad summer for weather. Mr. Menzel said it has been a bad summer, but they have all lived here a long time and they've had these before and they have never had that water come down off of there as much as it has this month. It is coming through the rock walls and it is coming up out of the ground. The Moran's back property has holes where the water just comes out of it now where it never did before. He has been there for over 30 years. His biggest question for the Board is if these lots were unbuildable 12 years ago who approved them to be buildable now and who approved the perk test. Building Inspector Murray asked who labeled them to be unbuildable. Chair Young would assume the Planning Board. Selectman Robie said they are talking about the past. Selectman Komisarek said Stantec would have to review the drainage plan. Mr. Menzel asked where the septic was going. Selectman Komisarek said it was all state approved septic and it was reviewed by the town engineer, so something went awry. Mr. Menzel said it is just not feasible to keep that septic in one place. You are on top of that ledge, where will it go. Mr. Cotnoir said he is not a licensed septic designer. He has a licensed designer submit to the state and if they approve it then they have met whatever requirements that are required by the State of NH. Mr. Menzel asked if that was prior to the land being sculpted like this. Mr. Cotnoir replied yes. Chair Young added there was a driveway permit approved prior to this as well. So if they want to point fingers there are probably several directions they can point in. Resident Paul Frasier of Currier Road said he owns land across the street and he feels for these guys. He has lived there for 19 years and he has never seen Mr. Menzel's driveway in the middle of the road like he had saw it that time and Dennis pushed it back in. If anyone one should be pointing the finger it should be at the guy who owns the lots. Let's be honest Roscoe Blaisdell should be sitting here listening to all of these people because that water wouldn't be coming down if he just cut a little bit. Mr. Cotnoir said he cut the lots and Roscoe had nothing to do with it. Mr. Frasier asked how he thought he was going stop that water by just putting winter rye down, with a big rainy summer or not. Mr. Cotnoir said if he stopped completely today what are they going to gain. He is willing to stop, he won't do anymore work as of tonight. Mr. Frasier said these people are his friends and his neighbors and he is just looking out for them. You are going to put two more foundations in and continue to work. He knows all about construction because he has been in it for 35 years. He knows it is hard to get electricians and plumbers and all of that stuff. But now he is up against the wall now and you really have to try and please the people at the bottom of the hill. Mr. Cotnoir said they aren't giving him the chance. Mr. Frasier said continue what you are doing but try to do the best he can about the

