

~~Unapproved~~**APPROVED**
Candia's Selectmen's Public Meeting Minutes
June 22, 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.

Approval of Previous Minutes: Public meeting minutes 06/08/15 and Non Public meeting minutes of April 13th 2015 and April 27th 2015. Selectman Chivers moved to accept the Selectmen's public meeting minutes of June 8th, 2015 as presented. Seconded by Selectman Young. All were in favor. Motion carried. Selectman Chivers moved to accept the non public meeting minutes of April 13th, 2105 as presented. Seconded by Selectman Sandler. All were in favor. Motion carried. Selectman Chivers moved to accept the non public meeting minutes of April 27th, 2015. Seconded by Selectman Komisarek. All were in favor. Motion carried.

The Board to meet with Representative Diane Currier from Aflac Insurance. Aflac State Director Jon Burgess and Aflac Representative Diane Currier were present. Ms. Currier thanked the Board for meeting with them. Mr. Burgess explained what they do is very simple but pretty amazing. They are not a traditional health insurance that costs hundreds of dollars per month and goes up every year. Their purpose is the opposite they send all of the money to doctors, hospital, etc. Aflac is totally different, if you can get it at work most of their policies are between \$5 and \$10 per week. He is proud to say that they have never raised their rate on anybody since 1955. They send money directly to the town employees for every reason to come to work in the morning – to pay the rent, the light bill, to buy the groceries, etc. He understood the town had some disability in place for the full timers and there is a place for that, but disability income insurance has some limitations. Aflac has a "Get hurt doing anything accident plan", if you or your family gets hurt doing anything or ever has to go to the doctor, dentist, ER they will get paid \$120 just to get looked at. The easiest claim in the world is an Aflac claim. You would call Diane and she fills out the claim for you and a check gets sent to you. His wife hurt her arm shoveling snow and she went to the chiropractor and Aflac sent them \$190. It is very easy to use. He broke his tooth on a carrot and things like disability would never come into play. So he spent half of his Saturday at a dental clinic and Aflac sent him \$450 for that claim. If the employee has dental it might cover 80% of the bill, this would cover the difference. He noted that injuries have a dollar value, anything from \$35 to be looked at for a paper cut all the way up to \$12,500 per injury and per body part. They have a value for a hair line fracture to your pinky toe which would be \$125. Disability won't pay you but Aflac can. He mentioned a school teacher with the Town of Sanbornton her son was in a car accident and shattered his leg. Within a week and a half his mom received a check for \$11,400. Disability would have never sent her a dime because it was her child. This covers the whole family 24/7. If you are hurt bad enough and you are sent to the hospital, this is where the biggest money kicks in because you aren't making any money at work. They give you \$1,250 for the first overnight and another \$250 per night for up to a year. Of course, it's \$7,500 per month tax free. He noted that ICU is a little more and most people have a deductible. They will cover follow up visits. They cover life insurance which is \$40,000 and it covers you and your spouse and \$12,500 for any children on

