

~~Unapproved~~ **APPROVED**  
**Candia's Virtual Selectmen's Public Session Minutes**  
**July 13th, 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: Public Session Minutes June 29th, 2020.**

Selectman Brock moved to make a motion and accept the June 29<sup>th</sup>, 2020 Selectmen's Public Meeting minutes as presented. Seconded by Selectman Chivers. All were in favor. Motion carried by a vote of 4-0-1. Selectman Dann abstained as he came into that meeting later.

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

**Highway:** Road Agent Lewis read the attached report.

**Police:** Chief McGillen read the attached reports. He advised the Board on some illegal dumping of paint cans on Crowley Road. He has been dragging out some of it out to the road and disposing of it on his own time. He has contacted the consulting firm for the landowner who wants to do a project there and they are looking into putting up a gate to stop the flow of traffic there.

The department keeps getting busier, and he would like to have the Board's approval to hire one part-time and one full-time Officer. The Board agreed and encouraged him to advertise and search for candidates.

**Fire:** Selectman Dann read the attached reports.

**Building:** Building Inspector Murray read the attached reports. He briefed the Board that the open and closed case for the racing that was occurring on Old Manchester Road, that he has been working with the Town Attorney and Police Chief McGillen and came up with a process and what they could label the racing as, and it was a commercial recreational activity in which it could actually be approved at a light industrial two zone, but there is no place according to zoning or anything like that. Therefore, he has informed the people that they could come in with a change of use and attempt it, but in the site plan regulations it speaks of noise, soot, rubber, smoke and anything around the surrounding properties, so that has put an end to it with no problems.

**Planning:** Selectman Brock said they had one applicant who came in and it was approved for the addition for North Branch on Raymond Road.

They are still working on the CIP, but they will have more after this week's Planning Board Meeting scheduled on Wednesday.

**Solid Waste:** Selectman Dann read the attached report. He disclosed that there was an error on one of the pages where it should be corrected to 2020 on the right side.

Selectman Dann asked the Board if they could change the Recycle Center Supervisor Position increased from Pay Grade 5 to Grade 7. When it was a Pay Grade 5 they did not have to run any equipment. Selectman Chivers added that this Supervisor is responsible for over 1 million dollars of the plant and has equipment there with a \$400,000 budget and \$163,000 Payroll and has 3 people he is responsible for. He is also required to be licensed by DES and needs to understand all the OSHA rules and has a very big job there. Selectman Chivers stated that he fully supports this increase from Grade 5 to Grade 7.

Selectman Dann moved to make a motion and give permission to the Recycle Center Supervisory Operator from Grade 5 to Grade 7. Seconded by Selectman Chivers. All were in favor. Motion carried by a vote of 5-0-0.

Chair Young announced they did not have a Budget Committee Meeting for the month of July.

**Board to authorize the payments of payroll and payables.** Selectman Chivers announced the grand total for payroll for week ending July 9th was \$17,547.58. The following week ending July 16th was \$19,012.02. Payables for July 9th were \$29,107.67. Payables for July 16th were \$43,915.13 for a combined total of \$109,582.40.

Selectman Chivers moved to approve the accounts payable and payroll checks for the 2-week period in the amount of \$109,582.40. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 5-0-0.

### Old Business

**Convex Mirror:** Selectman Brock gave an update on the convex mirror for Main Street & Chester Roads. Mr. Wheeler has stated that he does not want a convex mirror on his property. Selectman Brock said that he would like to go over to speak with Mr. Wheeler personally to discuss.

**Culvert – Jason Lopez:** Engineer Jason Lopez from Keach-Nordstrom Associates Inc., Attorney John Dessan representing property owner Armand Hebert. Discussion began with an explanation of several previous BOS meetings to resolve a culvert design at a certain point in the road that needs replacing. Selectman Brock stated what the Board had previously requested them to do is to contact DES and find out what they would accept there. In return the Board had received a full set of engineering plans for the culvert when all he requested was a courtesy call if they would accept a round pipe or would they want it to be an open bottom. That was the direction the Board gave them. Mr. Lopez stated they had submitted their plan to DES and part of the process was that they first needed to speak with NH Fish & Game for a certain size pipe required and what it needed to meet all requirements. Discussion ensued on what was conversed in past meeting, the costs and what DES might accept. Attorney Dessan stated what they need is a solution. Road Agent Lewis suggested, what if they were to get the basic size the box culvert would have to be, and then he could take the size and length with all the specks to his supplier and get a price quote for this culvert. This would give them a number and Road Agent would add the excavation numbers to it. Mr. Hebert agreed that as long as this moves forward in a positive way and he has a commitment that Road Agent Lewis promises that he is willing to do the numbers and see if it will work. Mr. Lopez and Road Agent Lewis agreed to work together for the details and size needed for the open

