

~~Unapproved~~ **APPROVED**
Candia's Selectmen's Public Meeting Minutes
June 8, 2015

Attendance: Chairman Carleton Robie, Vice-Chair Boyd Chivers, Selectman Scott Komisarek, Selectman Craig Sandler, Selectman Susan Young, and Administrative Assistant Andria Hansen.

Chairman Robie opened the meeting with the pledge of allegiance.

Review of minutes May 11th, 2015. Selectman Chivers moved to accept the May 11th, 2015 Selectmen's Public meeting minutes as presented. Seconded by Selectman Young. All were in favor. Motion carried.

The Board to present Citizen Bertrand Binette with the Boston Post Cane. Historical Society President Sis Richter and Chairman Robie presented the Boston Post Cane to Bertrand Binette in recognition of being the oldest living resident in Candia. Selectman Chivers mentioned a few words about Mr. Binette. Besides being the oldest person in Candia there are some things that people at this meeting and people of this town should know about Mr. Binette for which his family should be proud and the rest of us be grateful. Mr. Binette served in the United States Navy in World War II and for 43 months he patrolled the Pacific Ocean aboard the USS Libra during which time his vessel experienced 9 engagements with the enemy according to the Navy's website. Besides 43 months at sea Mr. Binette witnessed history. On September 2, 1945 from the deck of the USS Libra anchored in Tokyo harbor Mr. Binette witnessed the Japanese delegation boarded the USS Missouri upon which General Douglas MacArthur accepted their unconditional surrender. Mr. Binette witnessed history made and for that Selectman Chivers and the Board thanked him.

The Board of Selectmen will hold a public hearing to accept quarterly grants and donations in accordance with RSA 31:95-b, III (a). Chairman Robie announced the donations for the first quarter: Candia Community Woman's Club - \$600.00 and the Candia Volunteer Firefighters Association donated a Staber Dryer valued at \$7,229.00. The grand total for the donations is \$7,829.00. Selectman Chivers motioned to accept the quarterly donations in the amount of \$7,829.00. Seconded by Selectman Sandler. All were in favor. Motion carried. Chairman Robie announced the grants for the first quarter: State of New Hampshire Highway Block Grant in the amount of \$19,565.76 and the State of New Hampshire – Air packs valued at \$67,925.00. Selectman Young motioned to accept the quarterly grants in the amount of \$87,490.76. Seconded by Selectman Chivers. All were in favor. Motion carried. Chairman Robie noted the Finance Committee restored the 4 million dollars for the gas tax that was cut out. They put it back in the budget to be voted on.

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

Highway: Road Agent Lewis read from the attached report. He did guard rail replacement on Patten Hill Road, where the cars keep hitting it. They are going to add 50 more feet of guard rail. They did grading on Currier Road. They've done a lot of patching. They need to look at more paving next year to start slowing the patching down. Signage was installed on Patten Hill

Road at the 90 degree corner. They keep doing culvert cleaning town wide. Selectman Young asked if the bridge on Old Deerfield going to be fixed. Road Agent Lewis said he was going to replace the guard rail this summer. Selectman Young asked about the trees that are lying next to the road from the storm. She was told they have encumbered funds for that. Road Agent Lewis said there was money encumbered at the end of the year for that. They had someone start on it last week and hopefully they'll finish it up this week. He wasn't quite sure if the encumbered money was going to cover the total cost. Chairman Robie noted they encumber \$6,000. Road Agent Lewis said they have already spent \$3,000. Chairman Robie asked if he has seen a check from the FEMA storm. Road Agent Lewis said that Deerfield got theirs last week so they should probably be getting theirs this week or next week. He thought it would be anywhere from \$18,000 to \$22,000. Chairman Robie asked about a sand shed and was he working on getting a price. Road Agent Lewis said hopefully they'll put it on the warrant next year. He explained they can only store four tractor loads of salt in the shed. The sand and salt mix has to stay outside and it gets wet and snow covered, so they were thinking of building another covered building to put the sand and salt in. When it rains they try to cover it. If they have two back to back storms and only being able to store 4 loads of salt they run very close. His supplier has been good knowing his situation, but sometimes it runs pretty tight. He reiterated he is thinking about putting this on the warrant next year. Chairman Robie noted they keep it looking pretty neat down there.