water, but he really doesn't see it happening. Mr. Cotnoir clarified that he is not removing any more stumps or trees. All he is asking is the areas that he has prepared right now is to continue working in those areas. He is not going to change or alter the property anymore and there will be no more stumps or vegetation removed. Everything is done to put all four foundations in and the driveways and septic. There will be no more removing of stumps. So all he is looking to do is get those foundations in and that will help stabilize the property even more. If anything, they want those foundations and then he can prepare everything. Mr. Frasier said he hears the trucks dumping gravel. You are working all weekend aren't you? Mr. Cotnoir said they have been working to backfill the foundation to stop the water from collecting. He has talked with Building Inspector Murray and he agreed that they have to get the other foundation backfilled so they shed that water properly. He's right he has been working weekends and he has a family. Resident Kelsey Vander-Heyden of 437 North Road said she is to the point where there could be a lot of fingers to point, but she knows it's not their (the residents) fault or their neighbors fault but they are the ones that are dealing with this now. They have jobs and families and they are here because they now have to deal with this issue. Mr. Cotnoir said that is why he is here. If they want him to stop completely then he will, but what good will that do. He didn't know what that is going to gain them. He would think that they would want him to continue stabilizing that lot and finish the properties. So if it is on hold now they will get approval in two or three weeks. Now he is three weeks behind, but they have the approval. Once he submits approval to the state and they approve it they are going to have to let him continue to build. Mrs. Vander-Heyden said they are just asking to see what the plans are, this is what they want. Mr. Cotnoir said he would present them; he has hired the right people. If they stop tonight he doesn't know what they are going to gain. He thought they will go backwards. Selectman Dann said when you complete those four houses you are going to have roof run off also that will create even more water. Mr. Cotnoir said that is part of the plan and it will be the whole presentation. Selectman Dann said the other factor is if he bought a house up there and the people down below are upset with us the whole atmosphere is bad. When you said you'll walk away, you can't walk away you have to complete this by the 11th anyhow. Mr. Cotnoir said he understood that but he is getting the feeling that everyone wants him to stop completely and the concern that he is not going to finish it. He wants to continue and you guys want to stop me right now. Chair Young said she understood what he was saying. A North Road resident said they are trying to fix a situation that you already created. Mr. Cotnoir said he understood and he thought they all agreed that the damage has been done. He is here tonight to move forward. He asked the residents to email him and he is willing to do a site walk. He will bring in gravel, seed or create a swale whatever they need to do. Let's look at this and move forward. He thought it would make sense to stabilize those lots with the loam and the seed. Resident Becky Hopkins of 110 Baker Road said she is just coming into this but it seems that Mr. Cotnoir is trying to comply with the DES requirements. She asked if they could get clarification from them. Clarification from them on what would be stabilizing activity and if they agree that the foundations would stabilize the lot then it would comply with the letter they issued. Chair Young said she is open to compromise she thought he was in too deep and she didn't think he was going to walk away. She is trying to get a compromise here but it sounds like it might be a little more difficult than that. Mr. Jolicoeur of 449 New Boston Road said he has never been notified of anything through the state or through the town and he is an abutter. No has ever notified him to come to a meeting. This is supposed to be something that was always done, abutters have to be notified and he was never notified. He didn't know about the other people. Cindy Sylvester of 464 New Boston Road said

she is an abutter and never got notification. Chair Young said that doesn't sound right. She said they will check on that tomorrow. Mr. Jolicoeur said that is a fact. Chair Young replied that people sell properties and things like that. Road Agent Lewis said if you go back to item number one from DES's letter and it says "Please stop all earth moving activities on the properties except as necessary to stabilize the properties". He was there when DES came for the site walk and said move the stumps to a row to try and slow down the water flow and that was all they said to do. There has been a lot of earth moving activity over there since that DES meeting. It has loosened soil and made soil wash away. When they said immediately he would assume they meant until all of these things are fulfilled. After September 11th and they have a plan the job isn't done, so they have to make sure that job is done. The paper isn't going to fix the problem and there is a lot of work to do before that problem is fixed. It is not just loam and grass seed because the water will go through there just as fast in the same locations as it does now. Someone needs to find a way to slow it down and he is not quite sure how that can be done now. Mr. Cotnoir said as far as the stumps he did talk with Eben and he said continue whatever you feel you need. He did a site walk with Anthony Costello the engineer. He is the one that recommended that he continue what he was doing. The state is not going to implement a plan; they want their engineer to implement it. Road Agent Lewis said he has to send in the plan and DES has to approve it and then he can move forward. Mr. Cotnoir said the state said he could put the row of stumps. He is getting the feeling that you think the state said don't do anymore than that. Road Agent Lewis said that is what they said. Mr. Cotnoir said they hire an engineer and start stabilizing it. He also spoke with Mr. Bilodeau this morning and he agreed. Road Agent Lewis said he was there for DES's meeting and yesterday the excavator was moving dirt. Mr. Cotnoir said he did a site walk with his engineer on Monday. Road Agent Lewis said they met on Wednesday and Thursday they were moving dirt. Mr. Cotnoir said he spoke with his engineer on the phone and he said start getting some swales and detention areas. Road Agent Lewis said once the plan is in and there is a cost associated for each job on that then they bond it and move forward. Mr. Cotnoir said if he puts the stumps there then he won't continue to so anymore work to stabilize that lot then. If you feel that the letter said just put the stumps down then that is all he is going to do and he'll park the equipment until September 11th. Road Agent Lewis said he is looking at this as doing work without a plan is that really helpful. Mr. Cotnoir said he was told verbally what to do and Eben even said have the engineer submit it and if recommends things just continue to stabilize that lot. He didn't want to spend the time, money and fuel up there just to go backwards. Road Agent Lewis said he doesn't want to spend the time and the fuel to pick it up out of North Road. These people's driveways have been washing out and it is the town's obligation to help them out because they've allowed this to happen. Selectman Chivers said he is the liaison to the Land Use Office. He walked that site with Building Inspector Murray, Road Agent Lewis and Eben Lewis and it was his recommendation after that that they issue the cease and desist order and it is his recommendation today that this cease and desist order stand at least until September 11th, 2018. Then they will see the plan and they can see what the scope of the work is and come up with some type of arrangement for Mr. Cotnoir to bond his performance to protect those abutters downstream. Listening to everyone here tonight he stands by that recommendation. Mr. Cotnoir said if they are going to follow that then he is going to put stumps there and he is going to park all of the equipment right now. If the Board feels that what he is doing is not helping. Road Agent Lewis said how any of us are supposed to know, they aren't licensed engineers, and they can't put these people at risk anymore with what is going on there. Chair Young said she is disappointed with the Planning Board and Stantec if they