the plan. This is the most subscribed policy in America. He noted that if he was selling to this to you personally then it would be about \$79 per month for the family. If you can get it through work it would cost \$5 to \$10 per week. The rates they have for towns and cities are \$5.07 per week, it's the second lowest cost in the country. Any town employee for the Town of Candia can get this, but it won't cost the town anything to offer it. The employee will get a huge discounted rate because it is offered at work. He mentioned that his wife had to take their daughter to the pediatrician for a sprained ankle. Because she had to leave work and bring her to the doctor, they were paid \$290 from Aflac which more than made up for the work she missed. Disability would never pay this. They have a get sick version policy which they try to tell people not to over insure. This plan you can say you had a physical yesterday and they will send \$25 based on the honor system. They know the Affordable Care Act says there isn't a co-pay for a mammogram, pap smear, or colonoscopy but they are going to send a check anyway. Just to incentivize them to get checked every year. One example on the sickness one, his daughter-in-law had a c-section and was sent a \$3,100 a couple of days later. The last policy is the one they pay the largest claims on and it is the cancer insurance. Aflac literally invented cancer insurance years ago. The average claim they give is \$35,000 cash. The odds of a man getting cancer are 1 in 2 and for a woman it is 1 in 3. He mentioned the Town Administrator in Salem and she was battling cancer for over 10 years. The whole time she only had one disability plan. If she could work at all she would go back and work a little bit to pay the bills. Other than one hospitalization for surgery, 10 years of cancer and one small disability claim. They had a claim for a police officer that had 6 weeks of radiation and they sent him a check for \$14,000. On his good days he can work a detail if he feels up to it, but they are going to pay him either way. It's \$1,000 for being diagnosed and \$900 per week for chemo therapy and \$500 for radiation. He has a customer that had a transplant and they paid him \$10,000. One of the biggest benefits of the cancer insurance is the travel benefit. They have some of the best NCI hospitals in the northeast, but being 5,000 different kinds of cancer you may have to go to the Mayo Clinic in Minneapolis or John Hopkins in Baltimore. A couple of years ago they paid a 29 year woman almost \$250,000 on this plan. The only place that would treat her kind of cancer was the Emerson Center in Texas. They paid for the airfare and hotel room for her and her husband to fly to Texas several times a month. She is now cancer free. This is a claim you wouldn't want to have, but if you did it would make a boat load of difference. This one is a lot more expensive at someone's kitchen table at \$125 per month, if you can get the at-work price it is \$4 to \$11 per week. It is free to add your children to this policy. He noted there are approximately 202 towns in New Hampshire and 106 of them are our clients. He asked the Board if they had any questions. Chairman Robie thought Accounting and Payroll Clerk Becker notified the employees that they were coming in to discuss this. There are a couple here this evening. They will forward this information on to the other employees. Mr. Burgess explained that it doesn't take a long time to administer; it will take about five or ten minutes. There is a once per month training session they can do. He mentioned if the person isn't on regular payroll they can get a third party administrator to get group rates and it would come out of their own checking account. Selectman Chivers asked if there were a minimum number of employees that need to sign up. Mr. Burgess said three people need to get something and then they are part of the group forever. He noted they've never not had three. Ms. Currier added they really streamline the administration process. They work with whoever is doing your payroll; they give you a deduction summary and help set it up. They have a service manual, so if you can't reach your agent for some unknown reason there is a very clean and brief overview of how to take anything

on line or who to call. They make sure it is a seamless process for whoever has to do the administration. Mr. Burgess noted the payroll deduction for the ones that are regular payroll can be taken pretax which saves the town 7.6% of matching FICA. The \$5 a week plan is really only \$4 per week. Chairman Robie said they'll have A/P Clerk Becker set something up with the employees and they can come in and speak with them.

