

~~Unapproved~~ **APPROVED**
Candia's Selectmen's Public Meeting Minutes
November 12th, 2019

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

7:00 p.m. Chair Young called the public meeting to order following the Pledge of Allegiance.

Roll call was conducted.

Approval of Minutes: Public meeting minutes October 28th, 2019. Selectman Dann moved to accept the October 28th, 2019 Selectmen's Meeting minutes as presented. Seconded by Selectman Chivers. All were in favor. Motion carried.

Public Comment: Carol Cappello of 29 Blevens Drive explained there a few residents from Blevens Drive here tonight. The Blevens Drive residents are concerned with the construction that is going on. Chair Young asked if she could be a little more specific. Mrs. Capello explained there are trucks and cars parked out towards the middle of the street. There is still a truck that is closer to the exit of the strip mall. When you drive down the street you really can't see what is coming out of that mall.

Tony Gagnon of 38 Blevens Drive said there is stuff parked out on the front of his lawn and he is concerned about the value of his property. He is in the process of selling his property because of what is going on next door. There is a boat on the front lawn and the place is all gutted. There are cars parked on the street. Before he gets to the plaza he has to stop and look to make sure there are no cars coming. He considers this a danger. There is a swimming pool on the side of the house that is collapsed and there is an 18-foot van that he stores stuff in. Is this allowed in the front yard. He didn't know what the zoning laws were. There is garbage in front of the house. He doesn't want to stir the pot, but this summer was hot and humid.

Resident Nancy Bergevine of 37 Blevens Drive said she has lived on Blevens Drive close to 40 years. This is just dangerous. There's a storage container and there is stuff on top. It looks bad and feels bad and she didn't know if this was legal.

Selectman Chivers asked if anyone brought this to the attention of the Code Enforcement Officer. Mrs. Cappello said she went to the Building Department in August. She was told that they have to be patient and he would get back to her. The Building Inspector explained they have to give him time and once he is done, he will be moving the stuff. We don't know when, it could be another year. We're concerned about snow removal and the entrance to her driveway because she is right next to him. She left a message with the Chief of Police and he got back to her and took care of that matter. She is the second house on that road and has lived here for almost 40 years. She has never had a problem with anybody. This guy seems to think he owns everything, and he can take his time. She is concerned, the house looks like it is progressing, but what about the garage in the back. Will we have to wait until he gets that done before he moves his 20 cars off of the lawn.

Joe Capello of 29 Blevens Drive asked how this resident can have all of these sand piles in front of the house and no one says anything. The sandpiles are huge. If he gets rid of those sandpiles he can park his cars on his lot. He seems to want to park out on the street. When

deliveries are made, they park out on the street. He should have the right to go up and down his street without being bothered by his deliveries.

Selectman Chivers said he will would speak to Building Inspector Murray about this and we'll come up with a plan. When we come back to the next meeting, we'll tell you exactly what we are doing. Enforcing Zoning Ordinances in New Hampshire is a tough project. The next meeting is November 25th at 7:00 pm.

Chief McGillen noted that he did speak with the owner of the property. There was a construction truck that he felt was somewhat of a hazard. He told the property owner that he had to move it and to talk with the residents next door. The rest of the vehicles were the contractors and they were parked two to three feet out and it's a hazard. He told Carol if there is a vehicle blocking her driveway call the police department. He would be happy to go over and take a look.

Mr. Gagnon said he had a question about the permit and is it a two-family dwelling now. He asked if he had a special variance. Selectman Chivers said not to his knowledge, it would be an accessory use dwelling. If he is putting an apartment on it, he would have to go to the ZBA. He didn't know what his building permit is for.

Chair Young noted they have several code enforcement cases pending. Fire Chief Young said he has been working at the plaza and the contractors have been working feverously over there every day, because they are fighting the weather. It's no fun working in the winter, building what they are building. He thought they are trying, and he wasn't defending the cars out in the road. There was discussion about the building permit.

Department Reports: Highway; Police; Fire; Building; Planning; Solid Waste; Budget; Other

Highway: Road Agent Lewis read from the attached report. We still have Flint Road to do, but he would like to do that out of the Moore Highway Fund. When the weather warms up a bit, he'll do that.