Police: Chief McGillen said the offenses were a little high for the month of May (see attached). The warmer weather is here so things are picking up a bit. He noted that they got about \$1,100 from the state auction, because they got rid of some of the outdated equipment in the basement. They did have some break-ins last month at a couple of the business's in town. Someone did hear some OHRV activity near one of the business's. It came in from the Raymond area. They hit the daycare and another business down on Old Candia Road. They didn't take much; it looks like they went through the office looking for cash. There wasn't any damage. He noted that Road Agent Lewis put up a stop sign on Palmer Road. He mentioned to Selectman Chivers that someone has moved a log up on Podunk Road where the access to the trail is. He heard that some trucks and some jeeps have been going up to the access area. Road Agent Lewis said he could put some big boulders there or a bigger log. He asked when this happened. Chief McGillen said a resident mentioned it to him a couple of weeks ago who lives on Podunk Road. It looks like there used to be a big log there and they dragged it away. Road Agent Lewis asked if they are going into the park. Chief McGillen thought they were. He mentioned they put in for a radar grant; they are trying to update some of their equipment. It's about \$3,000 and it is one of the new laser guns. They'll see if they get approved. They have to match the money on that which is 50%. They have the money in the police equipment line for that. They also have some kids in town doing some community service. They'll have someone later this month working on some projects over at the park. They have someone coming in and helping out with the food pantry. He mentioned they have a \$1,000 donation from the Candia Woman's Club to go towards a purchase of a trailer to store their 4-wheeler and transport it if necessary. He would also like to store target stations (in the trailer) that he has stored in the basement. He would like to take money out of the drug forfeiture account they have and purchase a trailer from a local business. The drug forfeiture account is money from drug forfeitures that happened in town that were initiated by their department. They are in negotiations with a local business man to see if they can come up with a price. He would like to have the Selectmen accept the donation from the

Candia Community Woman's Club. It was very nice of them to come up with this money. Selectman Chivers asked how the Candia Woman's Club decided they needed a trailer. Did they propose the idea or did he? Chief McGillen said he did, he happened to be talking with a couple of the members one day. One of the members said she would talk with the other members and see what they come up with. He never expected anything like this. He noted all of the ladies in the club are pretty supportive of the police department. Selectman Chivers asked if they have established that there was a need for this trailer. Chief McGillen explained they have no way to transport it or store it. Right now they are storing it at his house in Auburn. They have a 2008 Explorer with a trailer hitch. He felt there was a need for the trailer. Selectman Chivers asked if the OHRV is used much. Chief McGillen explained there are months they don't use it at all and then they have times they use it every couple of weeks. Especially if they get approved for the OHRV grant from Fish and Game. His goal is to get an officer out there when they have some overlapping coverage and hit some of these hot spots like the Brown Road pit. They just got a call the other day that there is some activity on the Rockingham Trail. He knows some people don't report this kind of stuff, if they someone on a dirt bike. Chairman Robie asked what kind of activity. Chief McGillen replied 4-wheelers and dirt bikes. On the Rockingham Trail there are no wheeled vehicles. Selectman Chivers asked if the only time they use it on the rail bed is when they get a grant from the state. Do they ever send the officers out there on a Saturday or a Sunday? Chief McGillen said with a tight budget he doesn't want to spend overtime to have the guys go out there. Selectman Chivers asked how about just regular time. Chief McGillen said if they have overlapping coverage and it is conducive to us. Sometimes they have overlapping coverage and they can get two officers out there. Selectman Chivers asked where he is going to park the trailer. Chief McGillen said he would like to park it here. Selectman Chivers asked if there is a better place to park it, like where Road Agent Lewis keeps his plows. Selectman Young said she would keep it under the lights. Chairman Robie asked Selectman Chivers what his recommendation was on the \$1,000 donation from the Woman's Club. Selectman Chivers said if they have determined there is a need for the OHRV, then they need to figure out a place to keep it, and there is a need for the trailer. If the Woman's Club wants to give us \$1,000 to something that we determined that we needed and Chief McGillen wants to take the rest out of the drug forfeiture account then he thought they should do it. This is a good way of financing it. His concern is do we need the OHRV and do they use it. They have 2 ½ miles of rail bed running through Candia and 4 miles around Tower Hill Pond. Chief McGillen said there are lots of places they can use it, it depends on what the call is. If they have a missing person they are going to need whatever they can to get out there. Selectman Chivers said the fire department has an OHRV also. He noted they have this OHRV and now they have to take care of it. They have the Woman's Club offering to give us \$1,000 and they have \$1,800 in the DEA forfeiture account. *Selectman Chivers moved to accept the \$1,000 donation from the Candia Community Woman's Club to go towards a purchase of a trailer for the police departments OHRV. Seconded by Selectman Sandler.* Selectman Young said it shouldn't be the Chief's responsibility to park the trailer at his house. Chairman Robie said they really don't have a very good place to park it. Selectman Chivers said if they could find a place other than the parking lot to store it that would be a good thing. Chairman Robie noted right here is the safest place. Selectman Young agreed and she wouldn't park it down in the back. Chairman Robie called for a vote. *All were in favor. Motion carried.* Selectman Young asked if he filled the position for the Animal Control Officer. Chief McGillen confirmed that he had no applicants. Selectman Young clarified that he advertised and no one applied. Chief McGillen replied that they advertised on

the website and around town, they have not put the ad in the newspaper. He spoke with the Chief in Fremont and their ACO may be interested. He also mentioned that Donna DelRosso resigned as the backup secretary for Karen Merchant who fills in when Karen is on vacation. He hasn't gotten any response, but they are going to get something on the town website this week. Selectman Chivers asked the last time they needed to fill the ACO position did they have any other applicants. Chief McGillen said one person applied. Selectman Chivers asked if that person was still interested. Chief McGillen was told that this person had some health issues. Chairman Robie asked if he contacted that person. Chief McGillen said he hadn't. Chairman Robie thought maybe he could do that.

