

~~Unapproved~~ **APPROVED**
Candia's Virtual Selectmen's Public Meeting Minutes
May 27th, 2020

Attendance: Chair Susan Young, Selectman Russ Dann, Selectman Boyd Chivers, Selectman Brien Brock, Selectman Patrick Moran and Administrative Assistant Linda Chandonnet

7:00 pm. Chair Young called the Public Meeting to order

Pledge of Allegiance

Roll call was conducted

Approval of Minutes: Non-Public & Public Meeting Minutes April 30th, 2020.

Selectman Dann moved to make a motion and accept the April 30th, 2020 Selectmen's Non-public Meeting minutes as presented. Seconded by Selectman Chivers. All were in favor. Motion carried by a vote of 5-0-0.

Selectman Brock moved to make a motion to seal the April 30th, 2020 Selectman's Non-Public Meeting Minutes. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 5-0-0.

Selectman Brock moved to make a motion and accept the April 30th, 2020 Selectmen's Public Meeting minutes as presented. Seconded by Selectman Chivers. All were in favor. Motion carried by a vote of 5-0-0.

Old Business

Convex Mirror: Selectman Brock gave an update for the installation of the convex mirror on the abandoned pole at Chester Road & Main Street. It did not work as well as they had hoped for, but they did try it on a telephone pole opposite Chester Road, which is in front of the Weaver's property and it works well. They could see on top of the hill and beyond, so Road Agent Lewis contacted Dig Safe to purchase a 6 x 6, 16 ft. pole to install there. They will remove the abandoned pole they purchased from Consolidated and re-use it for other use. They will be contacting the Wheeler residents to make sure they are in favor of the pole and convex mirror.

New Business

Zoning Board Re-Appointment: Chair Young stated the Board received a letter from Selectman Chivers requesting his interest to be reappointed to the Zoning Board and to continue to do so. This response from Selectman Chivers resulting from letter that was sent to the Board and received from Scott Komisarek & Attorney Wadleigh, Starr & Peterson on April 30th, 2020.

Selectman Brock made a motion to reappoint Selectman Chivers. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 4-0-1. Selectman Chivers abstained.

Grant Application GOFERR: Chair Young announced the Grant Application for GOFERR of \$92,000 in regard to covid-19 that they will need to apply for and it is due by June 1st, 2020. This will all be 100% reimbursed to the town of which FEMA is 75/25. The town will need to cover the 25 portion in which it did not budgeted for.

Assessment: Chair Young asked the Board if they had a preference to any of the applications, they received for the Assessment replacement of Tammy Jameson. Selectman Chivers stated they will begin to interview starting next week for the position.

Class VI Roads & Private Road Policy: Selectman Chivers stated that he sent a memo out to the Board on March 25th, 2020 to clarify the Class VI Roads & Private Road Policy and required the applicants to get a variance with the ZBA before they approach the BOS to build on it. He would like to follow the master plan and amend the policy as needed. Discussion ensued. Selectman Chivers moved to make a motion and amend the Class VI Roads & Private Policy. Seconded by Selectman Dann. Motion carried by a vote of 3-2-0.

Charge Card: Chair Young stated the office has been looking into the town applying for a charge card with TD Bank, however the bank wants to charge \$150 yearly fee. At this point they will continue to look at other banks and options.

William Socha: Chair Young stated they have received several complaints from neighbors that had started from May 5th. The Board members looked at photographs that were taken before and after of Libbee Road. Chair Young stated that the February 10th, 2020 Board of Selectman's Meeting it states specifically stated nothing is to happen on Libbee Road, and it has. Mr. Socha added that he could not attend the meeting February 10th, 2020 because he had to go to a funeral. His concern was that there was a timing issue and he had an urgency to get material into that area before the road thawed. He stated the Road Agent had told him to be respectful of the roads in which he was, and that he did zero damage to the road. Chair Young agreed there were no complaints for Flint Road. Mr. Socha requested copies of all the complaints the town received. Selectman Brock stated that the Board was very clear about Libbee Road to Mr. Socha's sister who attended the BOS meeting on February 10th, 2020. He said that he understands why Mr. Socha did make cuts, so the truck could make in it there, but it was not discussed and the Board was very specific that no trees were to be cut, and there was a ton of trees cut and that should have been discussed. At that point people who were here for that meeting could have raised questions, because Libbee Road was definitely off of the table for cutting. There is going to be some damage there especially if we do get rain, the ruts are going to get super deep. Mr. Socha stated they have a signed Intent to Cut and there is absolutely no way to get a truck on the property. Chair Young asked Mr. Socha if he had done this type of work before of clearing lots and the rules of when he needs to file? Mr. Socha replied, yes, that he has. She had met him on May 5th because she had a complaint from Jack McQuade on a sign that was posted at his house. Mr. Socha stated resident Jack McQuade threatened to kill him. Chair Young stated she took pictures and had met Jake his logger and were told the town had an Intent to Cut in February which the town did not receive. Mr. Socha stated they did submit an Intent to Cut before the May 14th one. Chair Young stated at this point it appears there has been several things that have not been done and now they have several other complaints and the postings of no trespassing signs on the Torrey Property. Mr. Socha replied that these signs were thrown away from someone as of yesterday and tracks down private property. He is fighting a lot of trespassing there, and also has neighbors who think they own the property and people are all over that place. He has spent two years of keeping people off that property, and that it is his property rightfully so. Chair Young said let's stick to the road, and the trees that have been cut. Mr. Socha replied, on Libbee Road in front of the property, the frontage I can cut the trees legally, I own the trees halfway to the middle of the road.

