

~~Unapproved~~ **APPROVED**
Candia's Selectmen's Public Meeting Minutes
September 8, 2014

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

Chairman Robie opened the meeting with the pledge of allegiance.

Chairman Robie welcomed back Selectman Soares.

Approval of Previous Minutes: Public meeting minutes of 8/25/14 and Non-public minutes of 8/11/14 and 08/25/14. Selectman Chivers moved to accept the August 11th, 2014 non public meeting minutes as presented. Seconded by Selectman Snow. Chairman Robie, Selectman DePuy, Selectman Snow, Selectman Chivers were in favor and Selectman Soares abstained. (4-0-1) Selectman DePuy moved to accept the August 25th, 2014 meeting minutes as written. Seconded by Selectman Chivers. Chairman Robie, Selectman DePuy, Selectman Snow, Selectman Chivers were in favor and Selectman Soares abstained. (4-0-1) Selectman Chivers moved to accept the August 25th, 2014 non public meeting minutes as presented. Seconded by Selectman Snow. Chairman Robie, Selectman DePuy, Selectman Snow, Selectman Chivers were in favor and Selectman Soares abstained. (4-0-1)

The Board to accept 250th Candia logo from Linda Thomas and 250th Semi-Q Committee done by Chris Dupere. Linda Thomas explained that Chris Dupere was part of the Semi-Q Committee and we were looking for a logo that they could use on their website and stationary. After much deliberation between the Committee and Christine they all said they liked what was on the Old Home Day t-shirts from a couple of years ago. Christine modified it and added "Candia New Hampshire Celebrating 250 years". She also did a pen and ink drawing of it. The Committee had the drawing framed and they would like to present it back to the town. The Board thanked Linda Thomas for presenting the drawing to the town and it will be displayed in the meeting room.

The Board to open bids for the ash landfill closure. Selectman DePuy opened the bid from Viking Excavation. The base bid amount is \$127,856.22 and with the additive (short paper fiber material) the amount is \$109,646.22. Selectman Chivers opened the bid from Severino Trucking. The base bid amount is \$149,500 and with the additive the amount is \$131,300. Selectman Snow opened the bid from Northeast Earth Mechanics Inc. The base bid amount is \$184,960 and with the additive the amount is \$159,760. Selectman Soares opened the bid from Daniel Ladd Site Work, LLC. The base bid amount is \$112,534 and with the additive item the amount is \$102,342. Chairman Robie felt the bids were very competitive. Selectman Snow asked if they needed to make a decision today. Chairman Robie said they didn't. He noted that they still haven't received their permit from DES. Stantec is working on that as they speak. The Board needs to discuss exactly how they are going to pay for this. They are going to budget what they have within their means for this year. They are going to get started the project this fall. Selectman DePuy noted enclosed with the bid from Viking Excavation was a bid bond. They'll keep this with the bid. Chairman Robie said they will notify the contactors as soon as

they have a permit and as soon as they know how they are going to pay for it. He told the Board they need to figure out how they are going to fund this. He thought though they could make it work. He spoke with the Budget Committee last month about this project. They have approximately \$35,000 left out of the \$50,000 they appropriated. They'll be some money left out of the operating budget. They spoke about over expending the budget and using the unreserved fund balance. Selectman Soares asked if the Budget Committee was okay with that. Selectman DePuy said they hadn't voted to do that. Chairman Robie said the Board told him to go to the Budget Committee with this two meetings ago. The Budget Committee has to give their approval to overspend the budget. Selectman DePuy understood but they didn't vote to overspend the budget. Chairman Robie agreed they didn't vote, but he did ask the Budget Committee if they would support this. They would if need be, but they would like to see it paid for out of the operating budget. They have \$35,000 and if they come up with \$40,000 out of the operating budget this would bring them to approximately \$75,000. Then they would need \$40,000 to finish the project which would over spend the budget. They could pay for that out of the unreserved fund balance. Just like if they had snow storms for the whole month of December and it cost \$100,000 and they only had \$80,000 in the operating budget, they would have to over spend the budget to pay the bills. They did this in the year 2009 and that's why he is asking the Budget Committee now. Road Agent Lewis clarified it was the ice storm and they got reimbursed for it. Chairman Robie replied but they over spent the budget. He's just trying to explain it to the Board. Selectman Chivers asked how far away from the permit are we for doing this work. Chairman Robie thought a week or two. They do have a letter from DES that says they can install erosion control and move equipment onto the site. This is all they can do. Selectman Chivers asked if Stantec is addressing the deficiencies in the permit right now that DES has indentified. Chairman Robie explained that DES is going to approve our project, but they need to finish the process. Selectman Snow and Selectman DePuy said they would like to review the bids. Selectman Chivers asked isn't it the bottom line, what else could be in that bid that would be different from one bid to the next. Selectman Snow said that's why you have to read them to find out. Selectman DePuy said they might want to get references and see if prior projects have been included. Selectman Chivers clarified that they had \$35,000 that they could allocate to this project right now. Chairman Robie replied that is what we have appropriated for this project. Plus they have \$6,000 in the closure fund. Selectman Chivers said then they need \$62,000. Chairman Robie said the low number is \$102,000 (using short paper fiber) and they have a number of \$109,000 (using short paper fiber). These numbers are very competitive, so this would be the call of the Board. If they went with the \$102,000 bid they would need to come up with \$62,000. Looking at the budget he thought they would be unexpended by \$60,000 bearing they don't have a bad December. Selectman DePuy noted the Daniel Ladd number is \$112,000 (not using substitute product). He didn't know how comfortable he was using the substitute product. Selectman Soares pointed out if is acceptable to DES, they make the ultimate call for us and it may be the better way to go. Chairman Robie said that DES brought that product to us. Selectman DePuy thought this product couldn't be driven over. Chairman Robie explained not before you're trying to use it. Once you put it in place you pack it in with bulldozers. Then it is there to stay and there is no erosion. Selectman Snow thought that the short paper fiber had to be mixed with other material. Chairman Robie said they took that part out of the addendum. He didn't feel comfortable with their discussion two weeks ago. There were two products FPF for the clay barrier and SPF with organic compost and sand and loam mixed to make topsoil. They took the topsoil out and they are going to use regular loam. The