Fire: Selectman Chivers read from the attached report. The department has spent more staff hours on brush fires. In 2014 they spent 3 hours on brush fires and in 2015 they've almost spent 270 hours. Also, there has been about a 50% increase in EMS calls.

Building: Building Inspector Murray read from the attached report. Selectman Chivers said he saw Dragon Mosquito walking around his woods and he told them he didn't want them spraying. He swims in that water. They didn't know he was on the list, they didn't have a map, and they didn't know where they were. Building Inspector Murray said he spoke with Dragon Mosquito and there was some miscommunication. He noted 165 Depot was on the list, the parcel that was in question (with the swamp) was a different parcel. Selectman Chivers said that was Dick Snow's property and he is at 127 Depot. He noted the swamp is on his property. Building Inspector Murray said he gave the list and maps of all of Selectman Chivers properties to Dragon Mosquito. Selectman Chivers asked how do they know where they are without a map. Building Inspector Murray clarified that they didn't go 165 Depot Road (because it was on the list). Dragon Mosquito has gone over all of the maps and he spoke the president regarding this issue. He felt they resolved this problem and it shouldn't happen again. Selectman Chivers asked if he needed to be added to the list every year. Building Inspector Murray said he did not; they go by the same list every year and supposedly Dragon Mosquito already had the list. They did apologize for what happened.

Solid Waste: Selectman Sandler said they had another 10 tons of metal taken away since last month. They have a weekly pick up on the computers now. The baler is due sometime in July and Chuck is checking around to see what they are going to do with the old one. The other thing Chuck is concerned with is that there have been a tremendous number of televisions to dispose of. They have to be stacked a certain way before they get a load and get rid of them. They should be getting rid of a load of air conditioners this week. Chairman Robie thought they were going to have someone there to pick up the old baler when the new one arrives and whatever they get for it is scrap. He noticed the price of scrap is way down. He felt the Board ought to help Selectman Sandler make a decision on the old baler. They should have someone in place to pick up the old baler when the new one arrives. Selectman Chivers asked if they should arrange for a truck to be there that day. Chairman Robie said they could do anything they want. They could arrange Mr. Lewis to be there with his truck, load it and take it to Manchester. Road Agent Lewis asked when they are doing this. Selectman Young said he would need a date before they commit to this. Selectman Sandler thought they should get rid of it and get the best price they can, right now scrap metal is down. He felt it didn't need to be hanging around there. Chairman Robie said it would be feasible to take the motors out of it for the copper. Road Agent

Lewis said if they load it on the trailer, he can move the trailer and leave it on there for a while. Then they can take the motors and he'll bring it wherever they want. Selectman Chivers thought the motors would be worth something. Selectman Young asked who was going to strip the baler. Chairman Robie said you just take the motors out and sell them. He felt they could double their money if they take the motors out. Selectman Chivers clarified that they are going to take the motors out and load it on to Dennis's trailer when the new baler comes in. Will they strip it when it is on the trailer? Chairman Robie said they will find someone to strip it. He said that Chuck doesn't need to worry about having someone load the baler. Once they take the motors out of it, they'll have Dennis take it to Manchester.

The Board to discuss insulation/panel repair for the recycling center building. Selectman Sandler said they didn't want to get too far into the season and not have a solution to that problem. Chuck seemed to think they could make a temporary fix without too much of an expense to get them through the winter. With the amount that is proposed to repair the building, it would certainly have to go before the town at town meeting. The Board would have to decide if they want to put this in as a warrant article. Selectman Chivers noted at the last meeting he thought they said that Chairman Robie was going to take a look at the building. Chairman Robie confirmed that he and Selectman Sandler went down to take a look at the building. This is what they came back with. Selectman Sandler said this building is an asset to the community and he recommends that they keep it up. The second part of repairing the wall that has been blown out is that it would cost \$5,000. He didn't know if they wanted to lump it into one warrant article. Chairman Robie said he wouldn't be in favor of that. Selectman Chivers clarified a warrant article or spending the \$4,800. Chairman Robie said spending the \$16,000. He felt that amount was kind of high. They were going to spray some insulation in there for \$1,000 to seal up the wall. He thought they should do it correctly if they are going to just blow some foam in there. The wall needs to come apart but not \$16,000 worth. Selectman Sandler asked if they should go out for more bids or fix it temporarily. Something has to be done before the freeze this winter. Chairman Robie wasn't sure that a freeze up was the cause of this. He thought maybe they should just go with the blown insulation. Selectman Young asked how old the building was. Selectman Chivers said it was built in 2007. Chairman Robie said they are not maintaining the building the way they should be. Selectman Young said the building is 8 years old and it didn't hold up for 8 years. Chairman Robie said you need to know the history. Selectman Young said she didn't need to know that tonight but it seems like it should hold up for 8 years and she wasn't making a judgment on the workmanship. Selectman Chivers asked where they were going with this. Selectman Sandler said that Chuck's offer to repair it was around \$1,000. If they want to go with that they need to get a new bid because it's a year old. They can do that and plug the hole. It would be half of a job. Selectman Chivers asked if that was the right way of fixing it. Selectman Sandler said it would be a temporary fix, it isn't the right way. The right way is to do it like Chairman Robie recommended and Whitcher Builder's recommended. Chairman Robie thought these seemed like very high prices to him. Selectman Chivers said they could get other bids. Selectman Young agreed. Selectman Sandler said the reason they got a bid from Whitcher Builders is because they are the people who built the building. They are the ones who know how to fix it. He'll ask Chuck to look around, but they can't keep prolonging it. Selectman Chivers said there are plenty of local guys that could fix this. Selectman Komisarek noted Whitcher Builders is a big company and this is a pain to them. Everyone is busy this time of year, but they could find someone to do this. Chairman Robie said that Paul Frazier does this type of thing.

