#### Candia Board of Selectmen

Agenda

September 26th, 2022 @ 7:00 pm

Call to Order

**Roll Call** 

Approval of Minutes: Public Minutes for September 12th, 2022

#### **New Business:**

- Budget Update
- NHMA Training
- CAP Agreement
- Request Funds Smyth Memorial Build Fund
- · Planning Board Update
- Village Cemetery Lot Line Adjustment

#### Old Business:

Abatement Request

#### Other Business:

#### Calendar:

Next Board of Selectman's Meeting on Monday, October 10th, 2022 @ 7:00pm

#### **Public Input:**

This public body may enter into one or more nonpublic sessions as permitted under RSA 91-A:3, II(a).

#### **Adjourn**

#### **Payroll and Accounts Payable**

Check	Payroll	Total	Payroll	
Date	Manifest	Amount	Subtotal	
09/15/22	1227-02	21,536.35	21,536.35	
09/22/22	1228-02	23,945.35	45,481.70	
Check	Accts Pay	Total	Accts Pay	
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Date	Manifest	Amount	Subtotal	
Date 09/15/22	Manifest 202237	Amount 40,473.23	Subtotal 40,473.23	

Grand Total Payroll and Accts Pay \$173,802.36

#### **Join Zoom Meeting**

https://us02web.zoom.us/j/6034838101 Meeting ID: 603 483 8101 Password: 8101

**Dial In** +1 646 558 8656 US

UNAPPROVED

#### 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:**

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#### 13 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, 14 15 485.74 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 30th, 2023, and it required to be expended on a 16 17 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. 18

19 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. 20 21

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 2. 25

MOTION: Selectman Chivers made a motion to accept the check from the State of N.H. in the 26 amount of \$114,551.00 for the Highway Block Grant. Seconded by Selectman Young. All in favor. 27 28 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 34 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. 47
- MOTION: Selectman Chivers made a motion to accept the May 23rd, 2022, Non-Public Session 48
- minutes as presented. Seconded by Selectman Moran. All in favor. Motion carried by a vote of 5-0-49
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- Approval of Minutes: Non-Public Session Minutes for June 3rd, 2022. None noted. 52
- MOTION: Selectman Dann made a motion to accept the June 3rd, 2022, Non-Public Session 53
- minutes as presented. Seconded by Selectman Young. All in favor. Motion carried by a vote of 5-0-54
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- Approval of Minutes: Non-Public Session Minutes for June 6th, 2022. None noted. 57
- MOTION: Selectman Chivers made a motion to accept the June 6th, 2022, Non-Public Session 58
- minutes as presented. Seconded by Selectman Young. All in favor. Motion carried by a vote of 5-0-59
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- Approval of Minutes: Non-Public Session Minutes for June 10th, 2022. None noted. 62
- MOTION: Selectman Moran made a motion to accept the June 10th, 2022, Non-Public Session 63
- minutes as presented. Seconded by Selectman Young. All in favor. Motion carried by a vote of 5-0-64
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- Approval of Minutes: Non-Public Session Minutes for June 27th, 2022. None noted. 67
- MOTION: Selectman Chivers made a motion to accept the June 27th, 2022, Non-Public Session 68
- minutes as presented. Seconded by Selectman Dann. All in favor. Motion carried by a vote of 5-0-0. 69
- 71 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. 72
- Approval of Minutes: Public Session Minutes for August 22nd, 2022. None noted. 74
- MOTION: Selectman Dann made a motion to accept the August 22nd, 2022, Public Session minutes 75
- as presented. Seconded by Selectman Chivers. All in favor. Motion carried by a vote of 5-0-0. 76
- Department Reports: Highway; Police; Fire; Building; Solid Waste; Budget; Other. 78
- Highway: Road Agent Jeff Wuebbolt read the attached report and gave an update. Chair Brock and 80
- Selectman Dann added that the residents are happy with the work completed at Tower Hill Road. 81
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- 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 84
- be losing another Police Officer and the difficulty of hiring a new person. 85
- 87 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 88
- supplies to Fire Departments) has made an award for Fire Departments throughout the State of NH. EMS 89 90 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 91
- which has documented a significant positive input in their community. The act may have been while 92
  - Page 2 of 8

- 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:**

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- 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.

  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

#### Candia Selectmen's Public Session Minutes of 09/12/2022

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 monthly 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.