Road Agent Lewis said he gets request this time of year when people ask him to plow roads in different directions and coordinate with their driveway plow driver's. He wanted the Board to know sometimes we can accommodate those requests and sometimes it can't be done. Some people want their road plowed one direction and not on their side. Sometimes it just can't be worked out.

Road Agent Lewis noted the Board received a copy of Stantec's memo with estimated costs. These numbers are to do the two phases of Currier Road and Healy Road. He asked if they could review that before the next meeting.

Selectman Dann asked about people plowing their driveways into the road. Road Agent Lewis said it was never ending. It costs the town money because a lot of times they have to go around and plow it again. Sometimes we have to talk with the residents and explain to them it cost the town money. Some towns have a fine for that, but he would hate to have to go that route.

Chair Young thought we could put something on the website and maybe some type of plaque on doorknobs to remind people that do this.

Road Agent Lewis said he sent out a flyer last year and he plans on doing it again. Once we get the first snowstorm people will be thinking about it again. He puts it in the town report every year. He does his best to get it out there.

Selectman Dann said a lot of people have someone plowing their driveway, so the resident doesn't know they are doing it. Road Agent Lewis said that is a lot of it and he tries to stop and talk to those guys.

Selectman Brock asked Road Agent Lewis if he was going to get those signs up. As long as they are in before the ground freezes that's fine.

Police: Introduction of the new part-time Officer. Chief McGillen introduced the new part-time Officer Serena Shutter to the Board. He explained Serena is doing well and fitting in. Corporal Langlois is overseeing the training, but Officer Terilli has been doing the evening training with her. She is coming from the Hooksett Police Department.

Old Deerfield Road speed limit. Chief McGillen said a resident has asked him if they could reduce the speed limit on Old Deerfield Road. He would like to have a traffic study done first. The speed limit is supposed to be 35 mph. He talked with Road Agent Lewis about it and we would like to see what the state would recommend. We are trying to get some guidance on this. He would like SNHPC to do the traffic study. Chair Young asked if there was a cost associated with this.

Selectman Robie noted the state did a study on High Street and we decided on what they recommended. Chief McGillen explained this is a town road. Selectman Robie thought they could make that decision themselves and didn't think they needed to count cars.

Road Agent Lewis explained it is a very congested road and the speed limit should be reduced to a lower number than 35 mph. You can't safely drive that road at 35 mph. He didn't know if it has to go to town meeting vote to lower that. Selectman Brock though the Board could do it.

Chief McGillen would recommend 25 mph. Road Agent Lewis was thinking 20 mph. Selectman Robie suggested putting up a sign "One Lane Road – 20 mph". Chair Young asked if Selectman Brock would work on this.

Narcan Training: Chief McGillen wanted to thank the Fire Chief Young for letting the police department use the fire station. Firefighter Mike Kelly gave us the Narcan training. He did a great job. We got some hands-on training with him. Selectman Brock asked if you use Narcan and don't have drugs in your system is it bad. Chief McGillen said there are no side effects. He noted they have to go through the Fire Department to get licensed.

Fraud calls: Chief McGillen noted the department has been getting buried with a bunch of fraud calls. They have a resident that is out \$14,000. It is a lot of work to follow up with those cases and a lot of times they are out of state. We have been bogged down with a lot of that stuff. There was some further discussion about fraud calls. He wasn't sure how to get the word out. We had a fraud class in the beginning of the year, and no one showed up for it.

Chief McGillen suggested that people know who they are dealing with. They go on Craig's List and they think they are getting a good deal and wire money. Selectman Brock noted that Craig's List is very specific about these scams and they outline it perfectly. If it sounds good, it is probably bad.

Chair Young asked if could use Nixle for this. Chief McGillen answered that Nixle wants to start charging, so we can talk about that at another time. He will look into it.

Fire: Selectman Dann read from the attached report.

Building: Selectman Chivers read from the attached report.

Planning: Selectman Brock explained we had their public hearing on November 6th. It was well represented by the citizens. He thought the residents got the answers they wanted and were looking for. There is another public hearing scheduled for the 20th at 7:00 pm and it will also be at the Moore School gym. Hopefully there will be residents there who own property in that district.

Selectman Chivers asked if they would be reviewing the proposed zoning amendments at that time. Selectman Brock said we would be reviewing warrant articles for the Village District.