approved this. Road Agent Lewis didn't believe that Stantec was involved. Chair Young said there were four buildable lots. Ten years ago they were deemed unbuildable and a year and a half ago four buildable lots were sold to this gentleman. She didn't know what the stipulation was but she assumed they paid an engineer to look at these things but maybe they don't. She felt that somebody screwed up somewhere. Selectman Komisarek asked at this point at the end of the day they are trying to figure out what is going to make this site most stable. He thought Mr. Cotnoir's argument was he has two weeks and the work that he can do can actually make the site more stable. It is really the stability of the site at the end of the day this is the most critical things. So if he can make the argument that he can make that site more stable in that time period and you can make a sound argument for that then that is common sense. If you can't make that argument then that is the key. Can you make the site more stable? Mr. Cotnoir said yes every day and that is what they are striving for. They are putting down fill which creates silt and get the loam down and vegetation growing, if he stops for two weeks that is two weeks that they lost of growing season. Selectman Komisarek said the thing is that everybody is starting to realize that if they are ever going to get vegetation there this is going to be a process. Chair Young said that is his problem and they are not going to micromanage. Selectman Komisarek said this could go on for another couple of years. Chair Young said she is empathetic to that and she understood what he was saying. Selectman Komisarek reiterated this is going to be a process. Chair Young said she is not an engineer so she is not going to tell him what to do. Mr. Moran said the argument that you are putting forth is that you want to start moving forward with your building, so how is hiring a framer, an electrician, and a plumber going to stabilize that property. Mr. Cotnoir said it will allow him to loam quicker. There are certain things that you have to do after framing and roofing. This allows him to get closer to the finished product. The finished product is a lot more stabilized by completing the loamed areas, the drip lines, the swales to catch the drips off of the driveways. Mr. Moran asked how all of this affects our lots if you were able to finish your projects faster, but the drainage issue is not taken care of. Can people move in? Mr. Cotnoir said someone has to approve the final product and it is not like one person can make that decision. He has a lot of eyes on him now. Mr. Moran said it seems like there have been a lot of things missed to get where we are right now. How can they be assured more isn't going to be missed? Mr. Cotnoir said a lot of people are involved now – DES, the Road Agent, the Building Inspector, the Selectmen. The neighbors are here voicing their concerns. Prior to this there was nothing in place and he felt they were moving forward. He has gained a lot talking with DES. Mr. Bilodeau is supposed to come out tomorrow to do a site walk. He told him that he thought he was going in the right direction. Hopefully he will show up he wasn't sure if he could. He would think that they would want him to have a finished product as fast as he could. Mr. Menzel said his concern is not the finished product of the house; his concern is finished product of the land. Mr. Cotnoir said he will get the finished plan from his engineer. To get the finished product he has to meet a lot of requirements from the engineers, DES, the Selectmen, and the Building Inspector. It's not like now he is going to build up there, he would usually just deal with the Building Inspector. There are a lot more people involved now. Mr. Jolicoeur said you are the one that created the problem. Mr. Cotnoir said he understood but they can't keep talking about that meaning he wants to move forward. Chair Young said it appears he is trying to help. Mrs. Mandigo felt they were beating a dead horse and she agrees with what Mr. Chivers said and the order stands, you stop until all of the plans get brought in on September 11th. Chair Young acknowledged that Selectman Robie said all of this at the beginning of the meeting. She wanted to let the residents talk because they have the right to. It's not going to help the builder or