Chair Young stated that she wanted to address the road, and that he was given permission of what to do with the motion and specifically throughout his work was to gravel in Flint Road and he could trim the canopy if it was interfering that is all the Board gave permission for him to do however he had other things going on. Mr. Socha asked the Board for permission to keep the gravel on a particular section of Libbee Road? Selectman Brock said that the concern is that right in front of those hay bales that it is not your property, is that correct? Mr. Socha replied, it's not. Mr. Socha said we have permission to cut those trees. The Torrey's can cut the trees in front of their property. Selectman Brock replied that they did not know. Chair Young stated she wanted to stay focused on Libbee Road. When looking at the before and after pictures, this has nothing giving you the right to be able to cut trees and that he did not go first to talk with the golf course manager Shawn Bishop who owns the other half of the road, only after the logger had showed up. Selectman Brock said, the issue is that the trees were cut right in that L area, and the fact that he had used Libbee Road for a go back road.

Chair Young stated that she would contact the people who have complained to see if they want their names divulged as there is hesitation due to retaliation and if people agreed then she would give the names to Mr. Socha.

Selectman Chivers read the Scenic Road Statute of RSA 231; 158 IV, designation of a road as a Scenic Road shall not affect the rights of any landowner with respect to work on his own property. Except to the extent that trees have been acquired by the municipality as shade or ornamental trees and except that RSA 472; VI limits the removal of all alterations of boundary markers including stone walls. Mr. Socha said, from reading this he understands that he will need a public hearing from the Town, Road Agent or utility company to cut trees and not the landowner. He stated that he had met with the State Forester and was told he did not break any laws and they are allowed to cut the trees in front of their property which is on a Scenic Road. Selectman Brock stated the part that Mr. Socha did not do, is to get permission from the golf course. Mr. Socha stated he had apologized to them and they made peace. Mr. Socha also stated that Libbee Road does not go to his property, so putting gravel down on Flint Road gets him 99% there and he had to get 150 ft. around the corner. Chair Young exclaimed, why didn't you ask? Mr. Socha said, he did not understand that it wasn't part of it. The intent was to gravel Flint Road to get to his property. Selectman Brock said, obviously you have done this before and when you walked out there and looked at it you should have thought, I can't make the turn here with the truck and I really need to cut some trees here. That's when you should have called the Board prior. Mr. Socha said, he apologizes.

Selectman Chivers asked Mr. Socha if he twitched out all the trees on Libbee Road? Do you have a hull road on your lot that you get them to the landing? Mr. Socha replied, he has a hull road on the lot and because they had a lot of rain in the spring, and they did not want to damage the property, so they went down and the road is dry high and down low it's a little wetter to the ground. Mr. Chivers asked if that is why he used Libbee Road as the go back road? Mr. Socha replied, yes, and they did not damage the road anymore than any other tractor, 4-wheeler or jeep that has ruined the roads in the mud pits. If it gets muddy, he stops. He stated that he had come to the Board before with his concerns about the road being damaged and asked if they could put some rocks up legally, and the Board told him no.

Chair Young stated that she will allow people of the town to speak about their concerns and going forward for Mr. Socha to stop what is going on at Libbee Road. The Town will have someone put the road back to the way it was before.