Solid Waste: Selectman Dann read from the attached report. He noted there were 3 loads of burn pit ash hauled out to landfill. It had to be tested before it could go out. He asked Recycling Center Supervisor Chuck Whitcher the cost of having the ash hauled out. Recycling Center Supervisor Chuck Whitcher said it was about \$2,300.

Selectman Robie asked what the cost was for the testing. Recycling Center Supervisor Chuck Whitcher answered it was a few hundred dollars. Selectman Robie said it should have tested non-arsenic and non-lead. If that was the case it could have gone to turnkey. Recycling Center Supervisor Chuck Whitcher explained that turnkey requires a different test, the test itself is expensive and no one locally does that test. Selectman Robie said he would do some research the next time they haul ash away.

Selectman Chivers noted there is a 33% reduction in revenue between October 2018 and October 2019. Recycling Center Supervisor Chuck Whitcher explained we are sitting on material that hasn't been marketed. A big one is aluminum cans. The price is down.

Resident Carla Penfield asked when you store these recyclables, we have trailers to put this product in while we are waiting for the price to go up. Selectman Dann answered some items yes and some are stored right on the floor inside. Resident Carla Penfield noted it is questionable if the price ever will go up. It could be a long time before the price on these recyclables go up. If it is costing us money to store while we are waiting for the price to go up, we should be getting rid of this stuff as fast as we can. Selectman Dann explained they would be eating up the transportation costs. This is why we are trying to get a complete truckload and it will go out. Commodities can go up and down.

Chair Young believed we purchased a trailer last year for storage. She thought this was one of the driving reasons to purchase that.

Budget: Chair Young noted the town budget will be reviewed and the Budget Committees questions will be answered. The meeting at the Town Hall at 7:00 pm tomorrow evening.

Old Business

Non-petition warrant articles: Fire Department revolving fund, Fire Chief term, Capital Improvement fund.

Fire Department revolving fund: Tabled until the next meeting.

Fire Chief term: Chair Young noted that the warrant article was sent to the town attorney. There was some discussion about the warrant article and the town attorney's advice.

Selectman Robie said he supported an infinite term for a Fire Chief. Chair Young said she would take a motion. *Selectman Chivers moved they have a warrant article endorsed by this Board to see if the town will vote pursuant to RSA 154:1 IV to amend the organizational structure for the Candia Volunteer Fire Department so the Fire Chief is appointed indefinitely until he/she resigns, retire, or is removed for just causes in accordance with RSA 154. Seconded for discussion by Selectman Robie.* He thought in the Paragraph A it should say this vote is going to be accepted or rejected by the Selectmen. Once the town votes yes, the Selectmen are going to make the appointment and it doesn't say that. It was noted that the organizational procedures will be updated if the warrant article passes. Chair Young called for a vote. *All were in favor. Motion carried.*

Capital Improvement Fund warrant article: Chair Young recapped that the Board talked about establishing a CIP Fund at the last meeting. Selectman Brock said only if they were ready to pull it out and do that.

Selectman Robie said we need to establish fund. Chair Young asked if they were going to do this in March. Selectman Robie thought Chief McGillen worked on that warrant article.

Selectman Robie noted at the last meeting he was asked by Selectman Dann why we weren't building a new highway facility. He has spoken with Road Agent Lewis about a facility and he was told there may not be a need for that at this time. Then he was asked today about a fire department and he was told by the Fire Chief numerous times that their building is adequate at this time. Our police department is inadequate, and our employees think that as well. He wasn't going to push this agenda. He put it out there for some other people to take the ball and run with it and establish a fund if we would like. There was some further discussion about a new police station.

Chief McGillen agreed and the current police station is inadequate in a lot of areas. He has not talked with Atty. Courtney about the revolving fund. He only spoke with him about the funds from the sale of Exit 3. Selectman Robie said those funds will still be available and we have not received them yet. They will be in 2020's revenue. He noted it was up to the Board to establish a fund.

Chief McGillen said he would like to start a Capital Reserve Fund, because we don't know how long this process is going to take. We need to have a starting point. He would advocate for this and he'll have a warrant article for the Selectmen in the next couple of days. Selectman Robie said the deadline for warrant articles is December 4th.

Road Agent Lewis said after the last meetings discussion we should have a capital improvement fund for all of us. We need salt shed and a garage, but we aren't in the same situation as the police department. So, the police department is first, the fire department will be second and he'll be third. The CIP will help dictate that.