bottom culvert. Mr. Hebert was agreeable if everyone is cooperative and accountable. The Board agreed to sign the permit when it is all agreeable.

**Fire Truck:** Chair Young announced the Request for the Funds from the Fire Apparatus Capital Reserve Fund.

Selectman Chivers moved to authorize the Request for the Trustees to remove \$316,639.00 from the Fire Apparatus Capital Reserve Fund and to reimburse the town for the purchase of the new fire truck. Seconded by Selectman Dann. All were in favor. Motion carried by a vote of 5-0-0.

### **Other Business**

**Old Home Day:** Old Home Day Committee Member Hannah Lewis stated that due to the health and safety of the community of Candia and surrounding areas, the Candia Old Home Day is canceled this year and they will plan again for next year.

**Candia Congregational Church:** Micah Fultz a resident, serves as a Treasurer for the Smith Public Library Trustees and is also in leadership at the Candia Congregational Church along with Jeff Philbrick, the Headmaster of Jesse Remington High School. They are asking if they can work with the town and partner with some of the expenses so that space could be utilized at the Smith Memorial Building. The Jesse Remington High School is in need for extra classroom space due to Covid-19. They also have a demand for space to have meetings. Selectman Chivers replied that normally the Smith Memorial Building are managed by the Trustees for the Board of Selectmen and asked if they have approached them. Mr. Fultz answered that they were not sure which direction to go. Selectman Chivers stated that the Board of Selectmen would not reply to any request without the Trustees recommendation or input and that would be the place to start. Carla Penfield one of the Trustees stated the Smith Memorial Building has had renovations, but right now it is a long way from being ready to be used but they are willing to listen to anyone who is interested in using the building. The Board recommended Mr. Fultz to pursue his interest with a proposal and go to the Smith Memorial Building Trustees.

The Board discussed how in the past, when the Smith Memorial Building had gone to a vote, maybe if it did have a purpose, that maybe the vote would have been different if they had a proposal like this. There was no purpose to that building at that time.

Selectman Russ stated all of this needs to be discussed in a Trustee Meeting. He is requesting the Trustees to hold a public meeting of what they want to do. There are a lot of things involved, such as who will run it, maintaining the building and how much money is needed to invest and all information they will need to come up with. The Trustees would then need to go before the Board of Selectmen. He recommends publicizing and posting the meeting so residents can come to it.

**Baker Road:** Jake Bronnenberg, logger and forester has currently been working on a timber harvest off Libbee & Flint Roads. Road Agent Lewis added that Mr. Bronnenberg had sent a request for direction of what to do on Baker Road and what rules to follow. Road Agent Lewis told Mr. Bronnenberg that it would not be his decision and he should talk to the Board as it is the Selectmen's decision. The location he was referencing to is on the closed section of Baker Road and that is the frontage that he is working on. He is not looking to access there, but they have several oak trees on the edge of the road and along the stone wall in which he would like to harvest because they are mature and that is what he is doing there. He is checking to make sure everyone is agreeable to him doing that. He is unsure if a Closed Class VI is the same as a Discontinued