yourself if you have unhappy neighbors all around you. She thought Mr. Cotnoir was trying to make a compromise so she gave him a chance to present his proposed plan. They are beating a dead horse so they might want to discuss this outside. She asked if they want to go with what Selectman Robie said in the beginning of the meeting. Mr. Cotnoir said there were no requirements by the Planning Board when he got the building permit. So he felt like he didn't violate any requirements. Selectman Chivers said he was required to file an alteration of terrain permit. You disturbed over 100,000 square feet. DES rules requires you to file an AOT permit which you never did. That permit was a requirement of DES not the Planning Board. The Planning Board probably assumed they approved this with the assumption that you would file for an AOT permit and comply with the terms and you never did. He asked how many square feet did he disturb. Mr. Cotnoir said the lower two lots which was 84,000 square feet. Chair Young asked if the Board would like to go with Selectman Robie's suggestion and follow the letter. Selectman Robie said they will get to that point and then they will see what your engineer comes back with. They have to realize that this has become a Selectmen's issue now and they are going to have to make a decision. They will need to have Stantec do that because they are our town engineer. They will say this is going to work or not and the two engineers are going to have to work together. It will have to go this way or they will never resolve this. You can't come in here with a set of drawings from your engineer and say this is going to work for us. They have no clue of knowing. Mr. Cotnoir said the state is going to approve them. Selectman Robie said the state approval is one thing, the engineer drawings are another. Mr. Cotnoir said he's not following him; the engineer is going to give the state a set of engineered plans that they are going to review and if they are satisfied. Chair Young said they don't know if they are going to be until the 11th. Mr. Cotnoir said if the state is satisfied with the plans where do they go from there. Selectman Robie said they should still have their engineer look at them just because of what they have going on here. You've got to sympathize with us they didn't cause this, but they have to cover their bases. Stantec will have to figure out a bonding number. They aren't going to have his engineer fix this for \$25,000 when it is \$225,000. The bond is going to have to be in place for the amount. If you want to move forward with these types of terms this is what they are going to do. At this point they are kind of stuck as the Board of Selectmen. Mr. Cotnoir said stuck as far as you called the state. The state required something and they are going to provide it to them, it sounds like now there are going to be more requirements. Selectman Robie said there is going to be because the state isn't going say how much it is going to cost. The state is just going to approve it or not approve it. Chair Young said our engineers will figure out a fair bonding. Selectman Robie said this is how the process goes. Chair Young would assume the neighbors would be happy with this. Selectman Robie said this is what they have to do. Building Inspector Murray said his name is at the bottom of the cease and desist because he put it there, so after hearing all of the controversy tonight he is in agreement with Selectman Robie is saying. They will wait until September 11th, get the plan to the state, get the results back and they'll go from there. For right now the cease and desist stands. Selectman Chivers said they will have Stantec review the plans when they get them. Mr. Cotnoir asked how quickly can they review it. Selectman Robie said they will make them aware of it and let them know it is coming. Chair Young asked how quickly will he have them. Mr. Cotnoir said he has until September 11th. Chair Young said if he gets done quicker they'll get them to Stantec quicker. They will work as quickly as they can. Selectman Robie said they are going to look at them and they'll figure out how much they are going to charge him to review them. This is the process. Mr. Menzel asked how will the neighbors be able to reviews these plan once they have been