Mr. Socha asked the Board if they agree or disagree with the right to cut trees in front of their own property which is on a scenic road? Road Agent Lewis explained, under the Scenic Laws, yes, you may cut each one if you want to. The problem with Libbee Road is the gravel in the intersection was not presented to the Board or that the trees were going to be cut. The real issue is, he cannot use Libbee Road as the go back road or it will be ruined. We are going to get into a situation when we say at what stage do we have it repaired? If the road is too good, everyone is going to use it as a thru road, then we are going to be stuck in the middle of a battle between people using the road because it is improved. If you are logging on your land, then you need to stay on your land with your skidder. Mr. Socha had to get into his lot somehow and he had to make that turn, so he should have presented it to the Board that night. Whether you want that removed afterwards then it's up to the Board. Chair Young said, what are the consequences? There are no consequences anymore which is why we have this problem. Road Agent Lewis stated how we are stuck in this spot all the time and this is why we need as a Town to try to prevent these things from happening.

Mr. Socha said with all due respect, he was not trying to be sneaky or to disregard the Board words and concerns. Everything he tries to do is by the book. He did what he thought he could do, He said he apologizes for going around the corner. He had permission to cut the trees, and you don't need permission to cut a tree. Mr. Socha asked, I don't need to ask for permission to cut a tree on my property that's on a Class VI Road, do I? Selectman Brock replied back, no. Mr. Socha stated, I don't need permission to cut trees on my property. Is there anything stopping me from cutting every tree on Libbee Road on his property? No, he said, he doesn't want to do that. I cut a couple of trees to get on my property and I had permission except for the golf course, and they are fine with it. Chair Young said they had a picture of the road that was big enough for a car to pass, so what was in the middle of this road was a V, and it had trees. It does not belong to Mr. Socha, and it was in the middle of that road. That is the part where the things were cut down ground level and were not visible for whatever reason. Mr. Socha said, the Torrey's own those trees to the middle of the road. The golf course owned one tree and it looked like the center to him. He said he apologized it was the golf courses tree, but they are okay with this.

Ms. Szot asked, Libbee Road is a legal town road is that correct? Chair Young replied, yes, it is. Ms. Szot questioned, South Road is legal town road, so if she lives on South Road can she cut the trees on the other side of the stone wall in front of her property? Chair Young replied that it is a scenic road. Ms. Szot replied, why not? Selectman Brock answered, yes. Ms. Szot asked what RSA gives you permission to do that? Selectman Brock answered, we cannot cut them, but you can. Ms. Szot asked, where is that authority? Selectman Chivers said it is in the RSA they had read. Ms. Szot said the town owns that because it is a town road. Road Agent added that if people want to cut trees in front of their own property they do not need to ask for permission or hold a hearing. The difference is all their older roads and state roads are only easements and we do not have deeds for them, so they are not our property. Chair Young asked, so I cannot cut my neighbors trees and hope that he/she will forgive me or says that it is okay later? Road Agent replied, no, only the ones in front of your house.

Mrs. Socha asked what landowner are complaining about a tree being cut on their land? Chair Young said, I did not say any landowner is or that I know of. There has been some discussion, but the Torrey's are here and maybe they will speak afterwards. Mrs. Socha said, then why is that a town problem if no owners are upset about a tree being cut? Chair Young replied, because people use class VI roads and class V roads, the community and residents in Candia have use of those roads and when they are seeing them in their opinion of being dug up, or a bunch of trees being cut without permission that they know of, that upsets them, and they have a right to be upset. Mrs.

Socha said it just seems like all the landowners where the trees have been cut are all agreeable. Chair Young replied, well it is too late now, isn't it? Mrs. Socha asked, too late for what? Chair Young said, there was no permission to cut these trees, he checked with them after. Selectman Brock replied, clarification. The trees he agrees that is a separate issue, everything that they cut in that little L they have contacted the landowners beforehand or afterwards and they are fine. In that case Mr. Brock said that it might not have been right, but he is fine with that. The gravel that was put in the road, that should have been discussed that he was going to widen that up and gravel it. That is there now and how it ends up after Mr. Socha is done logging it is immaterial. It is just that area there and if it stays that way, it's not a big deal. Libbee Road on the other hand, he doesn't want gravel there, that is a terrible road and Selectman Chivers is right, how do we get it back to the condition it was before, so people don't start using it. There is a section, that you did not go all the way, where there are ruts and mud spots past where you have traveled, which is fine maybe it will help deter Amazon and everyone else from going there. Selectman Brock stated to Mr. Socha that he should be off of Libbee Road, and he should put it back to the condition it was in. Road Agent Lewis suggested to fill in the hole and regrade the road. The best solution is to take a tree and drag it across the road one time and smooth it out. When the logger comes to do his work, they can ask him to take 20 minutes to smooth it and Road Agent Lewis stated he will watch and if it looks like it will scratch the trees he will not have him do it.