185 Auditors Report: Selectman Chivers pointed out that every year \$20,000 is allocated for the Town's 18 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 187 10/28/21 and had 3-4 pages in which they found significant audit findings and are important enough for 188 the Town to look at. It is another year later and we are due for another audit, yet we have not looked at 189 190 last year's findings. Good management would look at this auditors' report and start addressing them. There 191 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 192 193 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 194 195 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 196 197 suggested someone to look at it. Selectman Young said it is up to the Finance Department.

#### **Old Business**

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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.
- 234 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.
- 237 Motion carried by a vote of 4-0-0.
- 239 Calendar:

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- 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
- 249 homework. They know all about the situation and have read the RSA's. The signatures are people who
- 250 have been active participants on Boards and meetings and are very interested people who have informed
- 251 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.
- 255 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
- 258 payers have said they want.
- 259 If the Planning Board is granting these waivers on the basis of "Hardship" then we refer you to the attached
- 260 copy of the legal standards for hardship. This project at 23 Main Street does not meet the legal standards
- 261 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
- 267 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,
- 273 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

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#### Candia Selectmen's Public Session Minutes of 09/12/2022

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.

- 334 Mr. Lemay said, somehow the Planning Board agreed to jump from 6 to 29 units and that is what the 335
- citizens are trying to find out and want an explanation. Mr. Lemay asked if there is a scenario where a 336
- board or committee can go back and change that? Chair Brock answered he does not know if they have 337
- the authority to do that. Mr. Lemay asked Chair Brock if he would as Town Council if the Planning Board 338
- can change it. Chair Brock agreed to ask Town Council verbally if the Planning Board has that authority. 339
- Discussion ensued. 340

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- Payments of payroll and payables. Selectman Chivers confirmed the grand total for payroll and payables 341
- 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 342
- to Tower Hill Rd. Reconstruction WA #8. On 9/01/22 of which \$56,056.52 went to Town Hill Rd. 343
- reconstruction WA #8, School Payment of \$850,000.00, and the Smyth Library 3<sup>rd</sup> payment of \$35,962.50. 344
- On 9/08/22 Trustees of Trust Fund payment of \$156,000.00. 345
- 9:09pm MOTION: Selectman Chivers made a motion to adjourn the Public Meeting. Seconded by 346
- Selectman Young. All in favor. Motion carried by a vote of 4-0-0. 347
- 349 Respectfully submitted,
- Linda Chandonnet, Recording Secretary 350

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### NHMA On-Demand Training

#### NHMA Staff

#### **NHMA On-Demand Training**

NHMA has a fee-for-service training option—NHMA On-Demand—so member municipalities can get the training they need when they need it. NHMA attorneys are available to travel to member municipalities to present On-Demand training sessions on the following topics:

Municipal Authority to Act and Preemption

The Selectmen's Role with other Elected and Appointed Officials

Fair Labor Standards Act and Family Medical Leave Act

Trusts and Trustees (cemetery and trustees of trust funds)

Municipal Employment Law

Discrimination in the Workplace

Effective Communication and Action with Library Trustees/Library Trustee Law

The Selectmen's Role with Public Safety and Emergency Management

Right-to-Know Law

How to Hold an Effective Meeting and Work as a Board

**Budget Law** 

Welfare Basics

The Charter Process

Conflicts of Interest and Ethics for Local Officials

What Do Selectmen Do?

Road Law

January/February

2016

Highlights of 74th Annual Conference

The HR Report: Responding to the Challenge of Rising Health Insurance Premiums

Legal Q&A: Election Readiness

Tech Insights: Hook, Line & Sinker

An Extraordinary Year

NHMA On-Demand Training

The Calm Before the Storm? Legislature Has Plenty in Store on Municipal Issues

Model Behavior: Working Closely with Your Local Legislative Delegation

Concerned Legislators Form Coalition of Legislators Against Downshifting (CLAD)

Don't Watch from the Sidelines, Get Involved in NHMA's Legislative Policy Process Planning Board and/or ZBA basics (roles and procedures)

The Tax Deeding Process

Other topics as may be arranged with staff

Each presentation is approximately 2 hours in length and costs \$475.00. Member municipalities paying annual dues in excess of \$15,000 are entitled to one free **On-Demand** presentation per calendar year. We encourage the requesting municipality to invite officials and employees from surrounding NHMA-member municipalities to attend and share the cost.

