

~~Unapproved~~Approved
Candia's Selectmen's Public Meeting Minutes
February 24, 2014

Attendance: Chairman Fred Kelley, Vice-Chair Carleton Robie, Selectman Dick Snow, Selectman Amanda Soares, Selectman David DePuy, and Administrative Assistant Andria Hansen.

Executive Councilor Chris Pappas to meet with the Board. Council Chris Pappas introduced himself to the Board. He is Executive Councilor for District 4 which encompasses 19 communities in southern and central New Hampshire in Merrimack, Stafford, Rockingham, and Hillsboro counties. It's an interesting district; it covers the city of Manchester and some smaller and bigger towns like Londonderry and Bedford. It's really a diverse part of the state and it is a pleasure to serve. He just finished up his first year in the Council and in that year they dealt with a lot of issues. They dealt with more than three thousand agenda items, so these are contracts and federal grants coming to the State of New Hampshire. Essentially they are the State of New Hampshire's Select Board. They take the roll very seriously in terms of managing state government. They make sure the Governor is appointing the right people to the Boards and Commissions and key appointments. The Governor appointed more than three hundred individuals since he has been on the Council. He'd like to try and find good qualified people from the districts he represents and try to make recommendations to the Governor. This is one thing that he puts out there, if there is anyone in their community that would be a good match for Boards and Commissioners in Concord please let him know. It's important to have local representation. They also deal with judicial appointments and they have nine new judges in the state. The Office of Attorney General and all of the State Commissioners report to the Governor and Council. He goes and speaks to communities; he would like to think of himself as someone who can help people navigate state government. When communities have questions about transportation projects or environmental permitting, he'll get calls on this and he gets answers pretty quick by the commissioners. They do a lot of work with the ten year transportation plan, every two years the Governor and Council do an update to that. They just sent it off to the legislature in December. It outlines the spending of state transportation dollars for the next ten years. Obviously things are constrained; the federal funds for transportation have not been growing and adding to state sources have been pretty flat for some time. The needs outpace the ability for us to fund them currently. They were constrained on what they were able to do. They are making sure they preserve and maintain the current work as much as they could. There wasn't a lot of room to add new projects, even though planning commissions came to us with great ideas. Those are things that could be added in if the legislature decides. There was one important unfunded project that they did include that was the expansion of I-93, finishing the project from Salem to Manchester is going to cost \$250 million which they currently don't have. This is something the legislature is going to have to grapple with. The more we put off the project, the more expensive it becomes. The state has about 5,000 miles of state owned roads. They would like to try to stick to the bench mark of paving 500 miles each year. They have fallen behind by only paving 400 miles over the past five or six years. They also have 150 state owned bridges and 350 municipally owned bridges. These are bridges that are at different levels. They rate in terms of how unsafe they might be to the general public, 1 being the most unsafe to a higher number being less of an immediate safety issue. There are several in the region they

would like to address and if they have the ability to fund those by working with the regional planning commissions they would like to do that. They deal with anything dealing with health care contracts to environmental permits, anything that comes through state government. He would like to make the pitch that if he could ever go to bat for Candia or be of any help to the town or any constituents, he would be happy to do that. He likes this role because it's not legislative. The Council focuses on managing state government and make sure that money is spent wisely and make sure the constituents are heard in the process. He explained to the Board if they had any questions he would be happy to answer them now. He wanted the Board to know that he is approachable and available at anytime. Selectman DePuy asked if the town was having a problem with a division of the state, would they go to him for help and would that come back to boomerang on the town. Would they (the division) take this intervention favorably? Councilor Pappas didn't think that it would boomerang. He found that every time that he intervened, like a bargaining issue; they have some pretty professional people working with the state. Generally they take it as a signal that it's a problem that needs to be dealt with. He didn't think they should have any hesitation with bringing anything up. Selectman Soares asked if they have tackled the issue with the state paying less and less into retirement for police officials and the towns are paying more. Councilor Pappas said this is something he hears from most towns he visits. Unfortunately it is something he doesn't have any prevue over in Concord. He knows there are some legislative efforts where they have been trying to grapple with the retirement issue which has really whacked towns over the last couple of budgets. This is a huge mortgage that communities are taking out to repay the unfunded liability that's there. There isn't a lot of downshifting that occurs. Councilor Pappas thanked the Board for their time.

The Board to reappoint Dean Young as Fire Chief based on the Candia Volunteer Firefighters Association's recommendation. *Chairman Kelley motioned to reappoint Dean Young as Fire Chief based on the association's recommendation. Seconded by Selectman Robie.* Selectman Snow asked what they got from the Fire Department to indicate who it was. He asked where the piece of paper with the recommendation is. *All were in favor.* Fire Chief Young noted the association has the information and the results; he just hasn't brought them over to the office yet. *The Board tabled the motion until the recommendation was received.*

Rescue Truck discussion. Fire Chief Young asked if they could be moved to the bottom of the agenda as he is waiting for Jon Siedner to arrive.