Selectman Dann agreed but he would like to have it as a general fund, because where is it going to be needed and things change. He noted at the last meeting it was mentioned that a piece of property would be available. Where is this piece of property? Selectman Robie said it was irrelevant. Selectman Dann thought it was important and are they going to put it up on the hill.

Selectman Chivers suggested establishing a capital improvement fund for our infrastructure needs regardless if it is a police department or a fire department. Allocate to put

some money in it this year. Just like the fire department has a capital improvement plan for their building.

Selectman Brock thought a general warrant article is fine, but there will have to be some specifics in there. It should say future improvements for the police department and the highway department. We won't get support if we say we just want to start a fund. We need a specific plan saying it is going to the police department because of their needs.

Selectman Robie said we need to establish a fund for a police department. Then you go out and work on where you are going to put a police department. Before we spend the funds from the capital improvement fund, people are going to have to vote on expending them and then where. His recommendation is the Chief comes forward with a warrant article and establish a capital improvement fund with that \$375,000 that we are going to take in as revenue from Exit 3.

Selectman Chivers said the Board can write the warrant article. Chief McGillen said he has a sample warrant article from the town attorney. Chair Young thought the only reason why there was discussion about a police department or separate building was because no one knew about it. She had already shared her idea about adding on an addition to this building. Then she found out about a plan for a new police department. When you don't give people enough information, they don't want to support it. The Board might set itself up for failure asking for a capital improvement fund for the police department and say the intent is to insert \$375,000.

Selectman Chivers asked if he could give the Board a draft warrant article "To see if the town will establish a capital reserve account to fund future construction of a separate facility for the Candia Police Department and to fund the account with \$375,000 representing the proceeds from the sale of town property at Exit 3." Selectman Robie said it was perfect. People should know there is no cash out of pocket for this.

Selectman Dann said education has to be done. We did this with the fire department. There was some further discussion about the warrant article and location of a new police department. Chief McGillen said he would get a copy of the warrant article from Atty. Courtney. Chair Young tabled the conversation until Chief McGillen returns.

Dave Trisciani of St. Pauly Textile Inc. to discuss donation container in the Moore Park. Mr. Trisciani was not present.

New Business

Selectman Dann to discuss moving Recycling Center Attendant Nick Broadwater from part-time to full-time (benefits). Selectman Dann said he and Chuck has discussed this and they would like to move Nick Broadwater from a part-time to a full-time employee. He has been with us 3 plus years and he is very helpful. He does things that saves the town money like the regular maintenance on equipment. Nick is a well-respected attendant down there. Chair Young said she has heard nothing but positive remarks. Selectman Brock moved to change Nick Broadwater's status from part-time to full-time. Seconded by Selectman Chivers. All were in favor. Motion carried. Chair Young asked about the holidays coming up and is it possible that he will be compensated for those. Selectman Chivers said this is effective December 10, 2019. Selectman Robie said Nick should be put on a grade and a step. Selectman Dann confirmed that he would be going to a Grade 3 Step 6 with an hourly rate of \$16.33.

Chief McGillen to recommend Corporal Rick Langlois to Lieutenant. Chief McGillen said he wanted to get the blessing of the Board to promote Rick Langlois to the Lieutenant's positions. He has been here for over 20 years. He's seen Rick grown, especially in the last few years training the new officers. He has gotten a lot of good feedback. Like Selectman Robie said earlier the Police Department is changing and people are expecting a lot of new things. There are new officers coming in and they need to get up with the times. We need to have people to lead the younger officers and Rick is that person.

Selectman Robie said he has known Rick all of his 20 years. He was introduced to Rick after he graduated the police academy. He could tell he was special then. We should be very thankful that we have Rick for what our department has gone through over the past couple of years. We've had some new officers come in and he has guided them as a real professional. He deserves this opportunity to serve us at the highest level that we can offer him at this point. He just wanted Rick to know that he appreciated it.

Chief McGillen said that Rick would be moved to a Grade 9 Step 12.

Old Business continued

Capital Improvement Fund warrant article continued: Chair Young said the proposed warrant article states a parcel. Selectman Robie said we don't need that on there. We already received the proceeds and we are not asking them to appropriate the money we already have it appropriated.

