

~~Unapproved~~ **APPROVED**
Candia's Selectmen's Public Meeting Minutes
March 9, 2015

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

Approval of Previous Minutes: Public meeting minutes of 02/23/2015. Selectman Snow moved to accept the February 23rd, 2015 Public Meeting Minutes as presented. Seconded by Selectman Chivers. All were in favor. Motion carried.

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

Highway: Road Agent Lewis read from the attached report. They pretty much plowed the entire month of February. There were seven storms and some of them lasted a couple of days. They didn't have any problems getting salt from their salt provider. They are headed to mud season, so they need to think about posting their roads. He was going to put the notice in the paper this week. He's still not sure when he is going to post the roads, but he would like to get a notice in. *Selectman Snow moved to authorize the Road Agent to post the roads for mud season. Seconded by Chairman Robie. All were in favor. Motion carried.* Road Agent Lewis noted that he depleted his winter budget and they are already into the warrant article. His long range plan is to hold off on any paving this summer. If they have the money left over and they don't need it next November and December, the new Board may allow us to encumber that money and he will do the work the following year. This way he will stay within his bottom line. They are going to get reimbursed for the blizzard. He just got word they are going to get reimbursed from the date of the blizzard (January 27th) up to February 22nd which was the majority of his plowing. This will be for sand, salt, and the truck. The amount to be reimbursed will be over \$100,000, but it will go into the general fund. They will have most of their winter paid for. Selectman Chivers asked if he could get commitments from his paving supplier now. Road Agent Lewis said no and he wouldn't need those commitments until next December, if they encumber the money. There was some discussion on the FEMA reimbursement. Selectman Snow asked what FEMA was going to pay back. Road Agent Lewis replied 75%. Selectman Snow asked if the state was going to contribute to that. Road Agent Lewis said they haven't the last couple of times. They used to contribute 12 ½ percent. So now they are on the hook for 25%, but it's better than a hundred. Chairman Robie asked about the 13 sand and salt runs and 7 plow-able storms. He asked if the sand and salt runs go with the plow-able storms. Road Agent Lewis replied yes, but there are other sanding runs that he doesn't count in. He noted if this was a normal February when the weather is warmer the numbers would be way higher. It would be more like 30 salt and sand runs with eight plow-able storms. The ratios change with the temperature.

Police: Chief McGillen noted that activity has picked up. They had an attempted break in at Stubby's Restaurant in late February. They smashed out the window on the door, but didn't gain entry. More recently they've had a couple of incidents on Main Street early last week. A house was burglarized down by Chester Road and there was an attempted burglary at a residence near that area. A couple of his officers are working with Hooksett, Bow, Londonderry and other

departments that have been giving them some information. Some jewelry in Manchester might be matching some stuff taken from the burglaries. There is heroin forum coming up in Raymond. It's open to the public and he plans on attending. A lot of these drugs are fueling the break-ins. They are getting information from other agencies that this type of activity is on the increase. When the weather starts getting nicer they are probably going to see a lot more of a hit. If anyone sees anything strange going on in their neighborhoods call the station. He mentioned the prosecution office asked to be billed twice per year instead of quarterly. The price is staying the same. The two part timers are progressing they are still going out under the guidance of another officer.

The Board to approve the matrix step 4 increase of \$1.50 for Officer Kevin Mahoney. Chief McGillen said they had a good review on Officer Mahoney and he is on the last step of the matrix. He asked if his \$1.50 increase could be retro to December 18, 2014. Chairman Robie motioned to give Officer Mahoney his final step 4 matrix increase of \$1.50 effective December 18th, 2014. Seconded by Selectman Chivers. All were in favor. Motion carried.