The Board to discuss what they would like to do with the Fire Department vehicle. Selectman Soares thought they should just sell it. Chairman Kelley said they have to jump it every time they want to move it. *Selectman Robie motioned to call Car World and have them come and pick up the vehicle and sell it to us for whatever it is worth. Seconded by Chairman Kelley.* Selectman Snow questioned if that was the best price they could get for it. *Chairman Kelley, Selectman Robie, Selectman DePuy, and Selectman Sores were in favor and Selectman Snow abstained. Motion carried on a vote of 4 to 1.*

The Board to appoint David Desilets to the Heritage Commission as a full member. Selectman Robie motioned to appoint Dave Desilets as a full member of the Heritage Commission. Seconded by Selectman DePuy. All were in favor. Motion carried.

Chief McGillen to discuss filling the full time vacancy in Police Department. Chief McGillen explained that Selectman Soares wasn't at the last meeting so they decided to table the discussion until this meeting. This position was under the current year's budget. They went through the budget process, Selectmen's hearings, Budget Committee hearings, and Deliberative Session. There was no official word or official reduction of the staffing levels of the police department. To his knowledge the subject to reduce the police department staffing didn't come up. They want to maintain the current level of service. This isn't a new position they just want to fill a vacant position. He thought they received the overwhelming support of the residents when this issue came up before. There is a lot of stuff going on i.e. there is a heroin epidemic in the area. Some of the surrounding towns have been getting hit with burglaries and thefts. They've had a major one in town a few months ago that was fueled by heroin. He didn't think they should be reducing the force, he felt they should be maintaining what they have. Other towns are looking to hire, Manchester just increased their officers. What happens is when Manchester cracks down; they come out of Manchester and hit Candia and other surrounding towns. There have been lots of store robberies. They have a few stores and a bank out here. He reiterated they should maintain what they have and he isn't asking to increase the budget. They have new business coming into the town and it could increase calls for service. He asked the Board to allow that the police department to continue the hiring process to find a candidate. Then come back to the Board with a recommendation. Selectman Soares noted they haven't had a solid full time person since Kevin Bowen left. They had Jake but he left after a year and a half. They have Tom who hasn't been on a year yet. Technically they haven't had the extra person on to fill the full time position. Chief McGillen explained there have been some months where they have had some down time but when they had Jake and Tom on the road they were making arrest. They were finding vehicles and people in places they shouldn't be. They were effective when they were on the streets, but right now Tom is in the academy. He would love to say you're hired and you're starting immediately, but they need training and that is part of the job. Selectman Soares noted he hasn't had a permanent full time person since Kevin Bowen. They sent both people to the academy and they weren't on effectively as Kevin Bowen was before he left. Just because we have something in the budget doesn't mean we can increase it or decrease it at any point in time. People can vote for it, but if we don't feel the need for it the Board can choose to decrease and increase the force if we so choose or not. Chief McGillen said he is making the recommendation to hire a full time officer. Selectman Soares reiterated they as a Board can increase and decrease the force depending on how they see fit. They hired Tom and they had things stolen from the graveyard we have yet to find anything that is happening on that. She asked about the heroin thing and was assuming that it is happening in surrounding towns. Chief McGillen said they have five people who admitted they were addicts and they stole property in Candia to trade it for heroin. They were in our community on Chester Turnpike. These people are out there on a daily basis. Selectman Soares said she wanted clarification on that because they don't get the daily's all of the time. She knows that there are people that feel we do need the extra officer but she knows there are a lot of people who don't. Since Kevin Bowen has left they've had a little lull. She would like to hold off and see. They might need to change something in the department or in the way we are having them work and see if they could have done something different to keep Jake. What if Tom isn't going to stay and we are just becoming the stepping stone for these individuals. She doesn't want to become a stepping stone for new offers to go to the academy and get their training and then leave. She didn't want to give them the benefit and then go somewhere else. If they are committed to coming here and working