To request an NHMA **On-Demand** presentation, or for more information, please send an email to <a href="mailto:legalinquiries@nhmunicipal.org">legalinquiries@nhmunicipal.org</a>.



New Hampshire Municipal Association 25 Triangle Park Dr. Concord, NH 03301 603.224.7447 nhmainfo@nhmunicipal.org Contact NHMA Member Login Classifieds Public Notices Site Map

Town of Candia Board of Selectmen Tel: 603-483-8101 Fax: 603-483-0252

## Memo

To: Board Members

Through: Andria Hansen, Town Administrator

From: Boyd Chivers

Date: September 19, 2022 RE: Budget Concerns

An analysis of the report accounting for expenditures for the period through 9/12/2022 is as follows:

Expenditures year to date (8.5 months)	\$2,308,867
Monthly average (2,308,867/8.5)	271,631
Projected expenditure through December (271,631X3.5)	950,709
Balance on hand	878,676
Deficit	(72,033)

The town still has received the second half of the ARPA grant in the amount of \$207,233.17 which can be used to cover the deficit. That would, however, leave us with a margin of \$135,200 or 4.2% of the operating budget. That is a pretty thin margin and suggests that our department heads should be advised to limit their spending accordingly.



September 22, 2022

Andria Hansen, Town Administrator Town of Candia 74 High Street Candia, NH 03034

RE: Contribution Assurance Program (CAP) for CY 2023 – CY 2025 for the Workers' Compensation Program

Dear Andria:

Primex³ is pleased to offer the Town of Candia the option of participating in the Contribution Assurance Program (CAP) for the next three coverage period years. For members who have demonstrated commitment to the Primex³ pool, CAP provides stability by creating a limit on your Workers' Compensation contributions for future renewals.

We are pleased to offer you a CAP Agreement that provides you budgetary assurance through December 31, 2025. (See enclosed CAP Agreement and Resolution.) Please return your executed CAP Agreement and Resolution on or before September 30, 2022, to ensure your participation in CAP for the upcoming October 15, 2022 Renewal.

The percentage listed is a maximum increase; actual increases will not exceed that percentage and may be lower, based on each member's performance. Performance still impacts contribution amounts, so it remains important for oth Primex<sup>3</sup> and our members to leverage our partnership to effectively manage risks and any claims that occur.

Our goal has always been to provide members with the best programs at the best value. **CAP** provides predictable contributions in the Workers' Compensation Program that you and your taxpayers can count on for budgetary stability.

Please contact me or your Member Services Consultant with guestions at 800-698-2364.

Sincerely,

Carl Weber

Director of Member Services

Trust. Excellence. Service.





# Workers' Compensation Contribution Assurance Program (CAP) Agreement THIS AGREEMENT AMENDS AND EXTENDS YOUR MEMBERSHIP AGREEMENT PLEASE READ CAREFULLY

Primex³ is offering members in our **Workers' Compensation Program** an opportunity to stabilize their annual contributions through participation in our Contribution Assurance Program (**CAP**). **CAP** is offered to members who qualify, providing them predictability by limiting the annual contribution increase during a defined period of years (**CAP Period**). By signing this Agreement, you agree to extend your Membership Agreement for **three** (3) **years** and Primex³ agrees, with limited exception¹, that your annual contribution increase will not exceed ten percent (10%) of the prior year's contribution. Because performance matters with Primex³, you may realize an annual increase that is less than the **CAP** through sound risk management and stable underwriting exposures.

We are offering this opportunity so that our members can extend their commitment to pooling through the Primex³ programs. Participation in **CAP** for each year of the **CAP Period** is conditioned upon a three-year commitment to participation in the Primex³ Workers' Compensation Program.

The following CAP Period years qualify for the Contribution Assurance Program (CAP):

CY 2023 January 1, 2023 through December 31, 2023 (maximum 10% increase over January 1, 2022 through December 31, 2022 contribution)

CY 2024 January 1, 2024 through December 31, 2024 (maximum 10% increase over January 1, 2023 through December 31, 2023 contribution)

CY 2025 January 1, 2025 through December 31, 2025 (maximum 10% increase over January 1, 2024 through December 31, 2024 contribution)

By signing this Agreement, the **Town of Candia** agrees to extend its risk pool membership and participation in the Primex³ **Workers' Compensation Program** for three coverage period years, through **December 31, 2025**. The **Town of Candia** agrees and understands it remains bound by and subject to the terms and conditions of the Membership Agreement, Public Entity Coverage Documents and Trust Agreement, and all Trust by-laws, policies and procedures.