Selectman Sandler said he does do metal roofs. Selectman Young thought they should make a decision next meeting. She understood they don't want to prolong it, but this was expensive. Chairman Robie said if they are going to go this route they need to write a job specification. Selectman Sandler said a job spec for bid. Chairman Robie said this is what needs to be done, maybe not to this extent, but this is close. They spelled it out very distinct and clear. Selectman Sandler said then they can use this wording. His instructions for Chuck should be to take this description of the job and try to bid it out to three more bidders. Chairman Robie replied yes. Selectman Young thought this was so expensive and wasn't what they were looking for price wise.

The Board to consider appointing Rudy Cartier to the Recycling/Energy Committee. Selectman Chivers moved to appoint Rudy Cartier to the Recycling/Energy Committee. Chairman Robie called for a second. Motion failed due to a lack of a second. There was no further discussion.

The Board to discuss Daniel Ladd's pay rec. Chairman Robie said he wanted to make the Board aware that Mr. Ladd has completed the project at the New Boston Road site. There was a little discrepancy in the last payment requisition. In December of 2014 they encumbered \$7,736.59 for Daniel Ladd and \$4,500 for Stantec. In April there was a discrepancy with the encumbrance and we hadn't encumbered enough to pay Daniel Ladd. The total bill was \$10,700 and they had \$7,700 encumbered. The mistake was in November when they paid him his first payment requisition for \$57,000 and the retain age was \$3,000 that we held and it didn't get put on the December bill. At this point we owe Mr. Ladd \$9,200 and we are going to hold \$1,500 until the grass grows. This is in the contract that the grass must grow. They have the funds between what they encumbered for him and what they encumbered for Stantec to pay that bill. *Chairman Robie motioned to pay Mr. Ladd the \$9,200 now and when they come down to paying him the \$1,500 for grass they may have to take that out of the general fund. Seconded by Selectman Young. All were in favor. Motion carried.* Chairman Robie explained when they did the project they were very concerned about the finances and they did it out of an operating budget that was really tight and they got it done. They scaled down the project to take care of the ash which DES mandated that they do. The concrete (where the old building sat), the fencing, and a little bit of grading needed to be addressed. We said in the fall after the job was complete they would encumber \$10,000 and have Mr. Ladd complete that task. He has been reluctant to do this for us until we got our requisitions squared away. He quoted us \$7,500 to do what we have asked him to do. They have a quote he did in December. He would like to tell him to complete that task. *Chairman Robie motioned to have Mr. Ladd finish the project.* Selectman Chivers noted these are funds that we encumbered last year in December. Chairman Robie explained Mr. Ladd is going to remove the concrete pads where the building sat; they will put a bunch of fill behind where the incinerator used to be. They are going to excavate out that fill, they going to put that concrete in that hole, then they are going to put the fill back over it, and they are going to grab the slab (where the old swap shop was) and put that in there. They are going to leave the gravel driveway and the well. The well has not been decommissioned, the septic system had been. Selectman Chivers asked about the fence. Chairman Robie said the fence is going to come down along New Boston Road and three lengths back between the properties. Selectman Chivers asked if this was ok with the abutters. Chairman Robie said the abutter's are the Sarra's and it was ok with them. They will have to put up a sign that asks

people to stay off of the capped landfill with motorized vehicles. Selectman Chivers asked if they want people to stay off the whole thing. Chairman Robie said that is a decision of the Board. He didn't know if the Town posts their land to keep people off of it or not. He didn't see why they couldn't let people use it as a recreation area to access the pond and the brook or use it for hunting. They just need to stay off of the capped land fill.