here then they should be committed to staying here after the academy. They know what they are signing up for and they are not a Manchester. There isn't a lot going on in Candia, but there is some and they should know that when they sign up for this. They need to take a look at this before they hire someone else. Just because we have the money does not mean we have to spend it. They may end up with a default budget and they may overspend the highway budget and they are going to have to come up with that extra money. They don't know how the winter is going to be this year. Selectman Snow said he supports the current staffing, because the people in town have suggested that is what they need to protect them. If you start cutting down the number of officers and someone else leaves they are going to be in trouble. You need a certain number of hours to give 24/7 service. Whether you are dealing with part time or full time there is a certain number of hours that need to be filled. It is better to fill them with competent qualified people and the town's people know them. They have a mechanism in place that reimburses us if someone comes in and leaves. Maybe it's not enough but he happens to like the staffing level they have now. He would prefer to have more short term, temporary people to fill in to allow us to do it. The level they have is adequate in his mind. They don't want to spend more money to do it but they need more people to do the job. Selectman Soares said our retirement costs are up to \$100,000. The taxpayers foot the retirement bill. If they don't hire another officer that is \$12,000 less they'll have to pay for retirement. It increases every year and it is going to increase next year. This is coming out of the taxpayer's money to pay the retirement. She would be fine with part time officers because it doesn't count in the retirement. This is a significant amount of money coming from the taxpayer's dollars. Selectman Snow replied this is an issue between the town and the state and he thought they should address it with the state. It has nothing to do with the staffing they have and the level of service they provide to the people of Candia. He wants the level of service to make the people of Candia feel safe. Selectman Soares replied how do you know we can't meet the same level of service. Selectman DePuy said he didn't think their decision making should be driven by the fact that someone has left the force. Our decision making should be based on what we perceive the safety needs of the town our and what we need for a police force. There is an officer leaving and he doesn't view that as an officer making the town of Candia's decision in regards to the police force. He has before him the numbers that Selectman Soares has put together with regard to the police force which has not changed. They've had seven full time officers since 2006. She put together the crimes that have occurred in the town. In eight years there have been 102 burglaries in town. He would say of all times this is not the time to reduce our police force because of some robberies that have happened near his work in Manchester. He has contacted Chief Mara of Manchester PD and asked for additional protection for the employees that leave their office at night which many are women. This is driven by heroin and these people are desperate for money, they'll take it at gun point or any way they can. Manchester has added five more officers and he was asking for more downtown patrol. He mentioned seven years ago his house was burglarized and at the time five (houses) were hit and the Mobile was hit. In his opinion this is not the time to reduce our police force. Especially in light of what had happened in New Town and it can happen in New Hampshire. It happened in Mt. Vernon. He is happy that the department is very close to our school and he would like to see the officers available when needed. The size of our town has remained the same over the past several years and he doesn't see that the needs have gone down. He supports replacing this officer with another full time officer. No offense to our part time officers but a full time officer would be expected to be fully qualified. If you ran the numbers, at 102 burglaries in eight years and over 40 years that would be 510 burglaries, so at 1,700

residences and you live in town for 40 years your chances of being burglarized is 30%. That isn't a comforting number and Candia has been successful in catching these guys. This takes good police work and force to do it. He would like Candia to get the reputation that this isn't a podunk town and this isn't the town to commit a burglary. Selectman Robie noted over the past few meetings some of the Board recommended hiring part time officers and look at them in the future for maybe filling a full time position. He felt that Selectman Soares was correct in that since Kevin Bowen has left the town they have been pretty sporadic with a full time person. In two years they have a person ready to work 2/3^{rds} of the time and they have managed. They may find some part timers that might want to work here that already have the skills on the road. The retirement thing is very important to our community. It has doubled since 2009. It was \$46,000 in 2009 and \$101,000 this year. This is a whole officers pay for a whole year. He would encourage Chief McGillen to hire some part time people. Chairman Kelley said he went through a year's worth of monthly reports and he didn't really see where they need a new officer. He would strongly recommend that he get some part time guys. *Selectman Soares motioned to recommend that they don't fill the full time position.* Citizen Rudy Cartier said two weeks ago there was Operation Clean Sweep. There was an arrest of a heroin dealer living near Selectman DePuy and himself. A heroin dealer has customers and customers don't have money. They like to break into places and get money. You never know who is selling drugs and it took over a year for the DEA to find this person. It's in Candia and people manufacture drugs in Candia. They've had burglaries in town and it's pretty bad when people start stealing fire wood. Back in October the Board was told under no uncertain terms they wanted to have a full complement of police officers in town. They are now back to where they were. Selectman Soares said the amount of people in this room did not represent all of the people in the town. Selectman Soares motioned that they do not fill the full time position. Citizen Adam Warshaw shouted they are going to lose the other guys because they are going to be stretched to the limit. They need the guys. Citizen Becky Sarra asked what the odds are of finding full timer versus part timer. Chairman Kelley replied there are a lot of part time guys looking for part time work. Citizen Becky Sarra questioned part time police officers? Selectman Soares noted that Auburn has tons of them. Chief McGillen thought Auburn had 10 part timers. He noted they want to hire part timers, but not to fill the full time position. You don't get the same level of service or the same level of training. They help out with vacation and instead of just having two part time officers he would like to have a bigger pool of part timers. They usually have other jobs. Just to arbitrarily replace a full timer with one or two part timers doesn't work. He reiterated he does want to hire a couple of part timers to cover vacations and holiday time. When they have a major investigation it would be nice to have someone to cover calls. The full time guys leave town i.e. Sgt. Gallagher needed to go to Portsmouth last week for a lead on a theft. Chief McGillen said he covers the calls, but if someone gets sick they will be over burdened. Another thing he mentioned, if someone goes out on sick leave it won't be good. *Selectman Soares asked if someone would like to second her motion which is to not fill the full time position. Seconded by Selectman Robie.* Chairman Kelley said he would go along with that but he would like to know if this is permanent. He noted what if Mike comes to us with someone good and they could put on as a full time officer. *Selectman Soares changed her motioned to say they won't fill the full time position for now and they'll revisit it in six months.* Selectman Robie said if they get some part time people and one of them may show some interest in staying with us for awhile. Chairman Kelley asked Chief McGillen if he would go along with that. Chief McGillen said he would like the position filled but he'll stick with the Board's decision. *Selectman Soares'*

amended motion was seconded by Selectman Robie. Chairman Kelley, Selectman Robie, Selectman Soares were in favor and Selectman DePuy and Selectman Snow were opposed. Motioned carried on a vote of 3 to 2.