SPF was in place of the clay barrier between the intermediate fill and the loam. Selectman Snow asked if the SPF needed to be mixed with other material. Chairman Robie replied no it goes in as is. If you are using it for topsoil then it needs to be mixed. In the operating budget they don't have enough to do this job. Selectman Chivers asked what it would hurt to wait until next year. Chairman Robie said that would be up to the Board. Selectman Soares said this is the longest closure in history with DES. Chairman Robie said Mr. Kemp sent a letter that said it was acceptable to allow the contractor to install erosion control elements, mobilize equipment to the site, and conduct any activities not involving contact with the ash pile. Mr. Kemp thought we had awarded our bid. He has been very supportive. Chairman Robie said he didn't feel comfortable telling these bidders that they are going to wait 8 months to a year, but this is another decision of the Board. Selectman Chivers said the first thing they need to do is find out if they are going to have enough money. Chairman Robie said this is asking a lot from the department heads. Selectman Soares said they have to think about what is the better choice for the town. If everyone has to suck it up and give their money up for the greater good town so we can finally close this, then that is what we are going to have to do and a decision we are going to have to make. Selectman Chivers said the Budget Committee is holding the final card here. Chairman Robie said they are on our side as long as we do our due diligence and find all of the money we possibly could out of the budget. They aren't going to deny us. Selectman Chivers asked if they should discuss this with each department head at their next meeting. Chairman Robie said no one wastes any money in their departments. Selectman Snow asked why they were saying they have \$30,000, we have \$50,000. Chairman Robie said they spent approximately \$15,000 on the engineering and the permit. Selectman Snow said it could have come out of whatever was left in the closure. Chairman Robie replied there was only \$6,000 left and they spent \$33,000 from \$40,000 on testing that ash. Selectman Snow thought they would use all of it up before they spent it from somewhere else. Chairman Robie said they still have bills coming in so it will get used. He knows that money is there, it's for the closure. The Stantec bill was about \$12,000, but then they did an addendum and DES has asked for a little more work. Selectman Snow said the one thing he is concern about is the closure plan is only going to take place on the side that was originally capped. There has to be a great big hole behind where the incinerator was. What are we going to do with that? Is it part of the plan of finishing the closure? Selectman Chivers said they are going to put crushed stone in those holes. Chairman Robie said it was pretty well filled in. Selectman Soares added that she had Road Agent Lewis fill most of those in. Chairman Robie said the answer to Selectman Snow's question was no, it is not part of the plan. DES doesn't care what we do with the incinerator building site. We removed the incinerator and they didn't care if we removed the building or not. The town wanted the buildings gone, so we got rid of them. The swap shop slab, the incinerator slab and the site work around that site is not included in this closure. It doesn't have to be. The goal here is to satisfy DES and get that ash disposed of in a way that it was going to be put to rest. Selectman Snow asked so next year does that mean they are going to have to do something with road fill to be able to finish it up. Chairman Robie said they could. Selectman Soares said it wouldn't require very much, because Road Agent Lewis used mostly road fill and did a very good job. Selectman Snow said he was talking about on top of it. Selectman DePuy said he has never been on the Board when they've had a deficit. Chairman Robie said he was on the Board when that happened and he was unaware of it. He took the brunt of it, so he figured out real quick how to make it work. Road Agent Lewis explained they had an ice storm and it put us way over budget. FEMA reimbursed us, but they don't reimburse you the same year.

