

APPROVED  
**Candia's Virtual Selectmen's Public Session Minutes  
September 12th, 2022, 7:00 pm**

Note: Individual roll call has been taken after each motion.

**7:13 pm** Chair Brock opened the Public Session Meeting followed by the Pledge of Allegiance.

**Attendance:** Chair Brien Brock, Selectman Patrick Moran, Selectman Russ Dann, Selectman Boyd Chivers, Selectman Sue Young and Town Administrator Andria Hansen.

**PUBLIC HEARING:**

**NH DOT – Candia Special One Time Highway Payment**

Selectman Chivers stated the Town received a check from the State of N.H. DOT in the amount of \$96,485.74 and is separate from the Highway Block Grant and it is from surplus revenue from the State. The check was received in August, must be spent before June 30<sup>th</sup>, 2023, and it required to be expended on a local highway project. The Road Agent is trying to work that amount into the budget for next year and will find a constructive way to spend the funds.

**MOTION: Selectman Chivers made a motion to accept the check from the State of N.H. in the amount of \$96,485.74 for the Special One Time Highway Payment. Seconded by Selectman Young. All in favor. Motion carried by a vote of 5-0-0.**

**NH DOT – Highway Block Grant**

Selectman Chivers stated in August the Town received a check of \$114,551.00 for the Highway Block Grant.

**MOTION: Selectman Chivers made a motion to accept the check from the State of N.H. in the amount of \$114,551.00 for the Highway Block Grant. Seconded by Selectman Young. All in favor. Motion carried by a vote of 5-0-0.**

**Paving:** Chair Brock mentioned he had a previous conversation with Road Agent Wuebbolt and was surprised that he was not adding a base coat on top of the repair work on Tower Hill Road. He feels it would be a good way to preserve the work that was completed this year. He asked the Road Agent and Selectman Chivers if they could use some of the funds received to add a topcoat. The Road Agent stated it currently has ¾ inch crushed gravel and they may pave over it, however he did not know the plan was to pave it. The Road Agent said they can discuss this at a later time.

**Road Sign:** Selectman Young pointed out that there is a sign missing at Langford Road. Road Agent Wuebbolt confirmed the State does the roads for the summer maintenance and the Town maintains it in the winter, however it is actually a State Road. He agreed to order the road sign.

Judy Szot (resident) said, usually when there is a public hearing the Chair will ask for public input before closing the hearing. Chair Brock apologized.

Public Comments: Chair Brock asked if anyone had questions. None noted.

7:31pm Public Hearing Closed.

**Approval of Minutes: Non-Public Session Minutes for May 23rd, 2022.** None noted.

**MOTION: Selectman Chivers made a motion to accept the May 23rd, 2022, Non-Public Session minutes as presented. Seconded by Selectman Moran. All in favor. Motion carried by a vote of 5-0-0.**

**Approval of Minutes: Non-Public Session Minutes for June 3rd, 2022.** None noted.

**MOTION: Selectman Dann made a motion to accept the June 3rd, 2022, Non-Public Session minutes as presented. Seconded by Selectman Young. All in favor. Motion carried by a vote of 5-0-0.**

**Approval of Minutes: Non-Public Session Minutes for June 6th, 2022.** None noted.

**MOTION: Selectman Chivers made a motion to accept the June 6th, 2022, Non-Public Session minutes as presented. Seconded by Selectman Young. All in favor. Motion carried by a vote of 5-0-0.**

**Approval of Minutes: Non-Public Session Minutes for June 10th, 2022.** None noted.

**MOTION: Selectman Moran made a motion to accept the June 10th, 2022, Non-Public Session minutes as presented. Seconded by Selectman Young. All in favor. Motion carried by a vote of 5-0-0.**

**Approval of Minutes: Non-Public Session Minutes for June 27th, 2022.** None noted.

**MOTION: Selectman Chivers made a motion to accept the June 27th, 2022, Non-Public Session minutes as presented. Seconded by Selectman Dann. All in favor. Motion carried by a vote of 5-0-0.**