Prosecution services: Chief McGillen mentioned the prosecution services and Rockingham County has done it in the past and their price is high. It's almost a \$6,000 increase and he felt that was unacceptable. He tried to negotiate with them but it seems that they don't want to prosecute for us. They met with a couple of attorney's and it came down to Dicroce Prosecution Services who prosecute for the same cost the county did it for last quarter. He would like to try them out for a quarter and see how it goes. He thought they could just pay by the quarter they have agreed to do it that way. Chairman Kelley asked what the total would be for the year. Chief McGillen replied \$13,000 and Rockingham County wanted \$18,888. They had another attorney come in at \$22,000. He and Administrative Assistant Karen Merchant met with Atty. Dicroce, an attorney that works for him, and his administrative assistant. They seemed to be efficient and squared away and they seem to know what they are doing. He used to work for Rockingham County years ago. The attorney's name is Stephanie and she would be the prosecutor if they go this route. He talked with the Greenland PD and the Chester PD and they like what they are getting for service. They will also do the juvenile cases. He would like permission to work with them. Selectman Robie asked if the County didn't want to do it anymore. Chief McGillen said he made a bunch of calls and talked to two county commissioners and state reps. Selectman Robie said they knew they wanted more money, but they are on a different quarter then us that's why they didn't increase the budget. If they had to keep them next December the budget would increase to pay for that quarter from January to April, so they are covered until next year. Chief McGillen noted their contract expires at the end of March. Selectman Robie reiterated they have enough money in the budget to go three quarters. He asked if Chief McGillen was comfortable going with a private prosecutor. Chief McGillen said he was, because the service they have been getting hasn't been that good lately. Selectman Soares motioned to go with Dicroce Prosecution Services based on Chief McGillen's recommendation. Seconded by Chairman Kelley. All were in favor. Selectman Robie said they are going to try this for a quarter. Selectman Snow asked if there was a contract. Selectman Soares said we are going to try them out for a quarter and then they will look at a contract.

Fire Chief Young to review with the Board the contract for the new rescue truck. Fire Chief Young introduced John Siedner who is on the Fire Department as an EMS Coordinator. Selectman Snow asked if he could start from the beginning he doesn't know what he means by a rescue truck. Fire Chief Young explained many years ago they equipped a van and it was utility van. It carried all of the stuff they couldn't carry on all of their trucks. Selectman Snow asked if that was the "bread" truck. Fire Chief Young said they bought that truck used and its worn out. They lost the breaks on it. They decided it was time to rid of it. Then they bought the truck they have now. It was a utility truck and somewhere down the line it was changed to a rescue truck. It was never intended to be used as a rescue truck; it was intended to carry all of their stuff. The way things have evolved they need a truck that is set up to go to med calls. They have a lot more stuff and they have a higher level of expertise on the fire stuff which means they can use more stuff to help people. The van is getting old. When he came back four years ago this was one of the things that was at the forefront. It was to get rid of that and get a rescue truck. Even though it has taken four years and a lot of thinking and discussing and planning. They went from a big