Selectman DePuy noted it was an act of god. Chairman Robie felt the Budget Committee was receptive to our plan. Selectman DePuy read from RSA 491:95 "In a case of a cumulative fund deficit the Selectmen shall insert an article on the warrant recommending such action as they deem appropriate which may include but is not limited to raising a sum of money for the purpose of reducing the deficit". He didn't know if this was what they were talking about or not. Chairman Robie said they don't have a deficit in the general fund. They have 1.2 million dollars. This is why they just did the policy of how much they were going to keep in the general fund. Selectman Soares said the RSA is referring to if they had gone below the recommended amount for the fund balance. Selectman Chivers said they need to make a couple of decisions. The first one is are they going to do it this year and if the answer is yes how are we going to pay for it. Are they going to pay for it out of the unreserved fund balance or the money they have left in the budget? Chairman Robie said before they ask they would have to spend our budget down to zero. They can't show at the end of the year that a department had money left over in their budget. They will spend it all and they won't have enough money, so they'll go to the Budget Committee and get approval. They don't have an exact number and they won't have one until December 31st. Selectman Snow said the closure will be done in the fall, so they will have those numbers. Once the Board makes that decision that they are going to do it with the expectation that it is going to come out of the operating budget plus whatever the overage is you'll have a number of what the closure itself costs. Chairman Robie said they won't know how much money they have left in the operating budget until the last day of the year. Selectman Snow understood they will have finished up the cost of the contract before we worry about whether they have any storms or not. If we don't have any storms in October, November, or December we may be able to pay for it out of the operating budget. Chairman Robie replied no because the highway budget for winter storms is already expended by \$30,000. Selectman Chivers said they have a \$75,000 warrant article they haven't transferred yet. Selectman Soares said that can't go to anything else but winter maintenance. Chairman Robie noted there is only a little bit left. Road Agent Lewis said some of that is already expended, so he is saving money out of his other lines to cover winter now. He noted there is only \$19,000 left in the warrant article. He is already saving money, but he doesn't know if it is going to be enough. He could be over or they might not have any storms and the money will be there, it's a gamble. Chairman Robie said that is why he said let's spend this money on sand and gravel and whatever we need and make sure we do the summer maintenance. Selectman Snow said he wanted to make it clear as the Road Agent's liaison that we are not going to short sheet whatever we do to take care of the roads at the end of the year. Chairman Robie said we already have by not letting him spend that money that he took out of his summer budget to cover winter that might not ever happen. Road Agent Lewis said he is trying to stay within the bottom line of his budget. Chairman Robie said in the long run you may get short sheeted. Road Agent replied if we didn't get any snow and that money was left you could encumber it. Chairman Robie said he could encumber it if they do this project and spend it all. This is the point. Selectman DePuy said they ought to do it and get it done this year even if means over spending. It's something we have been putting off. If we don't get his done at some point the Department of Environmental Services is going to come down with a hammer on the town and say do it and forget the cost. They have been very patient and cooperative with us. Selectman Chivers said they are all in agreement on getting this done in 2014. Chairman Robie reiterated the Budget Committee is on Board with this. Selectman Soares said as long as they understand then she is fine with it. Road Agent Lewis noted if they got another ice storm in December, he wouldn't want to be in the position of saying don't do

much to this because we are overspent already. He didn't think our services to the tax payers, like the roads should suffer. Chairman Robie replied if there was an emergency FEMA would be coming in, we understand that now. Road Agent Lewis said as long as everyone understands how it works, because it will through the town budget ever further over. Chairman Robie said he could accept that and he could explain to the Budget Committee we would be reimbursed for it. Road Agent Lewis said if the budget is already going over and you know it, he doesn't want to be in that situation. Chairman Robie felt they will always have enough money in the budget and he understands it now. Citizen Mark Siemonsma asked if the removal of the buildings was on the ballot. Chairman Robie replied yes it was on the ballot. Mr. Siemonsma said previously there was a number thrown out by Selectman Snow which was approximately \$100,000 for the closure of this project. He thought that Selectman Soares had this under control and they were in a \$30,000 - \$35,000 range and they would not exceed that amount. Selectman Snow projected \$110,000 and how did they get to this position right now. Selectman Soares replied because the proposal that was given didn't include the extra sand that was in the ash pile. DES determined there was more dirt in with the ash pile and they wanted more tests done. There was always the chance that DES was going to ask for more testing. The total cubic yards were never estimated in the proposal that was given in the beginning. The testing was not done systematically and she wanted it done properly. In this instance the testing has to be done properly to determine exactly what you have and it came out that it was more. If they had what they assumed they had it would have costs \$35,000. Unfortunately they had far more than they thought they had. Mr. Siemonsma hoped the Board learned a lesson. You sort of hurt the town by your statements at that time. Chairman Robie replied in Selectman Snow and Selectman Soares' defense the first estimate was 500 cubic yards of ash. They came back with a price of \$127,000; it turned out there was 3,700 yards. The job turned out to be seven times bigger than 500 yards. Mr. Siemonsma said you know how much stuff went into that site; maybe something is wrong with this picture. There was only one person on this Board that recognized that and he wasn't treated nicely for it. Selectman DePuy explained they had a proposal last year that went to the town and it involved \$127,000. It was a pig in a poke. The guys that bid on it didn't know what was in it. They didn't know if that was a good price or a bad price and the town voted no. They town basically told us to find out what is in there, test it and whatever it is pay. Mr. Siemonsma said that was the bases of his whole comment. He voted no on someone's recommendation and it should have cost \$35,000. Someone has to take responsibility this is why it got voted down. Selectman DePuy replied it is 20/20 hindsight. Someone is broadcasting one number and someone else is broadcasting another this is what happens. Now we are looking for money. Selectman DePuy said it was time that they do this. Citizen Becky Sarra asked what exactly was happening at the site. Chairman Robie said from the bunkers where the glass was stored towards the road where the berms are it's approximately 200 feet. The plan is to take off the top cover on the existing landfill. There is approximately this much material and push it back. They'll take the ash over to the left, behind the bunkers and up towards the hill that is piled up there. They are going to place it in the ash pile area which will raise the grade 4 feet; it will be a 3 to 1 slope. They will put the intermediate cover back on that was taken off. It goes on first and then a layer of 18 inches of either clay or short paper fiber, then 6 to 8 inches of top soil. Becky Sarra asked if the bunkers would be gone and what is the timeframe. Chairman Robie said the bunkers would be gone and the timeframe would be 8 to 10 days. Becky Sarra asked about the dust control. Chairman Robie said they would control the dust. If it becomes dusty they will control it. They will have a silt fence around the site. Becky Sarra asked if it was included in the bid.