**MOTION: Selectman Young made a motion to seal all the mentioned Non-Public Session minutes as presented. Seconded by Selectman Moran. All in favor. Motion carried by a vote of 5-0-0.**

**Approval of Minutes: Public Session Minutes for August 22nd, 2022.** None noted.

**MOTION: Selectman Dann made a motion to accept the August 22nd, 2022, Public Session minutes as presented. Seconded by Selectman Chivers. All in favor. Motion carried by a vote of 5-0-0.**

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

**Highway:** Road Agent Jeff Wuebbolt read the attached report and gave an update. Chair Brock and Selectman Dann added that the residents are happy with the work completed at Tower Hill Road.

**Police:** Chief Mike McGillen read the attached report and gave an update. The Department will be applying for grants that include laptops, printers and removable speed limit signs. He mentioned they may be losing another Police Officer and the difficulty of hiring a new person.

**Fire:** Selectman Chivers read the attached report and gave updates. Fire Chief Young stated that every year there is a committee that is put together and the company called Bound Tree Corporation (who sells supplies to Fire Departments) has made an award for Fire Departments throughout the State of NH. EMS Captain Stalker from the Hooksett Fire Department nominated Candia's Fire Department for this award. Fire Chief Young read the award. This nomination will be considered for the NH licensed EMS Unit which has documented a significant positive input in their community. The act may have been while

delivering patient care, public relations and education prevention programs and other related activities. He announced Candia Fire was chosen for EMS Unit of the year out of the State of NH. Mike Kelley has put a lot of time into this, they put a committee together and they worked along with Fire Lieutenant Isaiah Soucy and Fire Captain Kyle Ball. He thanked all the surrounding towns that assisted Candia before the town's ambulance was purchased, which included: Brewster Ambulance, Hooksett, Raymond and Epping for all their help. Fire Chief Young will be attending the event to accept the citation at the Capitol Center for the Arts in Concord, N.H. The EMS Unit and Fireman volunteers were given praise for all their services.

**Building Department:** No reports available at this time. Selectman Moran stated Building Inspector Gagne gave his resignation and his last day was September 2<sup>nd</sup>, 2022. As of today's date, they have hired a new building inspector. His name is Robert Donovan, and he will begin working on September 19<sup>th</sup>, 2022. His position includes Building Inspections, Code Enforcements and Health Officer.

**Solid Waste:** Selectman Dann read the attached report and gave an update. Hazardous Waste Day will be held at the Recycle Center on September 24<sup>th</sup>, 2022, 8:00am-1:00pm and sponsored by Clean Harbors. There is limited money the town spends on this event, and he encouraged residents to be there early. Once they are close to the limited amount, they will stop accepting any additional hazardous materials that day. Residents may also apply for their Recycle Sticker at the Recycle Center.

**Budget:** No updates to report. Selectman Dann stated all incumbered funds will need an invoice or contract for the upcoming 2023 proposed budget.

Selectman Young asked when they can expect to receive the form back from DRA in order to set the tax rate? Town Administrator Hansen said, once the Town files the MS-1, it is normally at the end of October to the beginning of November.

**Public Input:** None noted.

### **NEW BUSINESS:**

**Planning Board Update:** Selectman Young stated Planning Board Chair Rudy Cartier is unable to attend today's meeting and he would like to be added on the agenda for the next Select Board meeting. Chair Brock approved.

**Moore Park/Playground:** Selectman Young pointed out the recent damage that occurred at Moore Park and Playground including the park slide, broken bathroom window, porta potty and basketball hoops. The Town's Insurance company Primex has been contacted and will come to do an audit of the damages and inform us of what needs to be fixed and replaced. She asked the Board on their thoughts on forming a committee for the park. She said Candia Fire & Rescue has done all the research on the replacement of the park slide and offered to do the work, therefore the Town does not have to pay a company to replace it. She has money in the budget to help if needed. She did not know what the Board thought about a committee or group. The park slide is currently blocked off from being used. Selectman Moran encouraged Selectman Young to find out if there is anyone interested in volunteering to join this committee.