truck which he thought was wrong. The truck they get needs to be easily driven by anyone in the department. They looked at keeping the van and getting a smaller quick response vehicle for rescue calls. This meant adding on, because they don't have room for another truck plus they didn't have the money to do that. The capital reserve isn't for buildings or that type of stuff. They have money in the capital reserve for vehicles and equipment. So after a long process they decided to put a committee together. They decided as a group to get a new truck and get rid of the van they already have. He noted that John was on the committee and the committee knew what they needed and this is what they came up with. John explained from a functional perspective this is an enormously functional vehicle. It will respond to virtually every call the department gets. It has a full compliment right up to the paramedic level of medical devices and medications to treat patients for medical and injury situations. It has rescue implements on it to extract people from cars or get people off of a cliff. It can handle firefighter injuries and rehabilitation. It has supplies for water removal of basements as it has a pump on it. It has a chainsaw, so it can take trees out of the road during storms. It has a power light on the top, so they can operate safely and effectively. They'll be able to get around town more easily with this vehicle. It's a great vehicle and it will serve us for 20 to 30 years to come. There is electric wiring in case they need to add additional accessories i.e. extricating tools or battery powered tools. All the shelves are adjustable so they can fit different equipment in the future or if equipment changes. Selectman DePuy said he hasn't seen a performance bond and have they given us one. John explained the price they negotiated was discounted on the original quoted price which is based on a prepayment of \$150,000. This includes the cost of the bond to be issued as long as they have a signed contract in hand to issue it on. Selectman DePuy clarified before we get that bond we are going to send them \$150,000. John replied we send them a signed contract and they send us a signed bond and we send them a check. Selectman DePuy asked if they could send us what the bond looks like before we sign. John explained the bonds aren't drafted by the company they, are drafted issuing agency (bank or insurance company) or some third party agency. He didn't know how the mechanics of that works, but he could inquire. Selectman DePuy said presumably they have given them before. John noted this is a very large company; they build fifty trucks a year and four to five a year for the style they're building. They've been in business since 1970, so he is sure they issued dozens of bonds over their contract work. Selectman DePuy said these big companies go out of business and they are in Florida. John replied they have been robust about getting the contract reviewed by the town attorney and will make sure they are covered with a bond before they give them any money. The company gave them an option of not putting any money down; because there is so much money tied up in the construction of the vehicle they were going to charge interest for that time. So the cash they are giving them in the end is substantially greater and the bond would end up saving them money. Selectman Robie thought the committee has done their due diligence and he read most of the contract. He thought the bond issue was spelled out in the contract. John said he received a revised contract this morning per our attorney's request. Selectman Robie felt the full specs on the vehicle were very thorough. The people voted to put \$50,000 per year in the capital reserve, there is \$377,000 in the account and thought they were covered. He asked if they could send a template of their bond so Selectman DePuy could review it. John informed the Board the company rep is flying up on Wednesday evening to begin the final construction plan, but this is predicate us signing the contract. If the Board wants to defer signing the contract this evening, he will need to push the meeting and construction date out. The construction time is seven months. If they sign the contract today they won't have the truck until next fall. Selectman

DePuy said they did have a place go out of business on them where they had purchased a vehicle. He knows they're big so are a lot of other defunct companies. He would like to see what the performance bond is, they haven't provided the documentation. This is a significant part of this when they send the check down to Florida. It's tough to get stuff from another state back. Chairman Kelley asked if they have received a response from Matt Serge. John said they received one at the end of last week and he contacted Atty. Serge today after hearing back from the company rep. Selectman Robie said we need to make sure they are bonded before they get a check. John noted the company that issues the bonds won't issue one until they have a signed contract in their hands. Selectman DePuy clarified they are not going to give them the money until we get a performance bond. Selectman Robie said they will sign the contract and Atty. Serge will review it. If it's good, then we will send them a check. Selectman Snow said he can't vote to sign the contract until he sees it. Until he has an idea of what it is, he has to see the specs. Selectman Robie said it's been in the office for two weeks. Fire Chief Young asked Selectman Snow what he was going to see in the spec sheet that the experts haven't looked at over and over again. He noted that Selectman Snow is an engineer by trade and he didn't understand what he is going to find. Selectman Snow said it is no different than if he was at a town meeting and you are asking him to vote for a \$223,000 rescue vehicle. He would ask what is a rescue vehicle, why are you buying it, and what does it cost. He is representing the voters of the town. He understands a tanker, a pumper, and a control and communications vehicle, but the rescue one he isn't clear. Is this an EMT alone or a command and control vehicle? John explained some more features of the vehicle. Selectman Soares noted it's like an all purpose supply vehicle for everything they need. John agreed and added it's a jack of all trades. Selectman Snow asked if there are other departments in the area that use this type of vehicle. John said he isn't aware of any departments that don't have one; it carries all of your tools. The mainstay is the extrication for automobile accidents and industrial accidents, also the equipment to treat the people with injuries. The Manchester Fire Department has a rescue truck that looks like a full fledged fire truck. It is a full sized vehicle and they have a lot of technical equipment which they need the expertise to use. This is a scaled down truck for a town our size. Selectman DePuy noted the contract is seventy eight pages long and did he review every detail of it. John said he reviewed each page twice and made corrections where needed. Fire Chief Young mentioned they are going to meet face to face (with the company) and review the contract again. Selectman Snow asked about the \$50,000 for the capital reserve fund and Fire Chief Young said they needed it (at Deliberative Session). Fire Chief Young replied he didn't say that, but they need the money to continue. They may need to buy Scott Airbags which would cost \$125,000. They are looking to get a grant for the packs. Selectman Snow asked if he needed to sign the contract immediately. He asked if town council reviewed the contract. Chairman Kelley replied they had. Selectman Snow said he would like to look at the contract before he signs it. *Selectman Robie motioned that the Board signs the contract as proposed, the company will sign it, and they'll send a performance bond. Seconded by Chairman Kelley. Chairman Kelley, Selectman Robie, Selectman DePuy, Selectman Soares were in favor and Selectman Snow abstained. Motion carried on a vote of 4 to 1.* Selectman Robie said the spec sheet showed up two weeks ago and they talked about it last meeting. Selectman Snow said he didn't see it. Selectman Robie said he asked the same questions two weeks ago. Selectman Snow said that was a different discussion.