Chairman Robie said that it was and it is part of doing a job of this magnitude. They won't let ash dust fly all over. Selectman Chivers added the top has a certain moisture content and they have to test it, so they will have to water it down. Mr. Siemonsma said the top two inches might be dry, but after that it won't be. Chairman Robie assured that it would be controlled. He offered to walk the site with the plans with Becky Sarra if she would like. Chairman Robie said he would get in touch with Stantec about the permit. He asked the Board what the motion was going to be. *Selectman Soares motioned to start this project.* They will go through the budget to see what they have to complete this project. Chairman Robie said he would work on the budget tomorrow and he has a Budget Committee meeting on Wednesday night. He'll tell the Budget Committee what he thinks the number will be. Selectman Chivers asked if they should get some input from the department heads. Chairman Robie felt this was a discussion for another time. Selectman Chivers thought this should be known before Chairman Robie goes to the Budget Committee. Selectman Soares said it is at our discretion. Yes they have their budgets but ultimately the budget is at our discretion and we can change the lines. Chairman Robie used the cruiser line as an example; they have \$12,000 there for a cruiser. We knew when we put that there we weren't going to buy a cruiser; they were going to encumber it at the end of the year. That money needs to be spent for this closure before we can over spend the budget. Then that \$12,000 is gone, so at budget time they'll put \$26,000 there if we want to buy a cruiser. He will go through the budget and come up with a number. Selectman Snow said he would like to know what the plan is. He wants the Road Agent to do all of his summer work. He doesn't want him holding off on his money. Chairman Robie said he should have spoke about that two weeks ago when Dennis brought in his paper and told us where he was going to take all the money from. Selectman Snow said he is saving it and he still hasn't decided if he is going to save it. Chairman Robie replied that he wasn't saying no, but everyone told Dennis it was a good idea. Road Agent Lewis said they have to save it, but he didn't want to go over his bottom line. As a department head he wants to save that money, otherwise he is going to go over budget no matter what. Chairman Robie said at the end of the day the Selectmen can spend the money from the budget however they want, if they wanted. Selectman Chivers noted that Selectman Soares made a motion to do this in 2014. He asked if anyone seconded the motion. The motion wasn't seconded. *Selectman Chivers seconded the motion.* Chairman Robie asked if they are going to award the bid. Selectman Snow said he didn't want to award the bid until he reviews all of the bids. Chairman Robie called for a vote on the motion. *Selectman DePuy amended the motion to say once the permit is granted they move forward.* Chairman Robie called for a vote. *All were in favor. Motion carried.* Chairman Robie noted that at the next meeting they will award the bid. They will notify the companies and let them know what they are going to do. Selectman DePuy thought they ought to check the references of the bidders, especially the low bidder. Chairman Robie said he would like to take out the high bid and the low bid and pick from the two middle bidders. Selectman Soares would like to take one week, because two weeks is too long. She would like to look through the bids and the specs by Monday and have our decision. Selectman Snow said you need to have a meeting. Selectman Soares said they could announce it at the meeting, but tell Administrative Assistant Hansen their decision. Selectman Chivers said they need to do it in a meeting. Chairman Robie didn't think they were going to have a permit by Monday. It will be at least two weeks. So they will wait two weeks until they award the bids. Selectman Chivers noted they won't get started to October. Chairman Robie said they'll probably start in the beginning of October. There was some more discussion on the bids. Selectman DePuy said he was a fan of the lowest bid. If they are all going to comply with the

specs and they do the job the same way and are reliable. Chairman Robie said he didn't know the low bidder, so he would have to check the references. There was discussion about clay and short paper fiber. Chairman Robie said this is something else they will have to make a decision on. Selectman Chivers clarified that they will do the job in 2014, they'll use short paper fiber, and they'll award the bid to the lowest bidder. Chairman Robie didn't know about awarding bid to the lowest bidder. They'll make that decision at the September 22nd meeting.