<sup>&</sup>lt;sup>1</sup> CAP protects the member from most contribution increases during the CAP period; i.e., those resulting from account underwriting, or directly caused by changes in the member's loss history, property and payroll exposures. For the protection of all members, CAP does not prevent Primex³ from raising contributions across the pool/program to meet the actuary's reserve funding recommendations in response to catastrophic events, investment losses, severe adverse claim development, reinsurance failure, legislative enactments, judicial opinions and administrative orders. In the rare and unlikely event CAP maximum increase limits must be exceeded to adequately fund reserves, Primex³ in fairness will provide members advance notice and the option of terminating the CAP Agreement.





The **Town of Candia** agrees that the ten percent (10%) maximum increase currently available for this **CAP Period** does not apply to any other year or period of years, and upon expiration of the **CAP Period** in this Agreement, any subsequent participation in a Primex<sup>3</sup> **CAP** will be subject to underwriting review, membership criteria, **CAP** criteria, determination of contribution and the maximum increase in place for the subsequent **CAP Period**.

The **Town of Candia** further acknowledges that by extending its Membership Agreement for three (3) coverage period years, the Public Entity Coverage Documents, General Conditions Section (L) ("Terminating Participation in Our Program(s)") is suspended during year one (1) and year two (2) of the three (3) year term, as there is no right to cancel or terminate during year one (1) and year two (2) but shall be reinstated for the end of year three (3).

The **Town of Candia** agrees that failure to provide notice in strict accordance with the Public Entity Coverage Documents, General Conditions Section (L) shall result in automatic renewal of risk management pool membership and continuation in the Primex³ Workers' Compensation Program, but not continuation of **CAP** which must be separately offered and accepted.

Primex³ acknowledges that the **Town of Candia** is a NH public entity which receives budgetary authorization for appropriations from an annual meeting of its legislative body and pertains to a fiscal year which commences on the following January 1 or July 1, of any given year. The **Town of Candia** also acknowledges that it is legally required to carry insurance coverage. As such, if the legislative body, at such annual meeting for any years that are within ne anticipated term of the contract, fails to approve such appropriation, and there are no other lawful means of funding the coverage, this contract may be terminated by the **Town of Candia** by notice to Primex³ made within 30 days of the legislative action at which such funding initiative was defeated and such cancellation shall be effective as of the commencement on the following fiscal year or on the anniversary of the policy, whichever first occurs.

The **Town of Candia**, however, agrees that it shall seek the requisite appropriations in good faith and that the availability of lower cost or otherwise preferable coverage alternatives during the term of this Agreement shall not constitute a good faith and permissible basis on which to fail to pursue the appropriations or assert that appropriations are unavailable. In the event of an early termination, the **Town of Candia** agrees to return the difference between the **CAP** increase and the uncapped contribution.

By affixing my signature below, I am attesting, representing and warranting that I am a duly authorized representative of the governing body of the **Town of Candia** with legal authority to contractually bind the **Town of Candia** to the terms of this Agreement, and that I understand the commitment being made to membership in the Primex³ risk management pool and participation in the Workers' Compensation Program.

Authorized Representative of the Governing Body	Title	Date
Print Name		





#### RESOLUTION TO ENTER PRIMEX<sup>3</sup>

Workers' Compensation Contribution Assurance Program (CAP)

**RESOLVED:** To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex³) to enter into its **Workers' Compensation Contribution Assurance Program (CAP)** as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex³ risk management pool membership during the term of the **Workers' Compensation Contribution Assurance Program (CAP)**. The coverage provided by Primex³ in each year of membership shall be as then set forth in the Coverage Documents of Primex³.