The Board to discuss Nelson's deed and payment schedule. Selectman Chivers gave the Board members a little background on 308 Raymond Road. He explained Mr. Nelson rehabs houses for foreclosing mortgagees. He cleans out all of the junk and he takes it to 308 Raymond Road. He hasn't paid his property taxes so the town foreclosed his tax lien and took the deed to the property last year. In the process of taking the deed to the property the Tax Collector failed to either notice or failed to give the IRS notice of the foreclosure. The IRS has a \$200,000 tax lien on the property. The only way a foreclosing mortgagee can get title to the property free of that lien is to give the IRS notice 25 days in advance of the sale and then wait the 45 days after they give them notice and that extinguishes the lien. Because the Tax Collector failed to do this the town took the deed to the property subject to a \$200,000 claim to the IRS. This means they don't have the equity to sell to someone else, so they can't sell the property. Fortunately Mr. Nelson came in and baled us out of our own predicament, because he wants the property back and he offered to pay us \$5,000 per month in exchange of us giving the property back. He made the first payment in April and gave us \$5,000 in cash. He failed to make a subsequent payment. The position of the Board prior to that is if he did that (make subsequent payments) they would deed the property back to him and start the process all over again, but do it right this time. He came in last week. He owes us \$30,000 in taxes and interest. It is about \$17,000 in tax and \$13,000 in interest. His commitment is to give us \$5,000 per month starting June 15th and he will clean up the property within 30 days. He told Mr. Nelson that he would recommend this to the Board. He also told Mr. Nelson that they would give the deed back as soon as he made the first payment. Then he has 30 days after that to start cleaning it up. It was pointed out to him that this puts the town at risk with having someone working on property that is owned by the town. So it was recommended to him that they don't let Mr. Nelson enter the property until such time when they give him the deed. Then after which time Mr. Nelson gets 30 days to clean it up. This is about the only place they can go with this right now. The other alternative is to have the Tax Collector go to the IRS and ask for a discharge of that tax lien, if they didn't want to deed the property back to Mr. Nelson. Right now the property is valued at \$230,000 and they have \$30,000 in taxes that are outstanding. They have \$9,000 in legal fees and they have a \$200,000 judgment against this guy. He was subject to a \$100 per day fine going back to almost 2000. They could go to the IRS saying that the Town of Candia is entitled to taxes and lawyers fees plus the \$200,000 judgment. They may question that judgment and if they do they might not get a discharge. The thing to do right now is to give this guy one more shot at it, tell him we agree and give him the opportunity to get his own property back for \$30,000 and start paying us \$5,000 per month as soon as he starts making his first payment we give him the deed. If he doesn't make a payment after that they can start this process all over again, but right this time. This is a summary of where they are with this property. Selectman Sandler asked what kind of legal fees will they have with doing this all over again. Selectman Chivers said none if it is done right. He has the instructions for the Tax Collector i.e. where to send the notice, how to get a confirmation that we sent a notice, etc. It's easy they just have to do it in the right order. It would be up to the Board to agree to send this guy a summary of these terms and say we approve the owners

proposal to x, y, and z and it is subject to the following consequences. This is his recommendation to the Board. They accept his proposal to pay us \$5,000 by June 15th and he gets the deed immediately and then he has 30 days to clean it up and not take it to the Candia Recycling Center. Selectman Young asked if someone will be following up. Building Inspector Murray asked what happens when he doesn't clean it up. Selectman Chivers said then that is a basis for default and they can start the foreclosure process. They had a lot of leverage in the past; a \$100 per day fine would get anyone's attention. Building Inspector Murray said nothing happened, it just piled up. Selectman Chivers noted as long as he knows now that if he misses a payment or he doesn't clean it up they are going to start the foreclosure process all over again. Building Inspector Murray felt this is probably the best deal in his predicament. Selectman Young didn't feel the IRS was going to let that lien go. Selectman Chivers said the town has precedence if they notice it properly. Selectman Young thought the IRS was always first. Building Inspector Murray said he liked the idea of him getting his property back; he hates to see people lose their property. Selectman Chivers said that should be the whole intention of the Board. Citizen Linda Bergeron asked why he wouldn't have access to our recycling center, he is a Candia resident. Selectman Chivers said because he accumulated all of this as a commercial enterprise. Do we let trash haulers who live in Candia bring trash in, let it sit over night and then let them bring it to the recycling center the next day. Citizen Linda Bergeron said she was just curious why he wouldn't have permission to use the recycling center. Chairman Robie thought most of the things he gathered were from out of town, he was supposed to go to a recycling center that you pay. *We don't have that. He is getting paid to haul that trash away and he stored it at 308 Raymond Road. Selectman Young motioned to go with Selectman Chivers suggestion of having Mr. Nelson pay \$5,000 by June 15th and he'll have 30 days to clean up the property.* Selectman Chivers said he would draft a letter to Mr. Nelson and put a copy in everyone's in-box. *Seconded by Selectman Komisarek. All were in favor. Motion carried.*

The Board to discuss deeded properties. Chairman Robie explained this Board took tax deeded properties in September of 2014. There were eight properties and three of them didn't have any problem getting on the ballot to be saved for the town. The Conservation Commission suggested they keep these three properties on the rolls. On these other properties, he had an interest in two of them and both of them are on Depot Road. He had a purchase and sales agreement and the gentleman passed away before they could get the deal done. The deed came up to be taken and the Board went ahead and took the deed. He told the Board he had a vested interest in two of these properties. He said that Selectman Chivers didn't think he should participate in making any decisions on what they should do with these lots. They've had advice from Atty. Mayer because there were questions. Selectman DePuy asked Atty. Mayer is this on the up and up and it is. He has every right in the world to bid on a piece of property that the town has taken for taxes and Selectman Chivers seems to think that he doesn't. It just happens that property is on Depot Road and there are two lots. There are two lots and there has been some controversy about how big one of them is. He paid money to find out how big the lot was and if he could meet the setback and he can. Building Inspector Murray sent a letter to the Board saying one of the lots wasn't buildable because it didn't meet the setbacks. He noted that he revealed to Selectman Chivers that the lot is buildable and he can meet the setbacks without going to the ZBA for a variance. There is another lot there that the state took a portion of to build the highway. Mr. Lemay thought they took all of his land and he surveyed that which is about 2.2 acres. The tax maps say 3.8 acres. The tax deeds have been lying around since last