submitted. Selectman Komisarek said they will be in Land Use Office. Mr. Frasier said the Selectmen are in the hot seat now listening to the concerned citizens and what has been created. They will have to go back to the Planning Board to find out why some of the abutters had not received letters from the surveyor who presented those lots. These people are taxpayers and you owe it to the people. Chair Young said it is on the list and they will find out what happened. Mr. Frasier asked Mr. Cotnoir if he has a purchase and sale on those houses. Mr. Cotnoir said that he did. Mr. Jolicoeur said he felt for the builder, but they didn't create this problem. Chair Young thought Mr. Cotnoir got the point. She thought he could talk with the neighbors in the meantime. Mr. Cotnoir said he is willing to but he didn't think they could talk about anything until he gets a design. There is no solid information to talk about. Chair Young thanked Mr. Cotnoir for coming in and talking with them.

The Board to authorize the RFP for the 2019 revaluation. Chair Young said this is not signing a contract it is going out as the proposal. Selectman Chivers noted that he learned something about revaluating towns. It has been in the constitution since 1792 and it is a requirement to do this every five years. It is also an RSA. The Board proceeded to sign the RFP.

The Board will consider renewing the one year contract with Standard Power. It was the consensus of the Board to renew the agreement for another year. Selectman Chivers moved to renew the contract with Standard Power for another year. Seconded by Selectman Dann. All were in favor. Motion carried.

Chair Young to give an update on the Tax Collector and Town Clerk accepting credit cards. Chair Young said they had a meeting last Monday with Hartland and they will give training and support. They need to go to a one check system before they can do the credit cards. So Katie is in the process of doing that right now. Selectman Dann asked about the one check system. Chair Young said right now she has to send a check to the state; she has to issue different checks. It is all going to be a one check system it is the way it has to be. She did want to tell them budgetary wise it probably will take more time for Donna at least at the beginning. It should be a lot quicker in the long run. This is just a quick update. She didn't have anything to sign or anything. They put it in this year's budget anyway, so it is paid for.

The Board to authorize a voting delegate for the NHMA 2019-2020 Policy Conference on September 14th. Chair Young asked if anybody wanted to go to that. Selectman Komisarek thought she wanted to go to it. Chair Young said she would go but she didn't have to. Selectman Robie said he has already gone to it. Selectman Chivers said he would go unless someone else wants to. It was noted that conference is on September 14th.

Chair Young to address volunteer's efforts. Chair Young noted that she had a resident send her an email on that. They wanted to talk about Old Home Day and all of the people who made that so wonderful. She is trying to get something together and she didn't know what their ideas were to keep track of volunteers. They could easily send Hannah a letter, but then she is thinking about the people in the swap shop. How many days a week? Selectman Komisarek mentioned Jesse. Chair Young said there are a lot of volunteers and she needs some ideas on how to get this together. Is this something they ask each committee every month to send a list of outstanding

people? Next year she would like to start having every adult volunteer two hours per month or an hour per month. Selectman Robie said that is what they used to do. Chair Young said she knows people are working and it is hard. But when she was doing that park she had people helping that worked full time and had children. They need to get something going. She thought the bookkeeping would be a little tricky at the beginning, but if they can start getting names. She noted that Hannah did a great job on that. Selectman Dann wanted to emphasize that Old Home Day went very well. Chair Young said you don't see a lot of people in the background either. She didn't know if they knew Carleton and his gang did all of the fireworks and that is not budgeted or anything. There are a lot people that do a lot of stuff. They need to find a way to recognize them. Selectman Chivers said look at the Fire Department they are all volunteers. That's where you start right there, they do two hours a month. Chair Young said think about the Swap Shop and that lady posts pictures of what they have. When that place is open someone is at that swap shop. There is a lot of volunteering going on. Selectman Chivers mentioned the CYAA and the Boy Scouts. Chair Young said she brought this up the last time but she will have to try and firm something up. She would love to call it something like Candia Cares and they'll give them a t-shirt that says "they took two for the town". Something that would get people excited about it. Selectman Komisarek said they would have to come up with a list of stuff they need to work on. Chair Young thought they had plenty to work on. Road Agent Lewis said volunteers make our town work, the volunteers make it happen. Fire Chief Young said it is wonderful you want to thank people. But speaking for himself he doesn't do what he does to get thanked. He does it to help people and he doesn't need to get thanked. There are a lot of people that feel the same way. This is just the way he was brought up. There aren't a lot of us who grew up here, but there are a few of us that have a special look at this town. They don't do it for thanks they do it because it is the right thing to do. Chair Young said she would like to get this done; it was a resident that sent her an email. Selectman Dann said what they are seeing is people realize that they do appreciate it and it generates more of it. Resident Becky Sarra they might want to put together something that communicates what needs to be done in town. People may want to volunteer but they don't know what needs to be done. Chair Young noted it was the same couple of people in the park, it was a struggle. Resident Becky Sarra said it is always the same people, but it starts with communication. Chair Young said even getting someone to keep track of the volunteers and this something someone could do from home. Selectman Komisarek asked Chair Young if she wanted to market volunteerism. Chair Young said she wants to celebrate it. Selectman Dann asked about a welcoming committee and what do they have right now for anyone new coming into town. Chair Young said she would think of something catchy and if you want a t-shirt you have to give a couple of hours.