I attest that the fo	pregoing is a true copy of the Resolution of the Gove	erning Board of the <b>To</b>	wn of Candia ad	opted
on				
Board:	Title of Board			
ignature:		•		
Name:				
Title:	duly authorized			
Date:				

## CANDIA PLANNING BOARD INSTRUCTIONS FOR MAKING APPLICATION FOR EXPEDITED REVIEW OF BOUNDARY OR LOT LINE ADJUSTMENT

- I. **DEFINITION:** A boundary agreement is an agreement between adjoining owners of real estate for the purpose of establishing a common boundary (reference RSA 472 for example). A lot line adjustment is an exchange of land or the transfer of part of one lot to the adjoining landowner where such exchange does not convey an area of land equal to the minimum lot size.
- II. SUBMISSION REQUIREMENTS: The subdivider shall file a complete application for final plat approval, 30 days prior to the public meeting at which time the application is to be considered for acceptance by the Planning Board.
- III. PROCEDURE: 1) The plat shall be drawn in permanent blue/black ink on permanent reproducible polyester film (mylar). It shall be submitted in 1 mylar copy and 4 blueline/blackline paper prints. Sheet size shall be in accordance with the requirements of the Rockingham County Register of Deeds. Space shall be reserved on the plat for endorsement by the Chairman and at least 3 other board members. The final plat shall contain the following statement: "This plan shows a division of land for the purpose of Boundary Agreement/Lot Line Adjustment as defined by the Subdivision Regulations of the Town of Candia and does not require the Approval of the Candia Planning Board as a subdivision." 2) Complete attached application for subdivision. Provide necessary supporting statements and pay required application fees. Submit the above to the Land Use Office during office hours, Monday-Friday 8:30am to 3pm.
- IV. STANDARDS: All Boundary Agreements/Lot Line Adjustments shall conform to Article III of the Candia Subdivision Regulations.
- V. ACTION OF THE BOARD: After acceptance of the application by the assistant, within 30 days the Board shall begin formal consideration of the application at a noticed public hearing. The Board shall act to approve, disapprove or approve with modifications the application within 90 days of the date of submission. The Board may apply to the Board of Selectmen prior to the expiration of the 90-day period for an extension of time not to exceed 90 days before action to approve or disapprove the application. The subdivider may consent to an extension of time for the Board to act beyond the initial 90-day period on the condition that such consent be in writing and shall be made part of the Board's records.

**APPROVAL:** The board shall notify the subdivider, by notice in writing signed by the Chair, of its actions on the final plat.

**DISAPPROVAL:** In cases of disapproval, the grounds for such shall be set forth in the written notice which shall become part of the records of the Board.

The applicant shall acknowledge receipt of the notice and acceptance of all provisions set forth therein and shall return a signed copy of same to the board for its records. Until such acknowledgement and acceptance has been filed with the Board, no further action shall be taken with regard to the final plat. Failure to acknowledge receipt of the notice of decision and acceptance within 90 days of mailing such will cause approval to lapse.

LOOK

Whe was a PLEASE READ

Boundary

Boundary

#### APPLICATION FOR LOT LINE ADJUSTMENT OR BOUNDARY AGREEMENT

1.	1. Name and street address of Applicant(s): TOWN OF CANDIA, BOARD OF SELECTMEN		
	BARBARA KELLY, 55 OLD DEERFIELD RD., CANDIA, NH		
Pho	one #: Email:		
2.	Name and street address of property owner(s): TOWN OF CANDIA, SELECTMEN; BARBARA KELLY		
	one #: Email:		
	Name and street address of authorized agent:		
	one #: 603-483-3096 Email: JEFLS@COMCAST.NET		
	Location of subdivision: Address: CANDIA VILLAGE CEMETERY		
	Tax Map and Lot # MAP 406 LOT 179; MAP 406 LOT 180		
	Total number of acres in parcel LOT 179=9.953ACRES; LOT 180=23.67		
5.	Intended use: Commercial Residential X Industrial		
	Intent: TO ADJUST A PORTION OF THE COMMON BOUNDARY BETWEEN LOTS 179 & 180		
	PLANNING BOARD-TOWN OF CANDIA SUBMISSION REQUIREMENTS FOR EXPEDITED REVIEW OF BOUNDARY AGREEMENT OR LOT LINE ADJUSTMENT		
3.02	Name and street addresses of owners of record (within 200 feet) of the site and of the abutting landowners to be shown on the plat in addition to the submission of such as the abutters' list.		
3.02	2cX Site location map showing the original boundaries of the adjacent parcels.		
3.02	A detailed plan showing the new property line or lines created as a result of the Boundary Agreement/Lot Line Adjustment-please include Tax Map and lot numbers of all lots involved.		
3.02	2e X A statement shall be placed on the plan as follows:		
	"This plan shows a division of land for the purpose of Boundary Agreement/Lot Line Adjustment as defined by the Subdivision Regulations of the Town of Candia and does not require the approval of the Candia Planning Board as a subdivision."		
X	A copy of the agreement between adjoining owners of real estate for the purpose of establishing a common boundary.		