Selectman Brock thought the sample warrant article was too wordy. Chair Young asked Selectman Chivers to read the warrant article he came up with. Selectman Robie said he would accept it as a motion. Selectman Chivers moved the following warrant article "To see if the town will establish a capital reserve account to fund future construction of a separate facility for the Candia Police Department and to fund the account with \$375,000 representing the proceeds from the sale of town property at Exit 3." Seconded by Selectman Robie. Selectman Robie, Selectman Brock, Selectman Chivers, Selectman Dann were in favor and Chair Young was opposed. Motion carried on a vote of 4 to 1. There was lengthy discussion about the warrant article and building a new police station.

Carla Penfield – Donations: Smyth Memorial Building Trustee Carla Penfield explained she was at a Selectmen's meeting last May and she brought to the Board's attention the donations from Mrs. Byrd. It was in the minutes and the donations were discussed. She wanted to let the Board know that Mrs. Byrd donated \$60,000 in 2018. In 2019, she donated \$60,000 for the Smyth Memorial Building and in 2019 donated another \$70,000 for the Smyth Memorial Building. She also donated \$50,000 to the Fitts Museum. Mrs. Byrd to this date has not received a thank you for any of this money. She is here to reprimand all of you for not saying thank you. She would assume the Board wanted to say thank you and forgot. She asked what the Board is planning on doing to say thank you.

Chair Young explained every year we have town report dedication. The individual generally has passed on. Her thought was to dedicate it to Ingrid. She asked if the Fitts Museum knew they got this money. Trustee Carla Penfield said the money is usually received in the office. There was discussion about the donations received. Selectman Robie said he informed the Board in May. The Board did know about it.

Chair Young said as the Chairman she will issue a thank you note. Trustee Carla Penfield thought the dedication in the town report would be a very good idea. Prior to these donations Mr. and Mrs. Byrd had put in years and years of service to this community. Whether you agree with the politic or not. The commitment was there.

Chair Young said in conjunction with the thank you note maybe we could do a plaque. She didn't know if the Deliberative Session would be public enough. Trustee Carla Penfield said it's questionable whether she could get there. She asked if the Board would seriously consider the dedication of the town report. Chair Young said she was.

Selectman Robie clarified we made a policy years ago that the Chairman would decide who the town report would be dedicated too. They would bring it to the Board and the Board would agree to that. Instead of hashing it out in a meeting. This is a decision that needs to be made by the Chairman.

Trustee Carla Penfield clarified the Fitts Museum can write a thank you note, but the money actually goes to the town.

Halloween input for 2020: Halloween will be scheduled for Saturday, October 31st, 2020.

Dave Scarpetti to ask for ROW access to property in Auburn. Dave Scarpetti was unable to attend the meeting because he didn't have drawings from his engineer. Selectman Robie asked if they wanted to send Mr. Scarpetti a recommendation. Selectman Chivers explained he wants to use town owned land to access his property in Auburn. The access would be across the Hemlock Town Forest to get to his land in Auburn. He wants an easement over town property. There was further discussion about the property location. It was the decision of the Board to have Mr. Scarpetti submit a formal request and see if he is representing a property owner.

Smyth Memorial Building Warrant Article: Chair Young asked Trustee Carla Penfield if \$30,000 was enough. Smyth Memorial Building Trustee Carla Penfield explained we hope it's enough to dig a well and put in a septic system. It doesn't get the water to the building. We have estimates on both.

Selectman Brock asked if this would interfere with an addition or anything like that. Trustee Penfield said we never considered an addition. Selectman Brock asked if it was possible. Trustee Carla Penfield said if we get the money, when we start digging, we will plan for any future expansion. This would mean parking and an addition. We will make sure we consider that.

Selectman Chivers said we can't do anything with that building without the well and septic. It's time to move ahead on that building.

Trustee Carla Penfield said if anyone wants to use it for any reason at all, it's not usable. They dig a well and put in a septic system and you don't have to use them right away. Once they are in then we can pursue discussion of the potential use of that building.

There was further discussion about the well and the septic. Selectman Robie said 15 years ago that building wasn't feasible for an addition. He didn't believe the building needs an addition. The building is perfect, and he wouldn't be in favor of an addition.