Departmental Reports: Highway, Police, Fire, Building, Solid Waste & any other depts.

Highway: Road Agent Lewis read from the attached report. All of the paving projects have been completed except for the box culvert on Depot Road. They are still waiting for their DES permit. It should be here within the next 15 days. They had 105 days to respond to it. He doesn't want to order the culvert until they have permission from DES. It will take about a two week lead time to build a culvert. They'll bring it down and set it for us; we just have to do the dirt work. It should be minimal; it will probably take a morning to set the culvert. It would be a road closure for a certain amount of time. They would have to close the entire Depot Road. Selectman Chivers asked about the bus route. Road Agent Lewis said he was going to try to do it on a day the kids don't have school. Otherwise they will have to talk to Raymond and Candia on rerouting the bus. They'll deal with that when they get there. The other work went fine, no surprises. They didn't have any complaints. Chairman Robie thanked Road Agent Lewis for fixing the guard rails on Patten Hill Road.

Police: Chief McGillen said they had 229 incidents in August. They've had some political signs taken. There was diesel fuel taken from one of the trucks over by the plaza. Recently they had some mail tampering and theft of mail on Patten Hill Road this month. They don't have any suspects. It happened last week when it was raining out. There were a couple packages opened and one package was taken from the mail box. One of the officers got assaulted backing up a Deerfield officer. He is okay, but he got hit in the head. The guy was charged with assault. It happened in a flash the officer was assisting a Deerfield officer on a domestic call. There was an argument between a mom and son. The officer called for the kid to come out and the kid charged the Deerfield officer and then swung at the Candia officer. He was looked at by rescue and didn't go to the hospital. The kid was tasered by the Deerfield officer. The Candia and Deerfield officer's were able to subdue him. Drug Take Back Day will be held on September 27th and it will be held at the Candia Police Department. Selectman Snow asked if he was able to check on the speed trailer. Chief McGillen said he hadn't. He will see the Chief at a meeting next week. Chairman Robie asked if the officers were following a procedure when they enter a home. Chief McGillen replied they were. Chairman Robie asked if they have an officer waiting outside. Chief McGillen explained each case is different. They are fortunate this doesn't happen all of the time. If you see a fellow officer getting attacked you have to take action. Chairman Robie said he hates to see anyone get hurt

The Board to approve the step 1 matrix increase (\$0.50) for Officer Tom Terilli. Chief McGillen noted that Officer Terilli has done a great job for the town. He would like to see the Board approve a step 1 matrix increase. Chairman Robie motioned to give Officer Terilli's his step 1 matrix increase of \$0.50 as of July 26th, 2014. Seconded by Selectman Chivers. Chairman Robie, Selectman DePuy, Selectman Chivers, Selectman Snow were in favor and

Selectman Soares abstained. (4-0-1) Selectman Soares asked about the police information line and what does it mean. Chief McGillen explained that it is calls that don't fit into other categories. It could be a domestic argument or someone coming in asking for advice.

Fire: Selectman Chivers read from the July and August reports. Selectman Snow asked if they have the new truck. Chairman Robie said they were getting it at the end of October.

Building: Building Inspector Murray read from the attached report. They have been real busy. Selectman Chivers asked if there has been any new construction. Building Inspector Murray said there was a couple of new houses and some commercial jobs going on.

Solid Waste: Selectman DePuy said they had the compactors inspected and they do need some work and it will cost several hundred dollars. There is an OSHA requirement that the opening should be 42 inches above ground. One is 42 inches and the other is maybe 40 inches. There is a low wall that they were told would count as a step, so the opening is only 28 inches. They got a second opinion and the cure is to build a flange from the wall up to the opening to make it 42 inches. The other one add a two inch strip of metal and do the same flange. Then they will be OSHA compliant. The other OSHA issue is they have a button on the side of the compactors that anyone can press. The two options were one is to close the doors and push the button every time they do it. The option was to have a key switch, so only the operators would have a key. Facility Operator Witcher has someone to set up the flange and there will be some cost to the town. They are going to have someone look at the key switch and he didn't think it was going to be very expensive to do it. He mentioned Household Hazardous Waste Day is this Saturday. They have gotten five quotes on the baler. The income this month for tin and aluminum was \$10,000 and for non-ferrous metals \$4,000. This is substantially more than in the past. They are working on the issue with cardboard transportation. They got charged a substantial sum. They have talked about buying another trailer next year and that is still the plan. They are going to rent a trailer for \$110 per month for the next three months. This will allow them to keep the cardboard and call around to get the best prices. This will keep them from being tied in to a soul source which is where they are now. Chairman Robie asked if there was a fine from OSHA. Selectman DePuy said it wasn't OSHA. It was an outfit that raised this issue and the question was, is that wall a step or not. Chairman Robie asked if they paid for the inspection. Selectman DePuy said it was part of the service of compactors. Chairman Robie asked if they were going to have a price on the balers for the budget meeting. Selectman Depuy said he would get the bids to the Board, but they are not going to have a Selectmen's meeting before the budget meeting. Chairman Robie asked him to get a ballpark number and install it in the budget. Selectman Snow asked about the key switcher (on the compactor) and will the doors be closed. People are using it now as it is compacting. Will an attendant need to be there to make sure people throw stuff in as it is compacting. Selectman DePuy said he didn't know the answer to that, but they believe that just having the key is enough so they don't have to close the doors. There has to be an attendant there to operate it. Right now there is just the button and anyone could push it. If they had to close the door every time it would require a lot more attendant time and slow down the process. Selectman Snow said why they are concerned, are they worried about someone falling in there. Selectman DePuy replied if someone falls in, it doesn't matter if the doors are opened or closed. The idea is that just not anyone should push the button. They have an attendant to do that. Citizen Becky Sarra said you can still put stuff in the compactor as