September and Mr. Nelson has been a handful to deal with. The Board changed in March. He wasn't sure which way he was going to go, but he does have an interest in these lots. He said he would do what is right at the end of the day for the good of the town. He had recused himself before, but he didn't think he was going to do that. He was going to be silent and Selectman Chivers will explain what he thinks they ought to do with them. They discussed if a Board member recuses themselves they should step down from the table and sit in the audience, because it is the right thing to do. He didn't know if that was proper for Candia, it probably is but maybe were not always proper i.e. like speaking out of turn. They don't always following the criteria correctly. He just wanted the Board to know that this is where they are at. They have tax deeded properties and they ought to do something with them. Selectman Young asked if the two properties on Depot Road were located near Selectman Chivers house. Selectman Chivers said they're about half a mile south on the other side of the highway. There was some discussion about the location of the deeded properties. Chairman Robie said he was familiar where all of the properties were and this is why he should participate in the discussion. Selectman Young said she would like him to at least answer questions because she isn't familiar with any of these. She is interested in what Selectman Chives has to say too. She asked Chairman Robie if he paid to survey these two properties. Chairman Robie said he did. Citizen Linda Bergeron asked where are they going to draw the line. Chairman Robie said where ever he wants and where ever he decides tonight. He said that Selectman Chivers seems to think that it's his reputation and his call. He didn't think he has done anything to jeopardize his reputation in this community and he never will. It is always the community first. Citizen Linda Bergeron said she strongly disagrees. Selectman Sandler said this is not a public hearing. Chairman Robie said he recognized her hand. Selectman Young asked if she was a resident and where she lived. Citizen Linda Bergeron said lived on "a road". Selectman Chivers noted that she isn't affected by any of this. Selectman Young noted that Chairman Robie just gave them full disclosure. Citizen Linda Bergeron said he is on the Board of Selectmen; he is not the king of Candia. Selectman Young didn't think it would be a problem if he recused himself and sat in the audience. He could answer if they addressed questions to him. Selectman Chivers said of course not. Selectman Sandler clarified that Chairman Robie doesn't own the properties but has invested something into these. Chairman Robie said he may go to bid them when they go to auction, but Selectman Chivers seems to think if he has input on how they put them out to bid then he shouldn't be able to do that. Selectman Chivers said his point was that the input is determining the minimum bid. There is a lot of discretion on determining the minimum bid for these properties. They will determine the minimum bid, the manner of sale, the type of sale and the place of sale. He felt it was totally improper for someone to sit up there and decide what the minimum bid is going to be, where and when they are going to sell it and then show up the day of sale and sit on the other side and bid on it. This meets the basic legal definition of conflict of interest – when you have a financial interest in the outcome of the decision you make as a Board member. The Supreme Court annunciated what the standard is and a man can't serve two masters. If you have a financial interest in a matter before the Board of which you set, you may not participate in the vote. He went to NHMA and he researched their archives to find out what the proper protocol is in New Hampshire for recusal. Not only do you have to announce that you are recusing yourself, but you have to make the symbolic gesture of leaving the table and joining the audience as a member of the public. Selectman Young said if you recuse yourself. When she went to the municipal meeting it was a little different. There is a difference between recusing yourself which they didn't seem to think you had to do, and full disclosure. She felt that Chairman Robie has

done that. The NHMA Attorneys didn't seem to think you needed to recuse yourself. In many small towns almost everyone that is on a Board, Committee, or Department may or may not have some financial or other gain. If they got rid of all of those people, they wouldn't be able to vote in small town government – period. She specifically asked them about this because her husband is the fire chief and she didn't want any conflict of interest. Selectman Chivers said to have a direct financial interest in property, it meets the basic criteria of conflict of interest. He felt Chairman Robie would taint the whole process. He sees no harm in Chairman Robie recusing himself and allowing this Board to proceed in a transparent manner. They'll sell these properties in a manner the Board decides and he can sit back and bid on them as a member of the public without any allegations of conflict of interest or tainting the process. Chairman Robie said he hasn't tainted the process. Selectman Chivers said if he insisted on participating in when they are going to sell the properties and what the minimum bid was going to be, then he is getting directly into his financial interest. Chairman Robie said he had a financial interest in it with two parties. One is deceased and one didn't think he had any property there. The interest was with those two people, he never showed interest to the Town of Candia and if we get these deeded properties to auction that he would go bid on them. Selectman Chivers said on that point he would like to remind this Board that this is the first time in 35 years that the Town of Candia is disposing of tax deeded properties at public auction. Is there a coincidence that they are doing this at the same time that he has had an interest in two properties. This is a question the public is going to ask. Chairman Robie said Selectman Chivers was the one that brought up that the town should take these deeds. You're the one that brought this forward, people that owe us money and we weren't collecting the tax rolls from. Selectman Chives said they didn't have a choice. There is no chance a deceased person is ever going to pay it and they left no estate that would pay it. Chairman Robie said there have been plenty of them in Candia over the last 35 years. Selectman Chivers said it was the right thing to do. Chairman Robie said he didn't disagree, but don't say that it is odd that he has an interest in something that is coming up all of a sudden. He has been on the Board for seven years and they have never taken any deeds. Selectman Chivers said he had the minutes where Chairman Robie urged this Board that they needed to move forward and sell the tax deeded properties. He was the impetus behind selling these tax deeded properties. Chairman Robie said he was not and he recused himself from day one. Selectman Chivers said no he didn't and he has the record to prove it. This thing was launched and then he recused himself. Chairman Robie said that wasn't true what so ever. Selectman Chivers said he would go through the notes. Selectman Young asked Selectman Chivers if he thought they should sell these or just leave them be. Selectman Chivers said if Nelson defaults then they should auction all five of them off. Selectman Komisarek said fundamentally Chairman Robie shouldn't gain from his position and the town shouldn't lose any revenue. He wasn't sure how Chairman Robie got involved but it should be a fair market process. They are going to auction them off, but Chairman Robie should be able to bid on them like anyone else. He asked how is it that he could get a better deal (at auction) because of his position. Selectman Chivers said he could influence this Board into lowering the minimum bid. Selectman Young didn't think they were born yesterday. Selectman Chivers said his concern is how the public is going to perceive this whole process. Selectman Young said the public can sit here through the process. Chairman Robie clarified if they were going to take these properties then they ought to do something with them and not just put them on the Candia coffers like they have with three out of the eight properties. If they are going to take them then they ought to do something with them. If they are going to penalize one then they ought to penalize them all. Chairman Robie asked the Board if