Fire: Selectman Chivers read from the attached report. The fire department was very busy last month. They had 239 staff hours this month compared to 95 staff hours last year. They had two structure fires in one month which is quite uncommon. In addition to that they had some administrative hours. They did regular maintenance and training. He headed to East Candia where they had one of the fires and he was really impressed with our fire department and our chief of police. The woman who owned the home had two cats and a dog inside. She was just as concerned about the animals as the house burning up. The firefighters didn't stop until they found all three of those animals. This really comforted this lady and all the while Chief McGillen and Building Inspector Murray were comforting her. Then when she was ready to leave Chief McGillen cleaned the snow off of her car. He thought this was a very gentlemanly thing to do for this lady in distress. Our fire department and police department showed her every courtesy. On South Road there was another fire and they saved that building. Chief McGillen said there were a lot of people up there Road Agent Lewis, Carleton Robie, and Building Inspector Murray. They were salting for the firefighters because it was a sheet of ice. The firefighters attacked the addition and the garage and they knocked it down. The boys did a good job and other people came along to help the firemen out. It worked out well there was a lot of team work. Chairman Robie commented on the fire department and all of the help they get in an emergency situation like that in their community. It shows real community strength, not only from our own department. He also noticed a lot of young men that they didn't have years ago show up. It was the middle of the week and they had six or seven guys there that are really interested in being firefighters as a career, not just volunteer. Their mutual aid is second to none in Rockingham County. He was very impressed by all of those other towns. It was noted that Manchester Fire Department covered the fire station (during the fire). He felt this town can feel comfortable with a fire department like ours.

Building: Building Inspector Murray said it has been a slow month. He read from the attached report. He has had time to go through the old records. He felt it was going to be a busy year. There have been a lot of preconstruction conferences.

Solid Waste: Selectman DePuy read from the attached reports. They did have some pipes freeze in the bathroom which created a mess. The pipes to the septic tank also froze, so there were some expenses there. He noted that insulations is messing in the ceiling and along the outer wall by the bathroom. They got a quote from Builders Insulation to put insulation in the ceiling and outer wall. The cost is \$1,000 and he told Chuck to go ahead and do it. He is reporting it to the Board because he felt they need to do it. There is a history of animals getting in the insulation, burrowing in and destroying it. A lot of the insulations was taken out and has not been replaced. They have eliminated the animal problem but now it's only half insulated. He didn't think they have any alternative. Now the pipes could possibly freeze and they put a heater to the pipes, so they didn't suffer any pipes breaking. Selectman Snow asked if \$1,000 would resolve the problem. Selectman DePuy said it would because there is a draft coming in from the outer wall and you can't get in there to repair the insulation. They will have the insulation blown in. They put batts of insulation in the office and the bathroom. Chairman Robie asked if they know who quoted that. Selectman DePuy said he did not and Facility Operator Witcher called and got a couple of prices. Chairman Robie said they probably don't want to be spraying insulation down between the outer wall and the building. When the wall sweats between the interior wall and exterior wall it will turn to mush. They probably should look at that a little closer. Selectman DePuy agreed that it was not as good because it settles over time. Chairman Robie said it will make an awful mess. There was discussion about the frozen septic tank. Selectman DePuy said they can only use the bathroom so many times. They should rack it up as a once in a hundred year winter. Chairman Robie said if they flush raw hamburger down the septic it creates a bacteria that keeps the warmth in the tank. Selectman Snow asked what the status of the repair (insulation) was. Selectman DePuy replied it needs to be done. Selectman Chivers said they should put that on hold until Chairman Robie can look at it. Chairman Robie noted the domestic water froze first then the septic tank. He said he would talk to the person he deals with at Builders Insulation. He didn't think they should be putting the blown insulation in.

Selectman DePuy to discuss the baler. Selectman DePuy said since they decided to purchase the OBC Baler he has spoke with Chuck and got his input. Only one reference had been contacted about the baler who said it was okay. They had given us three references. He called a guy named Steve Covar at Superior Distributors. He said the machine seemed fine. They've had it for 10 years and it broke down once. The conveyor broke down. We don't have a conveyor on the one we ordered. The problem was that cardboard with plastic would cause a problem. They had problems leveling the cardboard but the operators could deal with that. He then called someone from Green County. He talked with a lady. She told him the annual maintenance is all they do. It does cardboard well. She has been with the company since 2007 and the machine was there before she got there. She told him that it does not do plastic well. It needs extra pressure and this machine doesn't have it. There maintenance was under \$500 per year. She noted the first time the bales come out square a pin sheered and they paid \$1,500 to fix it. She wasn't sure what machine it was, but this is the only machine they had. OBC told him to ask about the Max-Pak and he assumed that's what it was. This gives him concern about this baler. They are baling cardboard, mixed paper, plastic, tin cans, and aluminum. This caused him to call the Marin people back. This was the one that the Board felt was too expensive at \$79,000. They told him there bales are bigger and heavier. He talked with Jim Argeriou who had reviewed the information on the machines and he said the pounds per square inch on the rams were the key. It creates bales that are 1,500 pounds opposed to 1,200. The OBC just can't do the work the Marin