it is running. Selectman Soares said the attendants do it too. Chairman Robie said if you have an attendant operating it that isn't going to happen. Citizen Becky Sarra said yes it is the attendant is going to walk away after he pushes the button. Selectman DePuy said the idea is that you have an attendant with a key. Citizen Becky Sarra said she wasn't telling them to close the doors; she was just letting them know what happens.

The Board to review and approve mission statement. Chairman Robie said awhile back Selectman Snow said they needed a mission statement. He took a few copies from surrounding towns and came up with one. It will go in the town report and with the policies. The Board signed off on it. Selectman Soares said it says "to promote the health and safety of residents", but she questioned if the employees should be included in that statement. Chairman Robie replied that is our job. Selectman Soares asked if that came out the way that it is written. Chairman Robie felt that it met the standard. Selectman Chivers asked Chairman Robie to explain the need for this and how did it arise. Chairman Robie noted most towns have a mission statement. This is so the residents know what our purpose is. Selectman Snow said a mission statement is so the Selectmen have some idea of what they should be doing and are they doing it. If you look at other town's mission statements they are much more extensive and they talk about the services they are going to provide to the people and how they are going to do it in a cost effective manner. They are elected by the town to provide the services that the town meeting has agreed to fund. This is their mission. Chairman Robie said if the Board is not happy with this mission statement they can write one. Selectman Soares asked Selectman Snow if he didn't agree with this would he like to add something to it. Selectman Snow said not at this point in time. They can change it every time a new board comes in. Chairman Robie moved to accept the mission statement as proposed. Seconded by Selectman Snow. Chairman Robie, Selectman DePuy, Selectman Snow, Selectman Soares were in favor and Selectman Chivers was opposed. (4-1-0) Selectman Chivers explained he was opposed because he didn't think the Board needed one. The RSA's spell out what our role is. He was sure that there was more to their responsibilities than what is articulated in this mission statement. He is not vehemently opposed, but slightly.

The Board approve CNP invoice. Selectman Snow moved to authorize the Trustee of the Trust Funds to pay the CNP invoice in the amount of \$2,325. Seconded by Chairman Robie. All were in favor. Motion carried.

The Board to authorize payment of payroll checks and accounts payable checks. Chairman Robie announced the grand total of payroll and accounts payable checks for September 4th and September 11th was \$875,689.79. Selectman Snow motioned to accept the accounts payable and payroll checks for September 4th and September 11th in the amount of \$875,689.79. Seconded by Selectman Soares. All were in favor. Motion carried.

Coverage at the election polls: Polls are open from 6 am to 7 pm on September 9th. Selectman DePuy said he could do 6 am to 7:30 am. Selectman Chivers said he was flexible all day. He'll do 6 am to 10 am. Selectman Snow said he would be there from 10 am to 5 pm and then come back at 6 pm until the end. Selectman Soares said she would be there from 1:30 pm to close. Chairman Robie said he would be there from 3 pm to 7 pm.