Selectman Soares to give update on the old recycling center testing. Selectman Soares noted they received the testing results back. Everything came back within the limits as non leachable. Some were over the basic limits and they were retested and they were in the upper limits. They tested organic compounds, semi volatile metals, corrosive reactivity, herbicides, pesticides, and asbestos. They are good to go with what is there. These results should have been sent to DES, she wasn't sure why they weren't. She noted that Dave Allwine spoke with Selectman Robie and he asked him to draft a conceptual plan of capping the landfill to put along with the waiver request. She was told the waiver request was a waste of time. Basically he asked that Atty. Mayer draft another letter stating they want to do onsite capping. This is the plan she had suggested in the first place. Again she was told it was a waste of time. They have to wait for DES and get their input on this. They have the waiver request and they wanted the test results. Stantec has to submit the test results, because it was required by DES. She noted nothing is leachable or toxic, some consider it hazardous material but it's not toxic. Gasoline is a hazardous material but it is not toxic. They'll have to see what DES will do moving forward with the town. They said they would work with the town and they have to see what DES will allow. She didn't know why they have to resubmit a waiver request since she has already submitted one. Selectman Snow said the request was for a conceptual plan to cap it. He asked if it is still hazardous waste and according to the original dictate from DES solid waste had to be removed. Do we have anything in writing from DES that tells us anything? Selectman Soares said they did not because this set of testing has not been submitted to DES by Stantec. Stantec's Dave Allwine confirmed that it has not been submitted to DES. Selectman Snow said before they spend \$4,000 or \$5,000 to do a conceptual plan, he thought they should send DES the test results and see what they want us to do now. Selectman Soares said that was the plan. Selectman Robie said they got back the first results for 500 cubic yards of material. Those results came back as solid waste, but they had 3,700 yards instead of 500. They had to go back and do more testing. The report came back that they tested 3,700 hundred yards and it's not hazardous waste its solid waste. Selectman Soares clarified that it's not toxic waste, but there is some hazardous waste. They are all non leachable. Selectman Snow said when they did the testing, DES told us to test it based on the test that would be necessary for it to go to Rochester (Turn Key). The first question was why is DES telling us it has to go to Rochester. Then we said we want to come in with a plan to cap it on place and use it or not. Selectman Robie said in 1986 the State of New Hampshire said you cannot cap anymore solid waste. The law says you can't cap solid waste. They have 100,000 yards of solid waste buried in that land fill. It's just like the material they put in the compactor at the new recycling center. It goes to Rochester and it goes in the solid waste pile. He explained after they tested 500 yards of material they went to the state and asked them for a waiver to cap the 3,000 yards next to our 100,000 which is 3% more. The state told us no and they weren't even going to look at the waiver. He spoke with Mr. Kemp (of DES) and said they needed to continue their testing until they have tested the whole amount of material that is there. Selectman Snow said if he was listening to Doug he would think they are telling us to remove it which is why we are doing the testing. His concern is if we don't get the money to remove the stuff and it isn't being moved until a year from now and will they have to test it again. Selectman Robie said they have to try and keep this simple. Selectman Soares explained once you test it you don't have to test it again, unless you are adding stuff to the top. Selectman Snow said the testing is required by the receiving facility and they have the option to change their mind. Selectman Robie didn't want to argue about this. Selectman Soares said they could but she doubts very seriously that they will. Selectman Robie asked if they could make a little