Moore Park Bathrooms. Chair Young said she would like to get a port-a-potty for the park. They can get a port-a-potty for \$100 per month from someone local. Or they can continue to pay \$210 a week to have those bathrooms opened and closed. She wants the Board to be thinking about this. Selectman Robie said they had this discussion three or four years ago and he thought Chair Young was on the Board. They had this discussion about port-a-potties at the Moore Park. It didn't go well and he was going to look up the minutes. They had this discussion and he can't imagine because they have a facility that was given to us by the CYAA. They spent money to put a roof on it and they spent money to paint it. They spend money to maintain the bathrooms that are flush toilets. He cannot image a mother of a two year old toddler in a port-a-potty trying to help that young man learn how to use the toilet. They have a facility and it is in pretty good shape. They talk about how great our park is and they have all these people, they ought to give

them a flush toilet to pee in. If you get one port-a-potty they ought to get two, because they need a handicap accessible one. He is not in favor of closing the bathrooms whatsoever. They have to move into the future and port-a-potties are not the future. Selectman Komisarek asked if this was a cost cutting measure. Chair Young said it is certainly a cost cutting concern. Its \$1,000 compared to \$100. There is vandalism over there and they don't have cameras. They are going to have to replace the doors. Selectman Komisarek said they did all of that research on the doors that opened automatically. Chair Young said she spoke with someone about that and with that thing (lock) exposed, people will be playing with it. Her debate isn't the activity over there it is purely cost for saving \$800 per month. Selectman Komisarek said for how many months, they are talking about 6 months. Chair Young said from May to October. Selectman Komisarek said it's roughly \$5,000. Chair Young said that would pay for two doors with the electronic things. Selectman Komisarek said he would have to go to Carleton's observation. He was over parks too and he looked into the whole door thing. If they go out and downgrade that experience for people, but they are trying to make the park nice let's upgrade the experience. Let's put in the new doors and do what they have to do and make a commitment to all of this volunteerism. Chair Young said he is hesitant to get the port-a-potty. Selectman Dann asked if they have a changing station. Chair Young said if they upgrade it, they need a changing station and maybe one of those little steps so they can reach. She said it was up to the Board but she wanted to throw it out there. She thought it was a lot of money to open and close a door. Selectman Komisarek said even if it is an automatic the facilities still have to be serviced on a daily basis. Selectman Robie cleaned those bathrooms for one whole year. He was down there scrubbing those walls. They really have to be maintained on a regular basis. It was noted that Steve Abelson has been doing it. Chair Young said she mentioned this to Steve and he thought it was a great idea. She didn't know if he particularly liked opening and closing it every day. Selectman Komisarek said eliminate half of it. So if they open and close automatically have him come at the end of the day and service the facility. It opens automatically in the morning and as the day goes on and everything happens. Chair Young said it is not used that much. Selectman Komisarek said if it's not that bad then clean it every other day. Stuff can happen in one day that need to be addressed as Selectman Robie can attest to. Building Inspector Murray said talk about vandalism, can you imagine what will happen with the port-a-potties. They will be upside down in the in-field. Selectman Dann said they talked about cameras. Chair Young said she talked to someone that is a referee and he said almost every field that he goes to has a port-a-potty. Nobody had bathrooms anymore. The bathrooms need some work; Dean replaced the window in the men's room. This has been all been volunteers and she is sick of asking the same volunteers. Selectman Komisarek said put it in the budget. Like Carleton said it is great to have volunteers but the town still has to run its affairs and budget appropriately to do stuff. You can't rely a hundred percent on volunteers. Selectman Robie said you can't rely at all. Selectman Komisarek said put a budget number for the new doors and the changing station. They can paint it and make it beautiful. Chair Young said she is trying to save \$800 a month and you guys are spending much more.