he should recuse himself. Selectman Sandler said there was a question of an appearance of impropriety. He felt that if Chairman Robie recused himself and let them go through the process, it will all work its way out. He has the right to make a bid on this property and own this property. He really has a vested interest and he should really sit with the audience. This was his opinion based on the committees and boards he has sat on. Chairman Robie agreed and he has recused himself from the beginning. Selectman Chivers asked if he agreed with Selectman Sandler. Chairman Robie said to a point. Selectman Chivers said once he gets involved with the process he can't back out and he can't bid on it. This is the time to recuse himself. Selectman Young said they are going to set a minimum bid where everyone can hear it and once they get done everyone is going to know what the minimum bid is. Selectman Sandler asked why they would have a minimum bid why not have a reserve. Reserves are generally not known until the bidding is done. Selectman Chivers said the auctioneer recommended this. There are two ways they could do this. One is an unannounced reserve or they could have a minimum bid and it sells for anything in excess of that. Selectman Young wanted the Board to know that she didn't think that Chairman Robie was doing anything to undermine the Board. She wanted to make sure they could use his expertise. Selectman Sandler reiterated there is an appearance of impropriety and he would like to get it off the table. He agreed with Selectman Young and he has no question about his efforts or morality. It's just the process. Selectman Komisarek agreed with Selectman Sandler and there is no one that does more for Candia, works harder for the town or donates their time. He always tries to find ways to keep costs down and tries to stretch a buck. Since he has known him, he has realized how much Carleton does do. If they were to lose him it would be a tremendous lose to the community. They do have certain processes and procedure they have to follow and they need to remove that cloud. Selectman Chivers said if they can remove that cloud they can sail this thing through. Chairman Robie said he would recuse himself then. Selectman Sandler thought if they get through the bid process, the minimum amount should not be held until the bids come in. The reserves aren't totaled until all of the bids come in. Selectman Young said everyone is going to know what the reserve is because it's public. Selectman Chivers asked what the reserve would be, some fraction of the fair market value. So they would decide what that fraction is. Citizen Fletcher Perkins said this means that the four remaining members of the Board can't participate in the auction. Selectman Chivers said if anyone else is interested they will have to recuse themselves and there will be no agents, relatives, or connection whatsoever. Selectman Chivers noted at the next meeting they are going to come up worksheet that shows what the unpaid taxes are, the unpaid interest, what the 15% (of the assessed value) premium is, and the minimum reserve. They will decide if they are going to take out 308 Raymond Road and go to sale with the other four properties. Selectman Young thought they made a motion to give Mr. Nelson a chance to get his property back. Selectman Chivers said they did, but do they want to give him a couple of months or do they want to go to sale right away. Selectman Young said she would like to give him a chance to keep his property, but she didn't want to speak for everybody. Selectman Chivers reiterated at the next meeting they are going to go through the numbers, decide which properties are going to be sold and when they are going to be sold. They can make this process work. They can reaffirm their decision on an auctioneer. Selectman Young asked who the auctioneer is. It was noted the auctioneer the Board voted on was Paul McGinnis. They sent out an RFP to three places and we got a response from two. Only one would do a live auction here and the other one wanted to do it on the internet. They never heard from Jim St. Jean, but they could contact him. Selectman Sandler wanted to clarify that they were excluding 308 Raymond Road. Selectman Chivers said they

were for now. Once he has defaulted and we have taken the deed back Mr. Nelson would have 90 days to redeem it. If 308 Raymond Road ever gets sold, it would be sold by itself. Selectman Young said she would like the info on the tax deeded properties before the next meeting. Selectman Chivers stated they will make some decision on some of the tax deeded properties at the next meeting. The Board thanked Chairman Robie for stepping down.