Road or if it is different. Selectman Brock stated that in 1901 it was turned to a Class VI Road and because it was closed, it never relayed out, meaning if it never layed out again, and it just stays that way. According to the records that he reviewed is that it starts past the Campbell's property on Baker Road from there to the O'Neil's which is on the far end and is at the corner it is closed from those two points. The statement the Board has received from Town Council is that no building can go on that section. No building permits can be issued on that section of the Class VI Road because it is closed and it never laid out again. In regard to the discussion on Libbee Road, will the Board allow to build on a Class VI Road? It is the Town who has the authority to make sure the road is adequate for safety reasons, but the landowners still own to the center of the road. In either case if you own property on that part, then you own to the center of the road, therefore you could cut the trees on your frontage. Chair Young stated she is opposed to this as she had not seen this request come into the office, it was not on the agenda and therefore it should not be discussed. She added that in her opinion it is not proper to discuss without notifying neighbors and people in town to bringing trucks up or equipment needed to remove these trees without their concerns. Mr. Bronnenberg added that he is not looking to do work to the road on all the trees just certain mature birch trees and will not be using Baker Road. He requested a copy of the document of when Baker Road was closed and turned into a Class VI Road. The Board will research the Deed for Baker Road and will wait to make any decisions for additional clarification from legal counsel. As soon as information is given the Board will mail it to Mr. Bronnenberg, hopefully within a week. Discussion ensued.

**Solar Exemptions:** Chair Young announced to the public that Solar Exemptions are due by April 15<sup>th</sup>. There are a few people in town who have solar on their buildings and have not applied for the exemptions yet. She wanted to let the public know that even though you have until April 15<sup>th</sup> to please have them completed. There will be an extension date and applications will be sent out, but to keep in mind the cut off time for these occurs when the tax rate has been set.

**Building Permit – George's.** Selectman Brock said that he has talked to town council on a case with the George's who have property on a Class VI Road and want to build on it. Originally, they bought two parcels with only one deed and came to the Board of Selectmen to build on it and it was approved. It should have been presented to the Planning Board first for review on any concerns they may have. The George's went to the Planning Board, but it was only afterwards when they came to the Board of Selectmen. At that point, the Building Inspector had denied the building permits. Selectman Brock said Town council told him that if the Board wants to grant the building permits to the George's that they can. He did have a concern and asked town council what if something happens down the road there are two different parcels and homes and if one of them would get into trouble and the bank gets involved and when there is only one deed? Town council replied that it would not be the town's responsibility, it would be up to the owners to deal with that. Town Council also stated that if the Board would grant the building permits then it would need to be addressed and it is clear that it would be up to the George's to straighten that out. Selectman Brock said that he is very much in favor of them building and that they have done a great job on building up the road and asked the Board members for their opinion. Selectman Brock added that he has talked to the abutters in that area and the only concern that one of them has is about a wall that is unstable. The George's agreed and said that they will correct it. Selectman Brock said this is something he would like to discuss with the Board Members for their concerns and input. Selectman Chivers said that two months ago the town adopted a policy to

submit requests to town council in writing and to get a response back from them in writing. He asked Selectman Brock if he had done that. Selectman Brock answered, no, and that he has done what everyone else has done and which is not put it in writing. Selectman Chivers said the George's have a remedy that they are go to ZBA to get a variance from the zoning ordinance that limits one residence for one per lot of record and that it would clean this all up. He added that they should build on a class VI or better road and that would get the Board out of this situation. It would set president and require them to follow the law. Building Inspector Murray stated that about six months ago the George's were agreeable to coming to the ZBA, but the lawyers ended up being involved and then it all came to a halt.

Mrs. George said that the town had told them on numerous occasions that it was two lots. There are things in your documentation that indicate that it is. You had the deed when you signed yet months later, they were told they cannot and that they would need to go to the ZBA. The Board had already given approval and they bought the land based on the approval. We have not been notified and feel like we were left out. Chair Young apologized. Selectman Brock stated that an apology is not needed because he is the one who decided to have a discussion with the Board Members only and wanted in in a public forum with no public input.

Selectman Brock said that he would like to have a vote from the Board that they grant them or advise them to go to the ZBA.

Selectman Dann moved to make a motion and request the George's to go to the Zoning Board for two building permits on their property on the one deed and with two variances to build on the class VI road

Seconded by Selectman Chivers. All were not in favor. Motion carried by a vote of 2-3-0. Selectman Moran-No, Selectman Dann-Yes, Selectman Chivers-Yes, Selectman Brock-No, Chair Young-No.

Selectman Brock moved to make a motion and for the Board to grant the George's two building permits and allow them to build on the class VI road.

Seconded by Selectman Moran. All were not in favor. Motion carried by a vote of 2-3-0. Selectman Dann-No, Selectman Moran-Yes, Selectman Chivers-No, Selectman Brock-Yes, Chair Young-No.