Selectman Young asked the Board on their thoughts about adding security cameras to the park. Selectman Moran said it would be worth looking into the prices of cameras. Selectman Young said the people who will be working on the new bathroom doors will be adding a programable locks on them and

maybe they can tie it in all together. It costs \$47 monthly to monitor and they may be able to add in the cameras. In the morning they could press a button to automatically unlock the doors at 6am. Steve Abelson has agreed to check the supplies and clean it nightly, and that would eliminate one visit 7 days a week. Chair Brock and Selectman Moran said they think it is worth looking into pricing cameras.

Keith Lemay (resident) said if it is \$47 monthly and adding in the cost to install it, how much vandalism in money does the Town receive yearly? If it is worth it, then he would be all for it. Selectman Young stated the \$47 monthly would be to open the bathrooms. They have been paying \$30 daily to open them with a key and closing them. Selectman Dann mentioned it would only be during the summer months.

(Resident) on via zoom asked, with the age of the playground equipment, to possibly have it inspected on a regular basis. He also asked if the budget was available to update and to maintain the playground ongoing. Selectman Young said, yes and on Friday they will hear what she envisions to spend on keeping it updated or to add new equipment. She thinks Primex comes in for free and will ask Primex to inspect monthly. There is enough money in the budget to replace the slide which cost over \$2,800 without installation, and they will need to talk about replacing or adding more playground equipment. She expressed how expensive the equipment is. (Resident) asked if she knows what the budget is for the upgrades. Selectman Young explained that she will need to coordinate the time to meet with Primex and explained the process. Selectman Dann stated when the Board is working on the budget and it happens they don't have the information by Friday's budget meeting, they can always adjust the amounts, but for right now they are only working on the preliminary budget.

(Resident) via zoom message wrote: The CYAA has 9 cameras on site, costing \$500 yearly.

Selectman Young mentioned that some people have suggested charging people who use the park regularly. Chair Brock said no, he would be against that.

**Minutes:** Selectman Young said she has received requests from a couple of residents when recording the minutes for all Boards and Committees, and a request to put specific names under specific votes, because people do not know who voted for or against something and they want to know, and they cannot always listen to the recording. The other request she received is that they would like to know why people voted the way they did, and if they gave their reason, they would like to have it included. They would also like the chat included in the minutes. Chair Brock said, not the chat, because there is no way to verify. Selectman Moran stated the meetings are opened up for public comments and it includes everyone on Zoom, therefore if they have something important to say they may say it then. Town Administrator Hansen mentioned people should always state their name and address. Selectman Young said there are some people who want more details in the minutes because that is the Town's history, and it is not the recording or Zoom.

**ZOOM/Meetings Technology Needs:** Selectman Young said they need some technology, as there was a lot of information at the Planning Board Meeting and many people were unable to hear anything in the back of the meeting room or outside. She personally thinks they should have a cordless microphone with speakers. Chair Brock said yes.

Selectman Young stated she would like to correct what Dick Snow (Resident) had said in a previous meeting that she had attended using Zoom. She said she uses the Candia seal on Zoom and Dick Snow had stated that it interferes. When she originally set zoom up she had to use her own personal information and that is how they started using Zoom around 3 years ago. She stated the Candia seal does not interfere, but she will change it and use something else.