Selectman Robie said we need to know how deep the well goes before we can size a pump accordingly into the building. You can put a number on a pump.

Chair Young said she was in favor of a well and a septic, but she didn't think it was high enough. She would be supportive of increasing the amount to get everything hooked up, but if they don't want to do that, they can wait two more years.

Trustee Carla Penfield said the reason for this is that little building that sits up there looking perfectly charming has caused such a furor in this community that it impedes the thoughts and the progress that the Trustees would like to make. We just redid the vestibule people yacked about that for two months. We paid \$5,000 to strip the rotten boards. After it was stripped, we found an inscription, it was the date and the name of the architect. Everything we do seems to attract attention and so much negative energy. We felt that \$30,000 was all we could do. We'll put a well in the ground and build a septic system. If the community approves of that then well come back and say we have a well, now we need a pump.

Chair Young asked if she would like a higher number to get it hooked right in. Trustee Carla Penfield noted they appointed Trustees and we conferred about it. The answer to your question is yes. If we didn't think it was the best approach, we would have done something different.

Selectman Chivers asked if they got lucky and hit water would they install the pump. Trustee Carla Penfield thought we would be foolish not to. Selectman Robie said on that note the way the warrant article is written it says for a well. It doesn't say anything about hooking it up to the building. If the warrant article doesn't specifically say what you are going to use the warrant article for you probably shouldn't be using it for that. You should come back the following year. If you want to write that into the article and come up short, people may say they didn't figure enough. He felt the way that it was written was perfect.

Selectman Brock said it's their recommendation. Chair Young said she would accept a motion. Selectman Robie moved to accept this warrant article presented by the Smyth Memorial Building Trustees. Seconded by Chair Young. All were in favor. Motion carried.

Family Promise – Non-Profit warrant article: Chair Young asked if the Board wanted to consider this new non-profit. Selectman Robie said the Board has never turned down a charity before. We should have a little discussion on why we are going to turn this one down.

Selectman Chivers asked if they have ever asked for an appropriation from us. Chair Young said she was not familiar with this organization. The Board must determine if we want to put it out there and if we do it for one, we keep doing it for others.

Selectman Dann said they're out of Hudson and do they come up this far. Selectman Brock noted their cover letter says Western Rockingham County including Candia.

Selectman Robie said we support all the other charities that send us a request. We're giving the people the opportunity to vote on that charity. Just like the get the opportunity to vote on all the other charities.

Chair Young said the only difference that she sees is the other charities are standard for the five years she has been on the Board.

Resident Becky Sarra said if the Board puts it on the ballot, she would assume the Board is behind it. Chair Young said that was her point.

Chair Young asked the Board if they wanted to table this until the next meeting. Selectman Chivers thought they should invite Family Promise to the next Selectmen's meeting. Selectman Brock said it sounds like something the Welfare Department handles already. Maybe it is more specific. He thought if they could come to the next meeting and be available for the Deliberative Session.

Selectman Robie said there is nothing wrong with being generous within your community, it brings prosperity. Chair Young said we will invite them to the next meeting.

Other Business

The Board to accept Selectmen's Administrative Assistant Andria Hansen's resignation.

Selectman Robie read from the attached resignation letter. He accepted the resignation with deep regrets. He and Andria have worked together for 12 years and this is going to be a great lose to our community. It will be very difficult to replace her. She is very special to me and lot of us in this room. Selectman Chivers said there are a lot of people in this community that will miss her too. Selectman Robie said it has been noticed in the paper and on the website. She will work with us to find the right person.

Selectman Robie thought they should consider an Assessing Clerk. Maybe on a more regular basis than Tammy. He's talked with Tammy about it. It would help if we had someone in the office with set hours. This is something we should consider as they are looking for somebody. It is not going to be easy bringing someone up to speed for what she has been capable of doing. Selectman Chivers asked if we should put something in the budget. Selectman Robie thought we could find the money in the budget. There was further discussion about an Assessing Clerk.

Chair Young said she would talk with Assessor Tammy Jameson about coming in one day per week or more if needed.

Candia Crossing: Selectman Chivers said Selectman Robie alerted him to an RSA that pertains to the Land Use Office and the issuance of a certificate of occupancy. Candia Crossing is undergoing a big construction project and the town is barred by statute from issuing certificates of occupancy. We scheduled a meeting for this Thursday at 1:00 pm with the manager of Candia Crossing.