Chairman Robie rejoined the meeting at 8:30 p.m. He noted that just because he has an interest in two of those properties doesn't mean that he is going down there and bidding on them.

The Board to discuss the health insurance deductible policy. Chairman Robie explained in 2009 when insurance rates were skyrocketing, the Board at the time raised the employees deductible from \$250 to \$1,000. In doing that the Board suggested that they pool that money in their insurance line and help the employee with the remainder of their deductible after they paid \$250 the town would pay the remaining \$750. Since then they raised the deductible to \$2,000. The policy is a little vague, but it says the town would compensate the employee \$750 towards their deductible. There might have been a discrepancy that the employee met their \$1,250 before they requested help from the town. Accounting/Payroll Clerk Donna Becker has rewritten the policy to say that once the employee has met their portion of the \$2,000 deductible which would be \$1,250 then the town would pay \$750. At some point this may not be feasible for this Board to do with budget restraints. Maybe they will have to pass this deductible on to the employee. This is a decision the Board has to make, but they need to clarify. The help with the deductible this time is on the tail end of the deductible, after the employee meets their portion which is \$1,250. He asked the Board if they could agree to this. At the time they were going to build a fund and have some money pooled which never really happened. They have taken it out of the general fund out of the insurance line, because when they budget they need to budget for the employees that aren't on the insurance, so the line has always been healthy enough. There is a little there, not an over abundance but enough to cover those employees at this point. Selectman Young asked what percent does the employee pay. She didn't want this to be perceived that they are underappreciated. Chairman Robie said they pay 5% for a single and a family is 12%. Selectman Young said that's it, that's a good deal. Selectman Chivers said that is beside the point. Selectman Young said it was not because it all goes together. As a teacher it went from 5% to 30%. She felt the insurance costs are out of control. She didn't know if the employees could have it both ways. If we are going to keep it at a low percentage, this is a good deal. Chairman Robie said they need to stay on track and this is something they need to discuss in December and when they do the budget in September. It was noted that the deductible is \$2,000 and the employee pays the first \$1,250 and the town pays \$750. Selectman Sandler said this is a considerable benefit to the employee, but when was the last time the employees of the town got a meaningful raise. Selectman Chivers said they got 2 ½ % last year. Selectman Komisarek asked if it was based on some index or on inflation. Selectman Chivers said they took the CPI and rounded it up. Chairman Robie said the year before they got a cost of living increase and a half of year increase. It was 3.9% in an eight month period. Selectman Chivers thought they should be clarifying this policy. They offered the \$750 because all of a sudden they have a deductible. The \$750 was to kind of help ease the pain on the increased deductible. The minutes are pretty clear. Chairman Robie said the minutes were clear but the amount was \$250. There is a discrepancy now that the employees are asking for a deductible reimbursement without any proof they have met their deductible prior to. There was discussion about

deductibles and how they work. Chairman Robie said the other question raised is how they get proof if they've met their deductible. There is a confidentiality thing. Selectman Young said all they would have to do is make a phone call to the insurance company and they don't need to worry about HIPPA. Selectman Chivers said the first thing to do is have the Board agree to how the policy applies and then amend the personnel policy. Then they will figure out how to implement it. Chairman Robie said the office needs to send a memo out to our insured employees that there is a reimbursement towards their deductible after they meet the \$1,250. The personnel manual will be updated. *Selectman Chivers moved to send memo to employees clarifying the personnel policy with respect to the payment, when the town is obligated to pay the \$750 deductible and this is after the employee has met the first portion of the deductible. Seconded by Selectman Komisarek. 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 May 21st, May 28th, June 6th, and June 11th was \$481,287.16. Selectman Chivers motioned to accept accounts payable and payroll checks for May 21st, May 28th, June 6th, and June 11th in the amount of \$481,287.16. Seconded by Selectman Komisarek. All were in favor. Motion carried.

Other Business

Tax deeded properties: Building Inspector Murray said he wasn't comfortable about what was said tonight. He was there the night the town voted to take these deeds and he remembers Mr. Chivers and another Selectman were spare heading this. He understood it was for the good of the town. Selectman Chivers wanted to take these properties because it was time and they owed taxes for a long time. He recalled that Chairman Robie would never vote to take anyone's properties for though deed taxes. He was against it from the beginning. He felt what was said tonight was kind of slanderous and Selectman Chivers went down a slippery slope. Selectman Chivers thought he should check the record before he made that accusation. Building Inspector Murray thought they both should check the records and maybe they could do it together. Selectman Young asked if they kept the tapes, because the minutes aren't always like the tape. Citizen Becky Sarra said she perceived this as the Board having Chairman Robie's back. She thought by having him sit out in the audience, he could participate more than he was on the Board. Citizen Linda Bergeron appreciated Chairman Robie doing the right thing. Chairman Robie said he appreciated their input.

Selectman Sandler motioned to adjourn at 8:46 p.m. Seconded by Selectman Komisarek. All were in favor.

Respectfully submitted,
Andria Hansen, Recording Secretary