head way this evening. It's up to the Board, but he contacted Dave Allwine at Stantec. He asked them for a preliminary plan that they could take to Concord and show DES what we had in mind. For the price that came back he felt they shouldn't spend any more money with Stantec at this point. They have used up about all of the money testing the ash. They need to move forward if that is what the Board wants to do. Now they know it is solid waste, they are going to ask the state to grant us a waiver to leave the solid waste on site. This is what the Board should do. Selectman Soares said this is what she originally asked to do and he said it was a waste of time. Selectman Robie replied at the time it was because we knew we needed to do more testing. They only tested the first 500 yards. Stantec said they tested 500 yards but there is 3,700 yards. They knew then they needed to test more and Doug Kemp told her that. Selectman Soares replied this is something that Stantec, Atty. Mayer and she had discussed and planned for when they came in with all of this. She accounted for all of this, you sat there and made her feel like a complete jerk and said it was a waste of time and money. You think I don't know anything about what it is to do with this stuff. She did her homework and she knows what she is doing. She made sure she knew what was going on. You're the one that said it was a waste of time and now you're on Board for the waiver. She told him he needed to get his facts straight before he opens his mouth. This was something very simple and she planned for it. Selectman Robie said what did you plan for. You went to Doug Kemp and asked for a waiver knowing that we hadn't completed our testing. They have been very generous to us as a town and he never responded to your waiver request. Selectman Soares said that was the point, he was going to come back and tell us if we needed to do more testing or not. Atty. Mayer and she already factored that in. Selectman Robie said that wasn't true. Selectman Soares replied you can say whatever you want but that was part of our conversation and it was part of the conversation with Stantec. She added she does cover all of her bases. Selectman Robie thought she missed. Selectman Soares said she didn't and he isn't here to save the whole town. Selectman Robie said he didn't expect to, but he is going to get this job done. Selectman Snow motioned that they take the results of the testing and send it to DES with the question that says what do you want us to do next. Selectman Robie stated they already told us what they want us to do. They went DES once, Mr. Kemp's boss actually, and they sent us a letter back to test that ash to the fullest and send it to Rochester if it passes. Selectman Snow clarified they have the request for waiver, so we don't have to send that in again. Selectman Robie noted they don't have a complete request for waiver. He is not going to fight about something that he has put a lot of effort into. Selectman Snow thought DES understood that there was 3,000 yards. They did more testing and now they have the test results. DES has the waiver request which Doug Kemp has never responded to on paper. They give the results and tell them they've done what they have asked them to do. The question is can we leave it or move it. Once they replied they need to come up with a plan on what they are going to do with it and how much it is going to cost. Selectman Robie read from Mr. Kemp's letter dated July 26th after Selectman Soares went to Concord and told Mr. Kemp to tell us what to do. Selectman Snow said that Mr. Kemp told us to do more testing. Selectman Robie read from the letter "Due to the size of the ash pile additional samples and laboratory testing is required. If additional ash test results do not identify the ash as hazardous waste then the ash is a solid waste and therefore must be disposed of at a facility permitted to accept it." Selectman Snow agreed but then we asked for a waiver. Selectman Robie replied that is when we sent him the first test, the 500 cubic yards. After that we sent the waiver and he hasn't responded. Selectman Soares said all he did was talk to Selectman Robie on the phone saying we needed to do more testing. They did, so the waiver is still there. Selectman Robie said it needs to be updated very gently.

Selectman DePuy said they have done further testing and he would suggest getting the testing to Doug Kemp at DES and have a representative of the Board meet with him after they've had a chance to look at it. He felt these were the best results they could hope for and it shows there is no hazardous waste. They had a warrant article to spend \$129,000 and the town didn't want to spend that money. Now they are looking at a potentially bigger number and he didn't think the town would approve that amount of money. So looking at the view of the town they have to take the results, approach DES, and see if they will give us a waiver. If they will and it appears to be stuff we can leave on site and watch the monitoring wells. If they say no then we have a bigger problem. Selectman Soares said she has made Doug Kemp aware of the monetary constraints. He is aware it may take time if it has to be hauled off. It all depends on the vote of the people. Chairman Kelley asked what the Board wanted to do. Selectman Soares told Chairman Kelley that he needs to tell Dave Allwine that the results need to go to DES, because it has not been sent. Selectman Robie didn't think it was Stantec's responsibility to send the test results. They hired Stantec to do the tests; it's up to us to do whatever they want to do with them. Selectman Soares noted they sent the last test results to DES. Selectman Robie didn't agree with that process. Selectman Soares said it's what they are supposed to do. Selectman Robie disagreed and they don't report to DES they report to us. Chairman Kelley said they can send the results. Selectman DePuy thought for purposes of transparency they should send the results to DES. These are good results. Selectman Snow said they are good results, but it's still solid waste. They would like to be able to screen the material and keep some and send some off. If they could somehow do this. Chairman Kelley would like to spread the ash around and cap it and leave it alone. He didn't want to haul it off. Selectman Robie said they may not have a choice. They have a capped landfill there and it shows that it's not leaching into the wells. The ash pile has been open to the elements for roughly 20 years. They've been dumping ash there since they started the incinerator. They've also been burning the wood pile and piling up that ash. It doesn't leach it is non leachable. If we asked DES nicely they may let us tuck that in next to the 100,000 yards we already have. Selectman Snow said if they would do that he would be more than happy. It needs to be spread out and they need a plan. Selectman Robie said that is later. He asked if Selectman Soares wanted to take care of this from here. Selectman Soares replied that's fine. Selectman Robie asked if the Board wanted to send Selectman Soares back up to DES to see Mr. Kemp. Selectman Soares said she didn't need to go back to Concord she could just send it to him. Selectman Robie didn't agree with this, but if this is what the Board wants to do then go ahead. Chairman Kelley asked what he wanted to do. Selectman Robie said he would do it on a personal basis and see where we are at, just like his conversation with Mr. Kemp on October 22nd. Selectman Soares said it is going to take some time because everyone in the Mr. Kemp's office will have to go through the data. It could take a couple of weeks to go through the data. Selectman DePuy would suggest that the data is sent to DES so they have the chance to look at it and they are going to see nothing but good things. He would suggest that Selectman Soares goes to DES and discuss the options. He reiterated they disclose the results to them and send a representative of the Board to discuss the options. Selectman Soares said she would have him put it in writing. Selectman Robie said they have one more chance at this and if it comes back that they want us to haul it to Turn Key that's the end of it. Selectman Soares understood and he has to understand it is going to be a long wait and he'll have to be amenable to things. Selectman Snow said if they get to that point, they'll send out another RFP. Selectman Robie said if they are going to do what Selectman Snow said, they know how much is there and all they have to do is call over to Turn Key and ask them how much to dump that stuff. They'll