Chair Young asked who's we. Selectman Chivers said it was him and Building Inspector Murray and the manager of the project Jerry Tanguay. To see if there if they are aware of the restriction on the town when it comes to issuing certificates of occupancy before the completion of all the required improvements.

Candia Crossing is required to build 2,000 feet of road, plus a water supply system for all the condominiums. There is an RSA that speaks to this situation. We've signed a private road agreement and they are going to get all the permits they want. But when it comes to occupying the buildings the town has the final say. The RSA is 676:12 "on land which is part of a subdivision plat or site plan, no buildings shall be used or occupied prior to the completion of required streets and utilities except upon terms as the Planning Board may have authorized as part of its decision approving the plat or the site plan." He looked at the plat and site plan and the Planning Board agreed to no terms. There is nothing in there that allows for a phase development in this project. The developer is entitled to certificates of occupancy. Before the town can issue a certificate of occupancy the entire project has to be built out. This is the information that we are going to communicate to the developer at the meeting. He wanted to give the Board this information and we are doing this as a courtesy to the developer. We don't want the developer to build out 18 houses thinking he is going to come back and get a certificate of occupancy on each one of these. Unless the Planning Board authorized this to be built in stages or if there is some stipulation on the plan the town can't issue a certificate of occupancy.

Chair Young said they took it from the 8 building permits in a year and gave them an extension. Selectman Chivers explained a building permit is not a CO. Road Agent Lewis explained this RSA kicks in if there is no performance bond. If he had bonded the project for its completion this wouldn't be the case. He could build whatever he was building and get CO's. But the RSA says that the town can't give a CO unless it is bonded or finished.

Chair Young stated that no one told the builder about that. Road Agent Lewis said he did in the meeting. He thought Carleton did too. Chair Young asked if the Planning Board told the developer this. Road Agent Lewis confirmed that he said it in a Planning Board meeting and a Selectmen's meeting. He asked specifically if there was a performance bond.

Chair Young said this is the first that she is hearing of this and she is not supportive of it. She thought this was a Planning Board thing to address and she didn't know why Selectman Brock wasn't involved. Selectman Brock said he is not involved because they've had this discussion at the Planning Board meetings and Selectmen's meetings. And because it was a private road it took on totally different issues. He doesn't know why he is trying to make this issue fail.

Selectman Chivers said he is just trying to follow the law. Selectman Brock thought he has a personal agenda. Selectman Chivers asked Selectman Brock how this is not relevant to this matter. Chair Young said he didn't have her support. Selectman Brock said we've had many discussions about bonding that road.

Fire Chief Young said he went to all the Planning Board meetings and they knew he was doing it in phases. Selectman Chivers said it should be shown on the plans where the cul-de-sacs are and where the phases are. Chair Young said this is a Planning Board thing. You are going after the wrong person. Fire Chief Young said it's no surprise to anyone that it is going to be phased.

Selectman Chivers said this is why he brought it up to the Board, to see if there is support for this. Selectman Brock thought this would drive a spike right into this project and kill it.

Selectman Robie said the Select Board decided and as far as he is concerned once the Board makes a decision that is their decision. The Board either agrees or disagrees with that, it is their decision. We have all the right in the world to go out into the community and public and push our personal agendas. But within our departments he didn't feel that any one of them has the right to go into a department and pursue an issue that hasn't been discussed as a Board. We have talked about this numerous times. This is why he didn't pursue this. He got a lot of facts about what goes on up there and how that went down. He didn't agree that the Board didn't put a performance on that property or a compliance at least. We aren't going to accept it as a road, but we are going to accept the people that go there and live. We have no guarantee that this road is built to specifications the Board agreed to this. We have nothing that is going to prove compliance. There are no phases marked on the plan. It's a subdivision that approved 43 lots.

Selectman Robie explained subdivisions are approved in phases so they can bond a three or four-million-dollar project and carry the bond through the phases. We can issue all of the building permits that we want because we approved the plan, but we don't have to issue a CO until the project is completed. There is nothing that says it is going to be completed. So, some couple buys a property there in a project that is not completed and there is no recourse other than the developer to go back to. He could have brought this to the AG's office, but the Board decided. He did talk with Mr. Chivers and Mr. Chivers said he was going to pursue on his own. He was down in the Building Department a few hours after we discussed it.