NOTE: Article 12.04 requires that all new lot corners are to be marked with granite bounds and adjacent iron detection pins unless a written waiver is granted by the Planning Board.

#### **ABUTTERS LIST**

#### ABUTTER'S LIST (attach typed address labels -3 across)

	ude property owner(s), abutters (within 200 feet), agent and surveyor/engineer on the abutters listx = \$
	Subdivider/Applicant
	Property owner
	Property Tax Map and Lot No.
	ABUTTER NAME AND STREET ADDRESS MAP/LOT#
SE	E ATTACHED LIST
1	

<sup>\*</sup>Applicant bears full responsibility that all required abutters notices were given. The Planning Board reserves the right to continue the hearing if proper notice was not given. For a definition of an abutter refer to New Hampshire RSA 672:3.

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LIST OF ABUTTERS
M406 L149 SCOTT DAVIS, 93 CRITCHETT RD., CANDIA, NH
M406 L151 ANDREW & STACEY HAMILTON, 61 CRITCHETT RD., CANDIA, NH
M406 L152 ANNE LACEY, 39 CRITCHETT RD., CANDIA, NH
M406 L153 MICHAEL RYAN, 31 CRITCHETT RD., CANDIA, NH
M406 L154 CLIFFORD & KAREN SUMNER, 23 CRITCHETT RD., CANDIA, NH
M406 L155 MAUREEN & SCOTT GARDNER, 198 DICKEY HILL RD., DEERING, NH
M406 L156 LUCINDA GRISWOLD, 59 OLD DEERFIELD RD., CANDIA, NH
M406 L158 MONA MACNICHOL, 12 OLD DEERFIELD RD., CANDIA, NH
M406 L159 CARL & MOLLY TIMMONS, 18 OLD DEERFIELD RD., CANDIA, NH
M406 L160 MARGARET RAMSEY, 22 OLD DEERFIELD RD., CANDIA, NH
M406 L161 PAUL & DAVID SVOBODA, 11 MESSER AVE., SALEM, NH
M406 L162 ROBERT & JUNE HOLT, 40 OLD DEERFIELD RD., CANDIA, NH
M406 L163 SCOTT SEVERIN, 48 OLD DEERFIELD RD., CANDIA, NH
M406 L164 HOWARD GERTSMAN, 54 OLD DEERFIELD RD., CANDIA, NH
M406 L165 ANDREW KITROSS & CAROL PARKER, 60 OLD DEERFIELD RD., CANDIA, NH
M406 L167 JAMES & MARYSE PELCHAT, 29 OLD DEERFIELD RD., CANDIA, NH
106 L169 RICHARD & MARY CHAMPAGNE, 15 OLD DEERFIELD RD., CANDIA, NH
w406 L170 GEORGE & LOUISE COMTOIS, 9 OLD DEERFIELD RD., CANDIA, NH
M406 L171 KELLY CROTTS & WILLIAM WHITE, 7 OLD DEERFIELD RD., CANDIA, NH
M406 L172 DONALD & LORAINE BRIAND, 3 OLD DEERFIELD RD., CANDIA, NH
M406 L173 DONALD & LORAINE BRIAND, 3 OLD DEERFIELD RD., CANDIA, NH
M406 L174 WARREN PEPPER, 195 DEERFIELD RD., CANDIA, NH
M406 L175 TRACY CLARK, 187 OLD DEERFIELD RD., CANDIA, NH
M406 L176 ELIZA KENNY, 179 DEERFIELD RD., CANDIA, NH
M406 L177 EDWIN ELLIS, 177 DEERFIELD RD., CANDIA, NH
M406 L178 JAMES & NANCY FRANKLIN, 173 DEERFIELD RD., CANDIA, NH
M406 L182 JOLENE JOHNSON & PATRICK WHEELER,
M406 L183 HOWARD & CHERYL CALL, 159 DEERFIELD RD., CANDIA, NH
OWNERS OF RECORD:
MAP 406 LOT 179 TOWN OF CANDIA, BOARD OF SELECTMEN
                  74 HIGH STREET, CANDIA, NH
MAP 406 LOT 180 BARBARA J. KELLY
             55 OLD DEERFIELD RD., CANDIA
LAND SURVEYOR: JAMES E. FRANKLIN, FRANKLIN ASSOCIATES, LLC
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43 RAYMOND RD., UNIT 4, CANDIA, NH