The Board to authorize payment of payroll checks and accounts payable checks. Selectman Chivers announced the grand total for accounts payable and payroll checks for August 23rd and August 30th was \$99,590.08. Selectman Chivers moved to approve the accounts payable and payroll checks for August 23rd and August 30th in the amount of \$99,590.08. Seconded by Selectman Dann. All were in favor. Motion carried.

Other Business

North Road culvert replacement: Road Agent Lewis said this is for the North Road culvert replacement. It is just downstream from their lengthy discussion earlier. These are the two big culverts that all of that water funneled into. It actually comes out at the pond at Soha's dam. The floods we've had over the last month have taken the bottoms out of both culverts. Prior to this they probably had water go over the road maybe every three years. One time it took the road completely out. So he has done some quick repairs on it, but they have to engineer something to fix it before winter. Stantec come out earlier this summer before any of this happened. He was worried about the culverts so they had come out again after the floods. They quoted a price of \$7,500 to do the hydrology for the water shed, size the culverts and met with DES. See what DES felt they should be doing there. There is some grant money available. In order to secure the grants it takes a lot of engineering to the tune of \$40,000. The grant would cover the engineering costs. Chair Young said if they got the grant. Road Agent Lewis said this would be enough information for us to size it and make a decision on whether they are going to go for the grant and how they are going to address it in the short term and move forward. He needs a signature from the Board to move forward. Otherwise he doesn't have a lot of alternatives. Selectman Chivers asked if this would be a warrant article for next year. Road Agent Lewis said not if they can get the grant. They need to replace them and they need to do something sooner than next year. It's a short term fix if they can't get the grants. If there is no grant money available it will end up being a warrant article. Chair Young asked if there would be any money in the budget to cover those culverts. Road Agent Lewis said it depends on what they do. He can take some asphalt maintenance money and maybe get a culvert or two in there that is solid. He can't do that without DES's approval first. They need to do at least this much and he could fund it out of asphalt maintenance for lack of no other place to take it. They just need to start the process. Chair Young said there was a resident that called that lived at Flanders old house. There is a lot of water there and it is gushing down on the new house to the left. It is one of the houses in the same area. She asked what the story was there. Road Agent Lewis said that happens when you get this kind of weather. It's just such a steep hill and when you get those torrential rains it washes out that side of New Boston Road. Chair Young asked if they needed a culvert there. Road Agent Lewis said it crosses the road right there and it crosses another yard. What happens is someone's septic system at the top of the hill washed down and plugged up one of the culverts. It over ran that culvert and it plugged everyone of them up all the way down the hill. Chair Young said it has been a rainy month. She asked how could they avoid this because this resident was complaining. Road Agent Lewis said there is nothing you can do. Chair Young asked if he could put a culvert in. Road Agent Lewis said they don't do driveway culverts. Chair Young said by the road when it gets near the white house. Can't they divert it by putting drainage? Road Agent Lewis said there is nothing they can do there. He noted there is a driveway culvert there that takes the water, the water exits that culvert, then goes down the side of the road, crosses just below there, crosses another yard and puts it into the woods. Then from there it hits every driveway culvert down to another cross culvert at the foot of the hill. When all of that material came off of the hill from the septic when it was being built there was nothing they could do. It came down and plugged those up and it went down the road and crossed right at the curb and put 6 or 8 inches of gravel across the road. Chair Young confirmed that someone was putting a leach field in at the top of the hill. Road Agent Lewis said at the top of the hill at the house they are referring to and it was an unfortunate chain of events. Selectman Robie