The Board to discuss recording tax deeds. Chairman Robie said the Board needs to make a decision on whether they want to take these deeds or not. Selectman Chivers said the Board signed off on them, doesn't that indicate their consent. Chairman Robie said they signed prematurely prior to discussion. He noted liens have been placed on these properties. They are passed the three year date. All of these people were notified 30 days ago, which needs to be done before the Selectmen take the deed. Selectman Chivers asked what the conditions were in which they would decline to accept the deed. Chairman Robie said this is what the Board is going to discuss. The Board reviewed properties 404-118 and 411-038. Both properties are located on Donovan Road and are both land only. They are owned by the same person. There is a 10.3 acre piece and the other is 35 acres. They are on opposite sides of the railroad bed. It was one track of land at one time and then the railroad came through and now it is two separate lots. Chairman Robie noted they are both landlocked. *Selectman Soares motioned to deed properties map 404 lot 118 and map 411 lot 038.* Chairman Robie said they ought to have a plan on what they are going to do with these once they get the deed. They can put them out with an intent to sell within 15 days of receiving the recorded deed. If they sell it the owner has a right to repurchase for the cost of the taxes, registry fees, and any other cost incurred by the town. Selectman Soares asked if they could do this on a case by case basis. Chairman Robie said he doesn't see taking these off of the tax records and not wanting to collect the revenue that is due to us. They can put them back on the tax records to get revenue from them. Selectman Chivers said they aren't collecting revenue now. They can only win by deeded them to the town and having the option to sell in the future. The owner of this land doesn't think enough of it to pay the taxes on it. He says deed it to the town and it gives us the option to do something with it in the future. There are 45 acres on Donovan Road that was basically given to the Town of Candia. They have the Conservation Commission out there looking for property and paying for it and here they have it right here. The property isn't generating any revenue and it is unfair to the people in this town that pay their taxes. This is the consequence for not paying your taxes. Chairman Robie called for a second on Selectman Soares vote. *Seconded by Selectman Chivers. All were in favor. Motion carried.* The next property reviewed was 405-042-2 located off of High Street. The property has 5.1 acres. *Selectman Soares motioned to take the deed for map 405 lot 042-2. Seconded by Selectman Chivers. All were in favor. Motion carried.* The next property the Board reviewed was 407-036 which is 1.2 acres located on Critchett Road. *Selectman Soares motioned to take the deed on map 407 lot 036. Seconded by Selectman Snow. All were in favor. Motion carried.* The Board reviewed property 409-116 also known as 308 Raymond Road. It is land and building on 12.43 acres. Chairman Robie said there is a tenant and it is a junkyard. He spoke with the town attorney about this. If the Board takes this property, they become landlords to the tenant in that house. Selectman Chivers asked if the tenant is paying rent. Chairman Robie said he didn't know, but if the lights go out or she falls off the porch because the railing is damage we are liable. He noted they will need to put this on our insurance. Selectman Chivers asked if this strategy was designed to keep us from taking the property. Chairman Robie replied no, but if we are going to take the property we need to notice intent to sell immediately. Selectman Chivers asked if they could evict her. Selectman Snow noted former tenant Carol Carter has a deeded life interest in the property. Chairman Robie said as long as she could live there and she is incapable of living there any longer, so that agreement no longer exists. Selectman Chivers asked if this was the tenant that was collecting all of the junk in the front yard. Chairman Robie clarified that it was the owner Bruce Nelson collecting the junk. It was noted that the tenant is Mr. Nelson's sister. Selectman Chivers asked if any of this

was compelling reason to not take the property. Chairman Robie reiterated if they take the property they need to notice intent to sell immediately. Hopefully, Mr. Nelson will come in and pay his taxes. Selectman Soares asked if the town took the property and his sister stayed there could they charge rent. Chairman Robie replied they don't want to be landlords. Selectman Soares said that wasn't the question, can we charge rent since we own the property. Chairman Robie said that is a slippery slope, because if the charge rent they have to make sure the place is fit and the heats on. They could charge rent. Selectman Soares said then they could set the price of the rent. Chairman Robie said unless they have a contract. We don't want people living in our buildings. Selectman Soares said if we own the property, we can set our own rent control. They could eliminate the possibility of having a tenant through rent control. Chairman Robie said be aware that this process takes time, because she is not going to pay the rent and then there is an eviction process. Selectman Soares said she knew what an eviction takes, her father in law rents apartments. Chairman Robie said they are trying to avoid any liability. Selectman Soares just wanted to clarify if they do take the property they can charge rent. Selectman Chivers said the alternative is letting them have a free ride forever over there. Why don't they take the deed and maybe Mr. Nelson will get the message. Chairman Robie said he would be notified with an intent to sell and then Mr. Nelson has 15 days. *Selectman Soares motioned to take the deed for map 409 lot 116-2 (308 Raymond Road) with the intent to sell. Seconded by Selectman Chivers.* Selectman DePuy read from the handbook from the NH Municipal Association "We often receive questions on mobile homes and manufactured housing or other properties with a taxpayer or a tenant of the taxpayer is likely to remain a resident after the deeding". He continued "one thing that will occur the governing body will take the property subject to the rights of any of the actual occupants of the realty. This obligation towards those in residence is not something to be taken lightly. The governing body should carefully review the provisions of RSA 540 and 540-A which are the statutes governing landlord tenant actions in responsibilities prior to agreeing to acceptance of a collectors deed of a property with a person in residence. Errors in the management in the relationship may be very expensive especially if there is liability under the provisions of 540-A:4. Such liability may include the payment of costs, attorney's fees and damages of \$1,000 per day for violating the rights of a tenant. These laws do apply and they are stringently applied against landlords." Selectman Chivers asked what the alternative was. Chairman Robie said they will issue an intent to sell immediately. After 90 days the town can auction that building off. This is what the town attorney advised him to do. Chairman Robie called for a vote. *All were in favor. Motion carried.* The Board reviewed map 413 lot 105. It's located on Old Candia Road and is 1.3 acres. Selectman Soares motioned to take the tax deed on map 413 lot 105. *Seconded by Selectman Chivers. All were in favor. Motion carried.* The Board reviewed map 414 lot 138. Chairman Robie said he would explain what he knew about this property and then he would have to recuse himself from the decision. Back in 2012 when he wasn't a Selectman Mr. Martin (owner of 256 Depot Road) contacted him. He wanted to know if he wanted to buy it. At the time he was busy and declined the offer. Mr. Martin was very sick and in the hospital in Tilton. In January of 2014 he was looking for some land and he was interested in finding something where he could keep himself busy this spring. After much searching he contacted Mr. Martin who was living in Salem, New Hampshire. He was still interested in selling his property. He informed Mr. Martin that he still owned \$15,000 in back taxes. Mr. Martin understood that and they negotiated a selling price and a contract for him to buy the property. He gave him the deposit and he had his attorney draw up a deed and search the title. He paid his engineer to survey the land, verify what was there and that it was a buildable