The Board to discuss tax deeded properties going to auction. 308 Raymond Road: Chairman Robie recused himself and turned over the discussion to Vice Chair Chivers. Selectman Chivers noted when they met last meeting they had the issue with Bruce Nelson's payment agreement with the town. If you recall Mr. Nelson owes the town about \$30,000 which he proposed to pay us \$5,000 starting June 15th until his debt is paid. Upon payment of the first check they would issue a deed to Mr. Nelson conveying our interest in the property back to him at which time he would start cleaning the place up. He has 45 days to do so. They sent him a letter outlining these conditions and he is happy to report to this Board that Mr. Nelson walked in a day late with \$5,000 in cash. They have started the process to prepare a deed. They are transferring the town's interest in the property back to Mr. Nelson as they agreed. Their first item of business tonight is to deed to Mr. Nelson their interest in that property at 308 Raymond Road as they agreed. Selectman Young motioned to deed 308 Raymond Road back to Bruce Nelson. Seconded by Selectman Sandler. All were in favor. Motion carried. Once Mr. Nelson signs the deed they will record it at the Registry of Deeds. **Depot Road properties 414-137 & 414-138:** Selectman Chivers explained to the Board there are four properties that they need to dispose of at public auction and two of them are problematic. The easy ones are on Critchett Road and Old Candia Road. They don't have any issues. There are two properties on Depot Road that warrant discussion by this Board. He gave the Board copies of the tax map (with 414-137 & 138) with the areas of detail and the zoning issues related to the properties. The property highlighted in pink is a .53 acre lot with 80 feet of depth and 250 feet of frontage (see attached). The significance of this is that our zoning ordinance section 2.02E3 says that if a property has been abandoned on a non-conforming lot it's use can be resumed provided it meets all of the setback requirements. That particular lot has 80 feet of depth, so the setback requirements are 50 feet along the road and 25 feet from the rear lot line. That 75 feet gives you 5 feet to build a house, it's impractical. In addition to that restriction on the Zoning Ordinance, if we went to sale and they sold these two properties to the same owner that person would be barred from using both properties as a house lot. If a non-conforming lot (according to 2.02E2) is adjacent to another property in the same ownership its use cannot be resumed as a non-conforming lot. So if they go to auction with these two properties they are going to have to sell it to two separate buyers. Selectman Young asked if 414-138 was assessed at \$105,800 for half an acre. Selectman Chivers noted there was a house on it. Selectman Young asked if another house could be built on it. Selectman Chivers replied no because the house has been abandoned for more than a year and when you rebuild it you can't meet the setbacks. Selectman Young asked which RSA was it regarding an abandoned house. Selectman Chivers said in the Zoning Ordinance it is 2.02E "Use of Nonconforming Lot". Selectman Young was wondering if this was similar to what happened on Chester Turnpike years ago. Selectman Chivers said the fact that 414-138 only has 80 feet of depth, 200 feet of frontage and insufficient depth to accommodate a house. The problem is further complicated by the fact that Mr. Robie had a purchase and sale agreement on the property. As part of his due diligence he had it surveyed and the surveyor concluded that there was more than 80 feet of depth and Mr. Robie concluded there was sufficient depth to put a

house there and meet all the setback requirements of the Zoning Ordinance. Mr. Robie disclosed that at the Selectmen's meeting on September 8th, 2014. This was part of his full disclosure of all of the facts and his relationship with Mr. Martin and Mr. Lemay. At that time this Board considered a remedy and the remedy they considered at the time was to merge the two lots. Get rid of the non-conforming lot and another member of this Board said they couldn't do that. The idea died at that time, but through subsequent research found an RSA that allows us to do just that thing, to merge two lots under RSA 674:39-a. This RSA gives this Board the authority to merge two lots. All they need to do is go to the Planning Board and submit a form. There is no public hearing and there is no plat required nor is there a survey required. They simply go to the Planning Board and tell them they are the owner of two lots, 414-137 and 414-138. The Planning Board will approve it and they will record that document at the Registry of Deeds. Then they can proceed to sell these properties as one lot. This eliminates the problem of the insufficient depth and it gets rid of a non-conforming lot. Selectman Young asked if the maps say it is 80 feet deep with 250 feet of frontage, but what did the surveyor say. Selectman Chivers said they've never asked Carleton for any information. Selectman Young asked if he was allowed to give that information. Selectman Chivers said he paid for it. Chairman Robie said he didn't have a problem with that, but he was going to let Selectman Chivers finish this discussion. Selectman Chivers read from RSA 674:39-a "Any owner of 2 or more contiguous preexisting approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the planning board or its designee." "No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the planning board or its designee, shall be filed for recording in the registry of deeds, and a copy mailed to the municipality's assessing officials." So they don't even need to go through the subdivision process. They'll fill out the form, go to the Planning Board, and merge it into one lot. Selectman Young said if they chose to. Selectman Chivers said this wouldn't be complicated except for a couple months after they had that meeting they decided not to merge and identified potential zoning issues. The Board got a memo from the Building Inspector confirming that 414-138 was a non buildable lot, because it can't meet the setbacks. This is true as far as the tax maps go, but it is not true as far as the record of those meetings go. Mr. Robie disclosed the fact that there is sufficient depth on that lot at the September meeting to support a house. Then two months later they get this memo from the Building Inspector saying that it is not a buildable lot. The significance of this memo from the Building Inspector is this, when we go to auction any prospective buyer is going to walk into that office and ask what they can do with that lot. This is going to reduce the value of the lot to zero, because based on Building Inspector Murray's memo and the tax maps they aren't going to get a bidder on that property. Selectman Young asked if the memo was written prior to the survey or after the survey. Selectman Chivers said it was after Carleton disclosed the fact, but without the benefit of Carleton's survey. They can't rely on Carleton to correct the tax maps nor can they give any prospective bidders access to Carleton's information. What he doesn't think they should do is go to sale with these properties with Carleton as a potential bidder and discourage any participation in the bidding by virtue of this memo from the Building Inspector. Any prospective bidder's interest would be extinguished because they are going to think there is no buildable lot there. It's not going to look good if Carleton buys it and a week later gets a building permit based on information that was disclosed to this Board on September 8th. He is trying to avoid a complication like that which would jeopardize the reputation of this Board and the transparency of the whole process. It is right out in the open and his recommendation based