**Auditors Report:** Selectman Chivers pointed out that every year \$20,000 is allocated for the Town's Auditors to come and view our operations, books and determine if we are following the RSA's that govern how we handle our money and every year they will provide us a report. Last year they gave us a report on 10/28/21 and had 3-4 pages in which they found significant audit findings and are important enough for the Town to look at. It is another year later and we are due for another audit, yet we have not looked at last year's findings. Good management would look at this auditors' report and start addressing them. There are repeated comments from 1999 and at some point some of them could end up being bigger issues. Some of them have to do with the Tax Collector, Accounting Department and he thinks we should take this a little more seriously. Town Administrator said they may wait till the next audit comes in and compare it from last years. She believes Selectman Chivers concern is one of the tax deeded properties and that they can have a conversation with the Tax Collector. Selectman Chivers urged the Board to look at the report. Keith Lemay (resident) asked Selectman Chivers if it is anyone's responsibility to look at the report? and suggested someone to look at it. Selectman Young said it is up to the Finance Department.

### **Old Business**

**Affinity Update:** Town Administrator Hansen indicated that in August 2022, Recycling and Energy Committee Member Al Couch was talking to the Board about signing a contract with Affinity if they held their price at \$24,598. Town Administrator Hansen said she has contacted Affinity back, telling them we will sign their agreement if the price is the original quoted price of \$24,598. She was told due to price increases their price is now at \$27,281, but they would meet her halfway at a price of \$25,970. She has had a conversation with Mr. Couch that there is another option of putting it back out to bid, however it could take up to another six to eight months.

**MOTION: Selectman Young made a motion to approve the LED Lighting conversion for the \$25,970 price on a 3 ½ year payback through Eversource's Smartstart program. Seconded by Selectman Dann. All in favor. Motion carried by a vote of 5-0-0.**

**Media Person:** Town Administrator Hansen mentioned Dick Snow has asked if they could have a media person to run Zoom meetings. Selectman Young replied, no. Chair Brock said, no.

**Deliberative Session Date:** Town Administrator Hansen stated the School Board is willing to combine the Deliberative Session date with the Select Board if they are allowed to be first. It was confirmed the Deliberative Session date will be held at Moore School on February 4<sup>th</sup>, 2023, with a snow date of February 10<sup>th</sup>, 2023. The Town and the School Deliberative Session will be combined, and the school will be first. Town Administrator Hansen will contact the school and complete the form required to use their facility.

### **OTHER BUSINESS:**

**Legislative Policy Conference:** Selectman Chivers stated New Hampshire Municipal Association (NHMA) sent an email regarding the 2023-2024 Legislative Police Conference held on Friday, September 23, 2022, at the NHMA offices. They are asking each town to send a representative to vote on behalf of the town for certain legislative initiatives that NHMA will put forth into legislation next year. In years past the Board has delegated one of the Selectmen to attend. At this point they cannot send a delegate to vote as we do not know what the Board wants. They will need more information to know what they will be voting on first. Selectman Moran asked if the Board could meet an hour beforehand to have a discussion. Selectman Chivers asked if Town Administrator could reach out to NHMA to find out more information and she agreed.

The Board agreed to have a 2023 Proposed Budget Meeting on Friday, September 16<sup>th</sup> at 2:30.

Selectman Moran left the meeting at 8:30pm.

The Board received two bills that are to be paid out of the Water Supply Fund.

**MOTION: Selectman Chivers made a motion to authorize the transfer from the Capital Reserve Fund for the Water Supply and pay the \$2,839 invoice to Firematic Supply Co. and to pay the \$1,748.06 invoice to W.D. Perkins Fire Pump Specialists. Seconded by Selectman Dann. All in favor. Motion carried by a vote of 4-0-0.**

**Calendar:**

- There will be a 2023 Proposed Budget Hearing on Friday, September 16th @ 2:30 pm.
- The next Board of Selectmen's meeting is scheduled for Monday, September 26th @ 7:00 pm.

**Town Voting:** The Board discussed the times they would be available to be present at Town Voting on Tuesday, September 13<sup>th</sup> at the CYAA.