hire someone with a dump truck and a loader to haul it over there. They can figure that out in five minutes. Selectman Snow said the plan they had last year did not require all of the material to be sent over to Turn Key. This is something they need to get a bid from an engineering firm. Selectman Robie said they have a topo of the whole site and if you read Stantec's results it shows there are some layers of sand in there and if you can take those layers out you don't have to haul them away. They're not going to get those layers out. They have to contract the whole thing; if it has to go it all has to go. It is very easy to figure out the cost. Selectman Soares noted they'll have to bring in dirt. Selectman Snow noted the berms are road fill and maybe they can look at that. Selectman Robie said they are way past where they need to be. He reiterated they have one more chance. Chairman Kelley asked Selectman Soares to take care of this. Selectman Robie said they've told us what we didn't want to hear. Chairman Kelley said they still need to send the additional results. Selectman Robie said Mr. Kemp goes by the rules, no solid waste in the landfills. They have to make it sweet enough so he'll grant us a waiver. They aren't going to tell us because we got good test results to just leave it there. Chairman Kelley said then we have to come back with a plan of what we want to do. Selectman Robie said they decided that they weren't going to have a plan now. Chairman Kelley said he didn't want to spend \$4,000. Selectman Robie said he didn't want to either. Selectman Soares said he was the one that initiated it. Selectman Robie said he asked him for a price. If it was \$1,000 he would say it might be worth it. Selectman Soares said they hadn't discussed the results yet. Selectman Robie said those have been kicking around for two weeks. Selectman Soares noted you thought this was a complete and utter joke three weeks ago and she was surprised when Dave told her this. Selectman Robie said when you requested a waiver 3,000 yards premature of testing it was a joke. Selectman Soares said now it's okay. Selectman Robie said they have finished the testing. Chairman Kelley asked what are they going to do. Selectman Soares noted she would send them to Doug this evening. Selectman DePuy suggested that she sends the results with a request that they be reviewed and an appointment be scheduled to meet with them. Selectman Robie said he didn't agree with this.

The Board to request funds from the Trustees of the Trust Fund. Selectman Snow motioned to request the amounts of \$1,782 and \$6,975 from the Trustees of Trust Funds for the reval. Seconded by Selectman Soares. Selectman motioned to ask the Trustees of the Trust Fund for the \$1,200 for the waiver and it be taken out of the closure fund. Seconded by Chairman Kelley. All were in favor. Motion carried.

The Board to authorize payment of payroll checks and accounts payable checks. Chairman Kelley announced the grand total of payroll and accounts payable checks for February 20th and February 27th was \$131,385.74. Selectman Snow motioned to accept the accounts payable and payroll checks for February 20th and February 27th in the amount of \$131,385.74. Seconded by Chairman Kelley. All were in favor. Motion carried.

Approval of Previous Minutes: Public and Non Public meeting minutes of 02/10/2014 and the Non Public meeting minutes of 01/27/2014. Chairman Kelley motioned to accept the non public meeting minutes of January 27th, 2014 as written. Seconded by Chairman Kelley. All were in favor. Motion carried. Chairman Kelley motioned to accept the non public meeting minutes of February 10th, 2014 as written and sealed. Seconded by Selectman Robie. Chairman Kelley, Selectman Robie, Selectman DePuy, Selectman Snow were in favor and Selectman

Soares abstained. Motion carried on a vote of 4 to 1. Selectman Robie motioned to accept the public meeting minutes of February 10th, 2014 as written. Seconded by Selectman DePuy. Chairman Kelley, Selectman Robie, Selectman DePuy, Selectman Snow were in favor and Selectman Soares abstained. Motion carried on a vote of 4 to 1.

Other Business

Highway Budget: Road Agent Lewis noted the winter funds are getting depleted and the warrant article hasn't been approved yet. He doesn't know exactly where they stand and they spent the same amount in December, January, and February. Selectman Robie noted as of last Monday they were at \$223,000. Road Agent Lewis said they were half way through it at Deliberative Session. He would be surprised if they weren't close. The warrant article isn't approved yet and he didn't know if they want to go into summer money. They are getting close.

Elections on March 11th: Chairman Kelley asked the Board to think about the hours they would like to cover at the polls. They can discuss it at the next meeting.

Chairman Kelley motioned to adjourn at 8:46 p.m. Seconded by Selectman Robie. All were in favor. Motion carried.

Respectfully submitted,
Andria Hansen, Recording Secretary