can. The twin pistons on the Marin create more pressure. They get heavier bales, so every seventh bale they would save a bale. The guys are going to be wiring fewer bales and trucking it less often. He would like to propose that they don't buy the OBC and they buy the Marin. He noted Chuck has talked with the Marin references and they were all pleased as punch with the machine. He couldn't recommend the OBC knowing it didn't do plastic well. He told Marin about the pin sheering. The guy told him their pins are bigger by $\frac{3}{4}$ of an inch. He said if they had to fix it, it would be a one hour fix. He is asking the Board to go with the Marin instead. He noted that Facility Operator Whitcher favored this machine from the start. For \$7,000 more he thought they should go with this baler. Selectman Chivers asked what the delivery date was. Selectman DePuy said it would be 12 to 14 weeks. *Selectman DePuy moved to recommend that the purchase the Marin Baler at a cost of \$79,264.* He spoke with them twice today to get them to reduce that price. They told him they couldn't reduce the price, but they may be able to reduce the freight. They explained to him they have been losing money on the machines, so they raised the price. They make a better machine so the installation was \$10,000 and he got them down to \$5,000. He felt he got them as far down as he could. *He recommends they buy this machine and they authorize the Chairman to sign the contract to purchase the Marin Baler. Seconded by Selectman Snow.* Chairman Robie thought before the Board signs a contract they should get through the election, get a new Board of Selectmen and then look at their new budget. They are going to need to make some changes in the budget, not that they aren't going along with this recommendation but before they sign anything they should at least get through Election Day. Selectman Snow said the motion was to authorize the Chairman to sign that doesn't obligate him to sign it, it's an authorization. Chairman Robie felt that it was both. They are trying to have an open form of government here. Citizen Linda Bergeron thought they have gone out of their way to sequence the warrant articles and budget so they could purchase this property. She thought if they could do that to purchase a property, they could come up with a better baler for Candia. Selectman Chivers didn't think this was fair to push this off to the new Board. Selectman DePuy has a lot of time invested into this project. They made recommendation to the Budget Committee that we need this baler this year. How could we defer this now until a new Board is seated and they may not look at it the same way? They may say forget the baler and let's use the one we have until it dies. This Board goes through a budget process that takes up September, October, and November, and then we abandon the whole thing. If we needed a baler in October and we presented to the Budget Committee that we needed a baler, he didn't see how anything has changed. They don't have Plan B. He said if the current baler breaks there only choice is to fix it and invest money in it. They are lucky they have the baler working as well as it is working now. They told everybody that it is on its last legs. He understands the budget constraints, but it will put us in a bad way if we don't buy this baler. They also made representations to the Deliberative Session that we could cut \$80,000 out of the budget; we never said they weren't going to buy the baler. They said they could find the \$80,000 in other departments, so let's find it. Selectman DePuy thought the baler was a necessity. For a new Board to get up to speed, the old baler may fall apart in the meantime. He thought it was this Board's duty to follow through and buy this baler. Selectman Chivers said they have \$4,000 in the maintenance line for the old baler which can go towards purchasing the new one. He asked if this made sense to Chairman Robie. Chairman Robie replied that it certainly made sense they need a new baler. He agreed they have a budget constraint going on with their Deliberative Session and a couple of things they've done since then and the winter they've had. If the Board felt he should sign this contract, they can vote and he will abstain from the vote. He

said whatever this Board decides; the new Board will make it work. Chairman Robie called for a vote. Selectman DePuy, Selectman Chivers, Selectman Snow were in favor and Chairman Robie abstained. Motion carried (3-0-1). Chairman Robie thanked Selectman DePuy for all of his hard work on this.