**Public Input:** Carla Penfield presented the Board with a letter for them to accept. It was signed by 128 of Candia's Citizens and the Planning Board had stated they were not able to accept it. She would like it to be placed into public minutes as town history and for it to become town record. It is regarding the issue they are currently having at 23 Main Street.

Ms. Penfield stated the people who signed this letter are interested in this and have all done their homework. They know all about the situation and have read the RSA's. The signatures are people who have been active participants on Boards and meetings and are very interested people who have informed themselves about this issue. She asked to the Board if they would look at the signatures. The letter reads: To the Candia Planning Board,

We are writing to request that the Planning Board reconsider and rescind the waivers it granted to the project on 23 Main Steet in Candia.

The voters of Candia spent many hours reviewing and considering the zoning regulations that are currently in place. The current zoning regulations express the desires and wishes of the tax payers of the Candia. It is inconceivable that the Planning Board would brant waivers that so egregiously go against what the tax payers have said they want.

If the Planning Board is granting these waivers on the basis of "Hardship" then we refer you to the attached copy of the legal standards for hardship. This project at 23 Main Street does not meet the legal standards for "Hardship".

Again, based on the current zoning regulations that are the wishes of the community and the fact that hardship cannot be used to defend the waivers of the project, we request the Planning Board rescind the waivers for the project at 23 Main Street. See attached letter with signatures.

Ms. Penfield mentioned the Planning Board is saying they cannot rescind the waivers. She believes the Planning Board has not read the letter therefore they have not discussed rescinding the waivers with Town Council.

The Planning Board is claiming after they closed the Public Hearing at which time they granted the waivers, that it ended everything and nothing else could be considered, no public comment could be heard, and they cannot change anything is what the Chairman has told her.

Ms. Penfield clarified on what occurred with the 23 Main Street project was about the posting. The agenda was not adequate for the citizens to find out about the meetings. The first meeting was June 1, 2022, it was published that they were going to have a public hearing and people showed up. The Public Hearing was opened, and then it was continued. They met again on June 15, 2022, but the postings were

not written the way the citizens are accustomed to reading and it did not have Public Hearing written on any of the posted notices. When the Committee opened this meeting, they did not say they are going to reopen the Public Hearing, and only said they are going to open and talk about that case number. On the July 6, 2022, Meeting Agenda there was no notice posted stating Public Hearing. The Planning Board did exactly what the RSA said to do and opened the Meeting on June 1<sup>st</sup> and indicated they do not need to mention the Public Hearing again. It is just a matter of what the town citizens are used to seeing and hearing and are used to being better informed about Public Hearings. She asked the Board if they could discuss this and perhaps the Chairman of the Select Board would take better notice of this on how they publish and post their Public Hearings.

Chair Brock stated Planning Board Chair Cartier had address this at their last Planning Board meeting and said that going forward it would be written Public Hearing (continuing). Ms. Penfield mentioned that there are other Boards too. Chair Brock agreed and explained, typically when the Select Board has a meeting it is finished, however the Planning Board may need to continue meeting after meeting. Ms. Penfield said for the continued Meeting on July 6<sup>th</sup>, hardly anyone was there. Chair Brock replied by saying, that is why Chair Cartier said from now on that they will put Public Hearing (continued). Ms. Penfield said part of this whole thing is that the public could have attended the meeting to hear it. The letter that the people have signed it are in total agreement that the Planning Board overstepped its boundary.

Selectman Young asked about the RSAs for a Public Hearing and posts it in the newspaper. Town Administrator Hansen confirmed that Chair Cartier did add it into the Newspaper, however it is not required for them to notify the public or to repost it into the newspaper. She had talked to Chair Cartier, and he said they were going to put it on the agenda every time and that is what happened, and he did not put Public Hearing. Ms. Penfield stated she does not think they would be in this situation for 23 Main Street if the people could have followed the Public Hearing from meeting to meeting.