Selectman Dann moved to make a motion and request the George's to go to the Zoning Board for two building permits on their property on one deed and two variances to build on the class VI road.

Seconded by Selectman Chivers. All were not in favor. Motion carried by a vote of 3-2-0. Selectman Moran-Yes, Selectman Chivers-Yes, Selectman Brock-No, Chair Young-No.

Selectman Brock directed the George's to go to the Land Use Office and see Building Inspector Murray to be put on the ZBA agenda.

**Re-opening of Town Office.** Police Officer McGillen gave the Board a basic guideline for the future re-opening of the Town Office as a starting point. He has spoken to a few different departments for input. Chair Young stated that she has talked to the Deputy Town Clerk in the Town Clerks Office and they will not be opening and they will continue to work as they have been doing and process requests through email and the front door drop-box. Chair Young stated Dean Young will be able to get the plexiglass shields and whatever else is needed to get it done. Chair Young stated one of the things that she learned at a recent webinar is that flexing employees to working different hours to keep them apart. Selectman Chivers stated that what he had learned from the webinar is that the least effective thing is PPE. If the Town Office is all working out then what is the benefit of changing it? Chair Young asked, what if in the meantime we compromise

and flex the hours of the employees and keep them away from each other, as that was one of the things she heard on the webinar. Some of the Board members asked if it is really necessary to keep the employees away from each other in the space they are in. Building Inspector said that he thinks that was meant for large offices. Chair Young said that she will talk to the Financial Department employee to about staggering her hours and see if that works better for her. They will revisit the re-opening the Town Office at the next meeting August 10th.

Selectman Dann moved to make a motion and keep the Town Office door closed until further notice and people can continue to call if they need something. Seconded by Selectman Chivers. All were in favor. Motion carried by a vote of 5-0-0.

Chair Young added that she would like to open the playground but at their own risk.

**Swap Shop:** Selectman Dann announced that the Swap Shop opened last week, and it is working out well.

The next Board of Selectmen's Meeting is scheduled for Monday, August 10<sup>th</sup>, 2020.

Chair Young shared with the Board that there are some upcoming Webinars with NHMA: Taxation for Utility Poles, Right to Know and Employment Procedures if the Board is interested.

Selectman Chivers added when they had previously interviewed for the Assessor replacement one of our objectives was to update all of our software and to integrate different software programs that the departments use to all streamline together. Municipal Resources Inc. was one of the ones they had talked to and has agreed to come back and perform a "needs assessment" for the Town Office this summer. He has received a letter that they would like to come in and to do this work and their fee would be \$1,250. He would like the Board to accept their offer so that all the software can work together and that it will be on next year's town budget. The Board all agreed that the money for this would need to come out of the Building Departments funds.

Selectman Chivers moved to make a motion and authorize Municipal Resources to come into the Town Office for their "needs assessment" before the Budget Season. Seconded by Selectman Brock. All were in favor. Motion carried by a vote of 5-0-0.

**Public:** Carla Penfield Smith Memorial Building Trustee said that in the earlier conversation in regard to the Smith Memorial Building, that it sounded like they are willing to put money into the building for some type of a lease. She does not want to spend a lot of time working on this without finding out from the Board first how they feel about leasing that building to them. Selectman Brock stated that they could not be better tenants. Ms. Penfield Trustee asked, if in fact they are putting up money to have water & sewer in exchange for a leasing agreement would the Board support this? Selectman Brock answered yes.

**9:53 pm** Selectman Dann moved to suspend the Public Session and go to a Non-Public Session 91; A II (b).

**10:05 pm.** Selectman Chivers made a motion to move from the Non-Public Session and enter into a Public Session. Selectman Dann. Seconded by Selectmen Dann. All in Favor. Motion carried by a vote of 5-0-0.

**10:06 pm** Selectman Chivers moved to accept Building Inspector Murray's resignation for August 28<sup>th</sup> with regret. Seconded by Selectman Dann. All 5 in favor. Motion carried by a vote of 5-0-0. Chair Young, Selectman Dann, Selectman Chivers, Selectman Brock and Selectman Moran.

**10:07 pm.** Selectman Chivers moved to adjourn the Public Session. Seconded by Selectmen Dann. All in Favor. Motion carried by a vote of 5-0-0

Respectfully submitted,  
Linda Chandonnet, Recording Secretary