The Board to discuss tax deeded properties. Chairman Robie recused himself from the conversation. Selectman DePuy said he contacted Atty. Greg Michael and he said he would contact Mr. Nelson and get back to him. He told him the Board would consider settling for the amount of taxes due, interest, expenses, and the penalty. The total amount was somewhere around \$68,000 and they would waive the \$200,000 in fines. Atty. Michael got back to him and Mr. Nelson said he would pay \$45,000 to the town by the end of the month and clean up the property within two weeks or when the snow was gone. Selectman DePuy told Atty. Michael he would report that to the Board and talk with Atty. Mayer which he did. Atty. Mayer said the town, under the statute, can waive penalties. Right now when they advertise it for sale whoever got it would get it subject to the tax lien. The town owns it now subject to a tax lien. There are three options. The first option would be to sell it back to the owner. The second option would be go to the IRS and try to negotiate with them and see if we could get them to release the lien. Then sell it at auction. The problem with that is it is hard to find someone at the IRS with authority to deal with this. Previously had we offered it to the IRS they would have 45 days to respond. They either take it and auction it off themselves or lose their lien. Atty. Mayer told him he had done it once and it took months and months, but was able to accomplish it. The third option would be to deed it back to the prior owners and go through the process again. This would be the second time they would go through the process but would offer it to the IRS. This would start the 45 day window running then they could sell it at auction. Selectman Snow asked if they give it back to Nelson, what happens to the IRS lien. Selectman DePuy said he would get it subject to the IRS lien. Selectman Snow asked if his Attorney understood that when he made the offer to Nelson. How is the third option any different than the other two? He said if Nelson pays the \$45,000 it could be construed as an offer to pay the whole thing. Selectman DePuy clarified that Mr. Nelson made the offer to pay \$45,000. Selectman Snow asked what kind of position he was in to negotiate \$20,000. Selectman Chivers asked why they should believe this guy is going to clean it up. There was a court order to have him clean it up for the past two and a half years and he's going to clean it up now after he buys it for 1/5th of its value. Selectman DePuy said he would recommend they offer it for \$45,000 and Mr. Nelson comes in and pays the \$45,000. He thought the likely hood of this happening is very small. He didn't expect that he was going to come up with the money. His attorney said he had a heart to heart talk with Mr. Nelson and asked him not to promise something he can't accomplish. His attorney didn't think he was going to come through. Selectman Chivers said if the first option doesn't work they go with the third. This doesn't give us much strength here. They should have Candy start the deeding process all over again and they'll do it correctly this time. Selectman DePuy said this time they'll get rid of the lien and if they go to auction they'll get the taxes and interest. Selectman Snow said if they said their floor for the auction was \$60,000, they could say they aren't going below that. Selectman Chivers asked why we would set it so low if there is \$200,000 worth of equity in the property. The town has claims for approximately that amount, why not set the bid for 80% of the fair market value of the property. They have \$200,000 in judgments. Selectman Snow thought they should tell him \$60,000. Selectman DePuy said he was in contact with Noelle (Bruce's sister) and she is interested in purchasing this property

when it goes to auction. She told him that she had been giving Bruce the money to pay the taxes. Selectman Chivers though \$60,000 should be the minimum amount they sell it for under the first option and tell him they will waive the \$200,000 fine if he comes up with the taxes, penalty, and interest. Selectman DePuy noted Mr. Nelson owes the amount \$35,028 in taxes and interest. The 15% penalty would be \$27,000, the legal costs are \$781, and the court fine as of January was \$211,000. In addition there is an IRS lien. Selectman Snow said he didn't want to spend any money getting rid of the IRS lien. The \$200,000 fine he would consider negotiable. Selectman DePuy said the choices are that they tell Mr. Nelson he pays \$45,000 and we deed it back to him free of the town's liens or they transfer the property back to him and they go through the process again. They will take it by tax deed, get rid of the IRS lien, and sell it at auction. Selectman Chivers agreed with doing it this way. Selectman DePuy said what they are really doing is he is paying the taxes and interest and paying part of the penalty. He felt the \$100 per day fine was not being fair. So for \$45,000 this person does not lose their home and the town gets more than the taxes and interest. He reiterated that he didn't think he is going to come through, but he recommend that they give him the option. If he doesn't we are going to deed it to him then we will take it from him and sell it at auction. Selectman Chivers asked how much time are they giving him. Selectman DePuy said Mr. Nelson would bring the check in by the end of the month. Selectman Chivers asked if he could start cleaning it up in the meantime just to show good faith. Selectman DePuy said he doesn't own the property, so he isn't going to clean it up. Selectman Chivers said the IRS lien isn't going away and he didn't think Mr. Nelson was going to buy back the property. *Selectman DePuy motioned to give Mr. Nelson until the end of the month to pay the \$45,000 to wipe out his obligations to the town and takes it subject to the IRS lien.* Selectman Snow thought they should also say that the \$100 per day and \$211,000 will be forgiven when he cleans the place up. This is the only leverage they have. *Selectman DePuy amended his motion to give Mr. Nelson until the end of the month to pay \$45,000 and the discharge of the town's judgment will not be effective until he cleans up the property by June 30th, 2015. Seconded by Selectman Chivers. All were in favor. Motion carried.*