Planning Board member Liz Szot agreed with what Ms. Penfield stated. She was at the July 6<sup>th</sup> meeting and did not know it was a Public Hearing because it was not listed. It was written that they would open a Hearing, but she did not hear him say that. She heard Chair Cartier say we will open a Hearing. She pointed out that in a meeting it should be clearly stated that it is a Public Hearing, and it would alert people to what is going on and show there is a procedure. When citizens do not feel like the government is listening to them, they feel angry with what is going on, and because they feel like their opinions do not matter. Chair Brock apologized and said he would try to do better. Ann Bergstrom (resident) stated on the July 6<sup>th</sup> meeting before anyone had voted on the waivers, a Board member had read a letter from the Agriculture Commission that they voted unanimously against this project. Another letter was written from Steve Higgins stating he was against granting these waivers. There was also a person in the audience who spoke and was against granting the waivers. Then the Board closed the meeting and did not have a discussion on the no votes, and the Planning Board went on to approve all the waivers. She feels the reason why people are upset about this is because there is no clear reason on why these waivers were granted when they were so against everything our town has voted on.

Selectman Chivers asked Chair Brock who is one of the members of the Planning Board, on how he had voted and why. Chair Brock stated he voted in favor on all the waivers, and he was advised at their last Planning Board not to discuss it until the attorney was involved. Selectman Young added that the Board may want to look into getting a preliminary idea of things that are coming up on the Planning Board and give direction to the representative as they do with the Budget Committee. Selectman Chivers added that the next time they receive a big project such as this one and the Select Board was aware it in advance that it would be on the table, and they could have instructed him to vote differently.

Pattie Davis said she thought there was an RSA that states when there is voting in a meeting, it has to be explained somewhere (not in the minutes) on how people voted. The reason is that if people go to court they may look back and say well this is why I voted for it and the explanation has to be in there and why they made the decisions. She gave a court case example.

Keith Lemay stated they have been trying for three months to get an answer or explanation on how this project jumped from 6 to 29 condo units, and they still have not received answers. Our warrant Article states you may build up to 6 on the 20-acre property. Chair Brock explained the innovative land use which is totally different and was never on the books before and the need that the state has indicated for housing. He thinks when they applied both of them, the need for and the ability for the planning Board to do that on a innovative land use is why some of the waivers were granted. The innovative land use came in because of some of those reasons. Because a lot of those were put into place many years ago, but things are different now than they were. The innovative land use allows the Planning Board to look at something that is proposed now. Selectman Young asked when the Town allowed innovative land use. Chair Brock said that it had nothing to do with the Town, that it is a state mandate, and the Town does not need to adopt it.

Mr. Lemay said, somehow the Planning Board agreed to jump from 6 to 29 units and that is what the citizens are trying to find out and want an explanation. Mr. Lemay asked if there is a scenario where a board or committee can go back and change that? Chair Brock answered he does not know if they have the authority to do that. Mr. Lemay asked Chair Brock if he would as Town Council if the Planning Board can change it. Chair Brock agreed to ask Town Council verbally if the Planning Board has that authority. Discussion ensued.

**Payments of payroll and payables.** Selectman Chivers confirmed the grand total for payroll and payables for the weeks ending 8/25/22 - 9/08/2022 Totaled \$1,269,561.80, on 8/25/22 of which \$73,874.96 went to Tower Hill Rd. Reconstruction WA #8. On 9/01/22 of which \$56,056.52 went to Town Hill Rd. reconstruction WA #8, School Payment of \$850,000.00, and the Smyth Library 3<sup>rd</sup> payment of \$35,962.50. On 9/08/22 Trustees of Trust Fund payment of \$156,000.00.

**9:09pm MOTION: Selectman Chivers made a motion to adjourn the Public Meeting. Seconded by Selectman Young. All in favor. Motion carried by a vote of 4-0-0.**

Respectfully submitted,  
Linda Chandonnet, Recording Secretary