Mr. Socha stated that he did not dig up the road and make ruts, that was done by something else. Carla Penfield (Resident) asked the Board about a certain lot of land on Libbee Road and if it continues to Hooksett? Selectman Brock replied, that is a discrepancy because they do not know. Chair Young asked if Mr. Torrey if he had his deed? Mr. Torrey said, his father insisted that he paid taxes on that portion and therefore felt he had ownership of it. If you go down that extension of Libbee Road and past Flint Road, it is a path that leads to nothing. Ms. Penfield said that she would like to know if they can walk on that road? Mr. Torrey answered that he is the Trustee of the land and she can walk there and enjoy it, but it really does not go anywhere. He added that Mr. Socha had told him previously what he would like to do and that he needed to cut some trees. Mr. Torrey told Mr. Socha that he does not need a 93 Highway going into his back acres, I don't need a three-lane highway going back. Mr. Socha told him that he can do what it takes and if you want rocks, boulders to let him know. Mr. Torrey said he was comfortable with that. He does not want to deny anyone from enjoying walking there, it is just that the ruts are great and keep the people from going thru. People do go thru down that road and it's big erosion back there and a total mess, but that it does not go to Hooksett. Ms. Penfield asked if they were free to walk there? Chair Young said yes. From what she knows there is a discrepancy there and thought the Torrey's went to Court. Mr. Torrey said he does not know how it was decided, but the Court said he is not allowed to block it off. Chair Young asked Mr. Torrey when the last time he went up there. Mr. Torrey said he had walked Flint & Libbey Roads with Mr. Socha and was told by him this is what he would have to do to get logging trucks in here, and he would have to cut down some trees. Mr. Torrey said his personal feelings was that now he has a neighbor who is not going to sue him and take him to court, and let's be a good neighbor. If Mr. Socha needs to cut some trees to get some trailers in and heavy equipment that he understands what it takes. Chair Young stated that people can walk to the railroad bed and Mr. Socha intercepted and said no, it is private property. The railroad bed is deeded. The trails too are deeded on his side and Mr. Torrey's railroad bed is deeded up on his land. Chair Young said but Mr. Torrey said people can walk on his railroad tracks. Mr. Torrey said I want people to enjoy the land, I do not want people riding motorcycles and ATV's tearing it up. Ms. Penfield asked if she could walk there. Chair Young said they can walk on Mr. Torrey's

property, but not on Mr. Socha's. Ms. Penfield said, so walk on the left-hand side of the road? Mr. Socha said that Mr. Torrey owns that land, it's deeded land that they own, but he is saying you can walk on it.

Dog Licenses: Chair Young stated the in last meeting the Town Clerk's Office asked the Selectmen to sign for permission and suspend all dog license fines for one month. Selectman Chivers moved to make a Motion and suspend the deadline one month for dog license fines. Seconded by Selectmen Brock. All in Favor. Motion carried by a vote of 5-0-0.

Postal Machine: Chair Young stated in the last meeting it was noted the postal machine at the town office was not working. A motion made for a renewal contract with a new digital postal machine. Selectman Moran moved to accept the renewal contract for leasing a new digital postal machine. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 5-0-0.

Vision: Chair Young stated the computer program Vision, is claiming they do not know if the tax billing is going to work for the second tax bill. The town office would have to pay approximately \$10,000 to upgrade the program, so we will need to look into before making a decision. It will also depend on who is chosen for the new Assessor and what program they use.

Pelmac: Chair Young said all she would like to change one camera to digital for Selectman's Office, so they can see who is coming to the door, currently their vision ends in the hallway. The other thing is to put one in the Land Use Office so they can talk to the person outside. Chief McGillen stated these have been ordered and are in the works to be installed.

Board of Selectmen Meeting:

The next Board of Selectmen Meeting is scheduled for Monday, June 8th, 2020 - 7:00 pm.

8:33 pm. Chair Young suspended the Public Meeting and moved to open the Non-Public Meeting RSA 91-A:3 I (C)

8:33 pm. Non-Public Meeting closed

Selectman Dann moved to make a Motion to adjourn the non-public meeting. Seconded by Selectmen Chivers. All in Favor. Motion carried by a vote of 5-0-0.

8:34 pm. Chair Young moved to resume the Public Meeting

Selectmen discussed using Zoom and getting it all set up for future meetings.

Selectmen discussed legal advice for Class VI Roads.

8:45 pm. Selectman Brock moved to close the Public Meeting. Seconded by Selectman Chivers. All were in favor. Motion carried by a vote of 5-0-0.

Respectfully submitted,
Linda Chandonnet, Recording Secretary