Applicant signature

*	THIS APPLICATION SHALL BE ACCOMPANIED BY	THE FOLLOWING:
	A. Plat – 4 blueline/blackline paper prints	
,	B. Completed abutters list (w/labels for mailing)	
	C. Approval from Department of Public Works and Highways if nee abuts state highway) or driveway permit from Road Agent if need	
	D. Notarized statement authorizing agent to represent owner at hearing	ngs*
	E. Payment to the Town of Candia for the following application fees	:
	<ul> <li>APPLICATION FEE</li> </ul>	\$50.00
	<ul> <li>LEGAL NOTICE FEE</li> </ul>	\$100.00
	<ul> <li>ABUTTERS NOTICES (\$7.96 per abutter*)</li> <li>*Postal rates subject to change and plus \$1</li> </ul>	\$
	<ul> <li>MYLAR RECORDING FEE (22" x 34" sheet)</li> </ul>	\$26.00 per sheet
	• L-CHIP FEE	\$25.00
	<ul> <li>DELIVERY TO REGISTRY FEE</li> </ul>	\$20.00
	TOTAL APPLICATION FEES \$_	
GIVINO	APPLICANT IS NOT THE OWNER OF THE LAND UNDER CONSIDERA G AUTHORITY TO THE APPLICANT MUST BE SUBMITTED WITH THIS INCLUDE ANY CONDITIONS OR RESTRICTIONS SET FORTH BY THE OWN	APPLICATION. THIS STATEMENT

Date



#### Master Roofers, LLC

162 South Main Street Manchester, NH 03102 603-623-4973 Phone 603-641-9811 Fax



HWOKE #

8/24/2022

0000029017

0003150

Town Of Candia 74 High St. Candia NH 03034

**TOWN Smith Memorial** Town Of Candia Smith Memorial Library Candia NH 03034

Andria 
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For Selectmens approval.

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1.00	8/15/22 - 8 - Complete	/18/22 ed Project as Quoted & Approved	12,652.31	12,652.31
55.00		OST: SLATE- 55 additional pieces of slate above ied in the contract	9.00	495.00
1.00	Deposit Pa	id 2/28/22 via Ck #037988	-4,200.00	-4,200.00
		$\kappa$	647.31	

5,991.31

TOTAL

\$8,947.31

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Check	Payroll	Total	Payroll	
<u>Date</u>	Manifest	Amount	Subtotal	
09/29/22	1229-01	23,177.53	23,177.53	
10/06/22	1230-02	27,576.36	50,753.89	
Check	Acets Pay	Total	Accts Pay	
Date	Manifest	Amount	Subtotal	
09/29/22	202239	30,598.35	30,598.35	
10/06/22	202240	813,831.22	844,429.57	School payment \$800,000.00
and Total	Payroll and A	ccts Pay	895,183.46	

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M406 L183 HOWARD & CHERYL CALL, 159 DEERFIELD RD., CANDIA, NH
OWNERS OF RECORD: OWNERS OF RECORD: OWNERS OF RECORD:

MAP 406 LOT 179 TOWN OF CANDIA, BOARD OF SELECTMEN

74 HIGH STREET, CANDIA, NH

MAP 406 LOT 180 BARBARA J. KELLY

55 OLD DEERFIELD RD., CANDIA

LAND SURVEYOR: JAMES E. FRANKLIN, FRANKLIN ASSOCIATES, LLC

43 RAYMOND RD., UNIT 4, CANDIA, NH

> LOT LINE ADJUSTMENT Assessor's Map 406 Lot 179 Deerfield, Road, Candia, NH Land Of Town of Candia and

Assessor's Map 406 Lot 180 Old Deerfield Road, Candia, NH Land Of

Barbara J. Kelly

Scale: 1"=50' ~ September 20, 2022 SHEET 2 OF 2

New Hampshire ~ Massachusetts ~ Connecticut Land Surveyors & Septic System Designers 143 RAYMOND ROAD, CANDIA, NH 03034 Tel. (603) 483-3096 www.JEFLS.com

HOWARD & CHERYL CALL

Parcel "A" is to be conveyed to and become part of Lot 179. It is not to be considered as a separate lot of record.