Selectman Robie said we have to stand by the decision of the Board. We can go out and push our agendas publicly, but it has to stop in this building. Selectman Chivers asked what the decision is we need to support. Selectman Robie said the decision to let that go without a bond and some of the Board signed a private road agreement. He didn't agree with it and he still doesn't. He didn't believe Boyd did, but as that all went down, we came in here to ratify a vote and the vote was 4 to 1.

Selectman Chivers asked what we should do with this statue. Selectman Robie said he gave him direction and that is the next step. He didn't want to be talking about this tonight. He did think the AG's Office needed to approve that subdivision. Any condominiums and townhouses need AG approval. He didn't think the AG's Office has approved this. They will ask the Town of Candia if we have a bond for the completion and the compliance of that infrastructure. We are going to say "no, we have a reclamation bond". If they just let this go it should work itself out.

Selectman Robie said he didn't want to do this, but he does because it is his town. He can't keep doing it without support. He didn't have support when he told that Board. He told them when Mr. Komisarek gets his bond issue settled, which the attorney advised us, if the bond issue is settled then sign the letter. This conversation would've been done months ago, but no one ever listens.

Selectman Chivers explained when Selectman Robie referred this RSA to him, he saw where it pertained in this case. He assumed that he was in support of telling the developer that we are aware of this RSA. There was some further discussion.

Chair Young said it was a 4 to 1 vote and found this very disturbing at the last hour and she felt there was too much of this going on. It needs to end and to do this is trying to sabotage the new owner and the old owner. It is being brought up after the fact at the last minute. She found that offensive. Selectman Robie said that is why he cleaned his hands of this.

Chair Young asked if Planning Board Chair was aware of this. Selectman Chivers answered no. Chair Young said he was the head of the Planning Board didn't he think that was important.

Selectman Robie said the Planning Board approved the plans. This isn't a Planning Board issue, he wished it was. Chair Young asked why we were discussing it at this late date. Selectman Chivers said we are trying to make this thing right. We need cul-de-sacs and some language on the plot plan that allows the town to issue certificates of occupancy.

Chair Young said it will always be something else, so this project fails. It has been said publicly that certain people want this project to fail. This is about as backhanded as she has seen lately.

Selectman Robie felt at some point we ought to get this right. The Board decided, but he doesn't have to agree that it was right. He thought if we were to go through the same scenario again it would be a different outcome.

Selectman Dann said everything is a learning process. This was never discussed at any discussion he was part of. Selectman Robie said it was discussed. He came to a Selectmen's meeting and he said don't sign that. Selectman Dann said we were ratifying what our attorney gave us. Selectman Robie said he recommended that we get the bond issue settled first.

Selectman Chivers said he was looking for direction from this Board. Chair Young said he had her opinion; she can't tell you what to do. Selectman Robie asked the question, do we intend to issue CO's according to this RSA. That would be the question to ask then you can go to the department and give them some direction. Selectman Chivers said if you read the RSA we

can't. Selectman Robie said we shouldn't according to the RSA. Are we going to issue CO's until the streets and utilities are complete or not?

Selectman Brock said they aren't going to sell a house without water or sewage or a way to get to it. Selectman Chivers said they will get a CO once the utilities service the buildings in phases. Selectman Brock said that is how the project would proceed. If you impose this, you're going to kill the project. Selectman Chivers said they aren't going to do it that way. There was further discussion about this project.

Board to authorize the payments of payroll and payables. Selectman Chivers announced the grand total for accounts payable and payroll checks for November 7th and November 14th was \$975,284.39. Selectman Dann moved to approve the accounts payable and payroll checks for November 7th and November 14th in the amount of \$975,284.39. Seconded by Selectman Brock. All were in favor. Motion carried.

Public Comment: Resident Becky Sarra felt that the Candia Crossing topic was presented in an extremely negative way. Wouldn't it be amazing if we could as a town and a Board present it in a way of how can we work with the contractor to make it come out right in the end. Why would anybody want to come and talk to us? She is horrified by this discussion.

Selectman Dann moved to adjourn at 9:50 pm. Seconded by Chair Young. All were in favor. Motion carried.

Respectfully submitted,
Andria Hansen, Recording Secretary