clarified that the people from the Flander's old house called him. Chair Young said from what she understood the water was coming from up above on that hill. Selectman Robie said the water has always come down that hill. Road Agent Lewis said the water has always been there and the water has always crossed that driveway. If it is the next house down it always crossed the end of that driveway. Driveway culverts are the responsibility of the homeowner. Chair Young said she knew that. Selectman Chivers moved to authorize our Chairman to sign the letter to Stantec dated August 21st, 2018 regarding the North Road culvert replacements. Seconded by Selectman Robie. All were in favor. Motion carried. It was noted that Stantec will apply for the grant and if it is approved they will do the engineering.

Moore Highway fund money: Road Agent Lewis said the Moore Fund Highway money this year will be around \$11,000 and he wanted to use it on Hook Road. They haven't done anything to Hook Road in the twenty years he has been here. It needs some work, some roads pulled out and some ditching. It needs some gravel; they have not graveled it in 20 years. He would like to know if the Board agrees with that. He would like to use the money on Hook Road. They have not graveled it in 20 years. What happens if the Board says he can do the work, he'll do the work and it will appear as an overage in his lines until the end of the year. At the end of the year he'll bill it separate and send that bill to the Trustees to reimburse. Selectman Robie thought there was \$18,000 there. Road Agent Lewis said if he doesn't use all of the interest it just stays and goes to the principal. The principal is over \$300,000 now.

Pay Rates: Road Agent Lewis asked if they could review the trucking pay rates. They haven't changed since 1999. He asked if someone could call around and see what other towns are paying. Selectman Robie asked if they used the same rates for the road reconstruction project. Road Agent Lewis said they are using the same rates. He thought he gave everybody a copy. Those are the state rates and they haven't changed since 1999. They looked at the plowing rates and those are fine. It's the things like dump trucks, backhoes, etc. Selectman Robie asked what they pay for a 10 wheeler for road reconstruction. Road Agent Lewis said the pay \$66 per hour. They are significantly lower than most. He needs to have his budget in by September 5th. Chair Young said she would call other towns.

Elections: Selectman Komisarek said he would like to get the time slots for the elections squared away. There are six slots. He'll do midday and a late shift and Russ can do a late shift. He noted Selectman Chivers was flexible. There are two morning shifts and a mid day. He said that Selectman Chivers could do morning or day. If a Selectman can't make it they need to assign a delegate. Selectman Robie said he was told at the last election that they don't need him over there. Selectman Komisarek said this is a new election and they do need him. Selectman Robie said it was a Selectman that told him that. Chair Young said they used to be told they all needed to be there. Selectman Robie said he will do a few hours in the morning. Chair Young said she would do midday. Selectman Komisarek said that Boyd and Carleton can have the morning, he and Russ will do the midday, and a few of them can do the evening. He has spoken with Clark Thyng, but not Christine. Selectman Robie said it would be nice if the Selectmen could ask Christine if she needed a hand with anything. It is up to the Board to set those polls up. It was noted that Steve Abelson helps Chris with setup.

Resident Al Hall complemented Road Agent Lewis for his exemplary and outstanding job upgrading Adams Road. It was tax dollars well spent. He mentioned the 52nd SNHPC Annual meeting on September 7th at 6:30 pm at Fratellos Restaurant. They will be talking about 5th Generation YG wireless technology will change our lives. The key note speaker is Robert Boyce. There will be a three course dinner and there's no charge. If they could let him know as soon as possible he would be happy to accommodate them. He knows Selectman Dann attended a recent SNHPC meeting and he got a lot out of it.

Selectman Robie motioned to adjourn at 8:40 pm. Seconded by Selectman Chivers. All were in favor. Motion carried.