The Board to discuss the Giovagnoli's request. Chairman Robie explained Road Agent Lewis had spoken with the Giovagnoli's about a contaminated well. They had a new well put in. Chairman Robie read from the Giovagnoli's letter sent to the Selectmen's office (see attached). Chairman Robie said they received the quote for the well and the result of the water tests (see attached). They also enclosed the invoice for a new drilled well and landscaping (see attached). Chairman Robie said it seemed to him that the Giovagnoli's bought the property with the intent to re-sell it. He didn't know if they had their own water test done when they bought it. Obviously the buyer needed a water test and the water test failed. He didn't think they did their due diligence when they bought the property. Road Agent Lewis said just for the record they don't maintain the road, it is a town road but the town of Auburn maintains that road for us in trade for Tower Hill (in Auburn). Chairman Robie said at the end of the day it is our road and we are responsible for it. Selectman Chivers noticed that their water test fails not only for sodium chloride but for coliform, lead and manganese as well. It fails on a number of counts and only two relate to how much salt is on the road. He agreed with Chairman Robie and they might have known the well was bad when they bought it and they bought the property as is. He drafted a letter to send to the Giovagnoli's (see attached). He felt they needed to provide them with more information, if they want the town to pay this. Chairman Robie thought they should send a letter saying they are not going to pay for their well because they should have tested the water.

They should have done their own well test. Selectman Snow said the claim for us is because the water was contaminated by us. There is a statute that says we have to get them a new well. Chairman Robie said he would agree with that if they were the original owner and their well was contaminated. The house was sold to an investor and he thought the Giovagnoli's were investors. They were responsible for the water test. Selectman DePuy said they salt the roads but the Giovagnoli's haven't produced a report or opinion that says that is a result of what is being done on the road. They also have other problems and he is not convinced that is coming from a different source. There was further discussion about the well. It was the consensus of the Board to send the letter Selectman Chivers drafted to the Giovagnoli's.

The Board to approve Boy Scout donation for the delivery of the Town Reports. Selectman Snow recused himself from the discussion. Chairman Robie motioned to donate \$300 to the Boy Scouts for the delivery of the town reports. Seconded by Selectman Chivers. Chairman Robie. All were in favor. Motion carried.

The Board to authorize payment of \$64,520 from the Fire Apparatus Capital Reserve Fund. Selectman Snow moved that they withdraw \$64,520 out of the Fire Apparatus Capital Reserve Fund and send the invoice to the Trustees of the Trust Fund. Seconded by Selectman Chivers. All were in favor. Motion carried.

Hours for Election Day. Selectman Snow - 10 am to 5 pm leave and back at 6 pm to close
Selectman DePuy – 6 am to 10 am back at 4 pm to close
Chairman Robie – 8 am to 12 pm and back in the evening to close
Selectman Chivers – 2:30 pm to close

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 March 5th and March 12th was \$679,622.70. Selectman Snow motioned to accept accounts payable and payroll checks for March 5th and March 12th in the amount of \$679,622.70. Seconded by Selectman DePuy. All were in favor. Motion carried.

Next meeting will be March 23rd at 7:00 pm. Selectman Snow wished the Board all of the best. Selectman Chivers presented Selectman DePuy with a plaque for his 3 years of service on the Board of Selectmen. Road Agent Lewis presented Selectman Snow with a plaque for his 6 years of service on the Board of Selectmen.

Police Chief asked if they would like to give Car 4 to the Building Inspector. He said he would call the dealership and offer the Building Inspectors car for a trade in. It was noted that there was a trade in for Car 4 in the purchase and sale agreement. Chief McGillen said he would report back to the Board once he spoke with the dealership.

Selectman Robie motioned to adjourn at 8:25 pm. Seconded by Selectman DePuy. All were in favor.