lot of record. As he was having all of this done Mr. Martin passed away. His brother tried to get power of attorney after Mr. Martin was deemed incompetent. His brother never got power of attorney. Mr. Martin's son lives in Louisiana and doesn't want anything to do with going through probate. He has his deposit slip and a signed purchase and sale agreement. He has a quote from Danley Demolition because there is some material down there that he wants disposed of properly. He has a purchase and sales agreement that was never signed, because Mr. Martin has passed. He doesn't know how they will recoup their money unless they take this deed with the intent to resell or honor his purchase and sales agreement. Selectman Chivers said his purchase and sales agreement is extinguished by any claims that have a priority over it, he is an unsecured creditor on the property. Chairman Robie said he fully understood that. Selectman Chivers said the only remedy would be the town would take the deed for the property, offer it for sale, Chairman Robie could bid on it in a competitive environment at which time he would take title to the property. It would be free of any other encumbrances and he could build his house. This is the cleanest, most transparent way out of this for Chairman Robie and the town. This is a clear case where the town takes the deed, hires an auctioneer, and sells it at public auction. Selectman Snow said his understanding is that Chairman Robie has a valid, legal document that the people that now have title to it has the opportunity to sell it to him. Chairman Robie said in his purchase and sales agreement it says the buyer is to pay all back taxes owed to Candia. He knew that these taxes would have to be paid. Selectman Snow said Selectman Chivers was talking about making a decision that would benefit a member of the Board by taking the deed. Selectman Chivers said he would not be benefiting. The town of Candia would offer this for sale at a public auction and Carleton would have to bid against anyone else that wanted to buy it. This is the appropriate way to deal with this. Carleton is doing us a favor with disclosing all of the facts right now. Selectman DePuy didn't think Carleton has a legal right to the property. Chairman Robie replied no one says I do except for Dick. Selectman Snow said he has a signed purchase and sales agreement and the estate has to honor the claim. Chairman Robie said there is no estate. The son doesn't want to go through probate. Selectman DePuy thought they should treat this one like they have the other ones. *Selectman Chivers moved to take the title of map 414 lot 138 – 256 Depot Road. Seconded by Selectman DePuy. Selectman DePuy, Selectman Snow, Selectman Chivers, Selectman Soares were in favor and Chairman Robie abstained. Motion carried on 4 in favor with 1 abstention (4-0-1).* There was discussion about the hazardous waste on this property. Chairman Robie said that is why he got the quote from Danley, because they are going to dispose of it. He disclosed this to the Board earlier. It was noted that it was asbestos. Chairman Robie said the amount of the quote was \$7,000. Selectman Snow thought they should combine lots 414-138 and 414-137. Selectman Soares said they don't have the authority to make them one lot. They are not the Planning Board. The Board reviewed map 414 lot 137. Chairman Robie said he contacted Mr. Lemay, three days after he wrote his purchase and sale with Mr. Martin. Mr. Lemay said he didn't have any land in Candia and the state took it when they built the highway. He spoke with Mr. Lemay last week and he showed him where his lot was. He was having a hard time being convinced that he owns land here. He told Mr. Lemay that he owed approximately \$20,000 in back taxes. Mr. Lemay told him to make an offer. Chairman Robie said he would give him some money for his land. He would give him some money to pay his taxes and write the purchase and sales agreement. This was last Wednesday and he called him on Saturday and he didn't return his call. Someone in the family probably told him it was worth a little more than his offer. He thought Mr. Martin would come in today to pay off his taxes. Chairman Robie told the Board he would recuse himself from the discussion.

Selectman Chivers said the Board has no alternative but to file the deed. There was some further discussion about taking the deed. Selectman Snow mentioned that auctions cost money and they may want to do multiple properties at once. Selectman Chivers clarified with auctions there is a buyer's premium and the buyer pays the auctioneer. Selectman DePuy noted if the owner's do elect to buy the property back they have to pay a 15% penalty plus interest. Selectman Chivers moved to take the deed of map 414 lot 137. Seconded by Selectman Snow. Selectman DePuy, Selectman Snow, Selectman Chivers, Selectman Soares were in favor and Chairman Robie abstained. Motion carried on 4 in favor with 1 abstention. (4-0-1)

Chairman Robie motioned to adjourn at 9:21 p.m. Seconded by Selectman DePuy. All were in favor.

Respectfully submitted,
Andria Hansen
Recording Secretary