on the RSA to merge the two properties and sell them as one lot which would be 4.33 acres. It would have sufficient frontage and depth and would support a single family residence. Then they can set the minimum bid and go to sale on this. It was noted that these properties are town owned. Chairman Robie said just to clear on the merger, the rightful owners of the properties have three years to come back and reclaim their property from the date the Board took their tax deeds. If you put the two lots together and notice the intent to sell and one of the previous owners wanted to pay their back taxes and penalties, you have taken that opportunity away from them until the three year time has lapsed. When the three years goes by they are rightfully ours. The previous owner isn't entitled to anything. Selectman Chivers clarified for the three year period the only right the owner retains in that property is the right to any proceeds over and above our claim when we sell it. They retain no other rights to the property. They can subdivide the property and they can merge the lots during that period. Chairman Robie disagreed with that comment, because if you do that you take away that person's right. When you notice the intent to sell that person still has the right to come back before it goes to auction and get his property. Selectman Chivers said once they advertise it for public auction and they sell it then that person's rights to that property are extinguished except for any proceeds they have. Chairman Robie replied before they sell it he still has the right to repurchase. You can't merge it because that person still has the right until 90 days before sale. Chairman Robie said he wasn't quite sure about the dates and he wasn't sure if he disclosed that he paid for a survey on this lot (414-138). One thing he was sure of is that he spoke with Selectman Chivers in the office one Friday afternoon before they came to meeting and he disclosed it to Selectman Chivers solely that he had the lot surveyed and it was significant to get a building permit on and he could meet the requirements. He is correct about the abandonment on a non conforming lot if you can't meet the regulations. With the setback being 160 feet deep not 80 feet there is more than enough room to build a five foot house. He disclosed that to Mr. Chivers and he came to him and he wasn't sure of the dates and he read from Building Inspector Murray's memo. At that point Mr. Chivers was the only one besides Mr. Franklin and himself that knew that the lot would meet and conform. Selectman Chivers went to the next Selectmen's meeting and read from Building Inspector Murray's letter and pushed the Board to merge those lots off of Building Inspector Murray's memo. Mr. Chivers came to meeting and pushed the Board to merge those lots based on Mr. Murray's memo. Selectman Chivers clarified that Building Inspector Murray's memo is dated November 6th, 2014. The minutes of September 8th, 2014 two months before the memo say "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 (C. Robie) 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 (C. Robie) gave him the deposit and he had his attorney draw up a deed and search the title. He (C. Robie) paid his engineer to survey the land, verify what was there and that it was a buildable lot of record." In November they got a memo from the Building Inspector stating that it was not a buildable lot of record. Chairman Robie stated that it was a buildable lot of record which it is. It's a buildable lot of record and if you went for a variance and it was granted you could get a building permit. He wasn't going to go through that. He had the land surveyed, he made the deal with Mr. Martin, and he didn't tell anyone that he had the land surveyed. He said a buildable lot of record, which it still was with a variance. Selectman Chivers said he disclosed to this Board that you paid an engineer to survey the land. Chairman Robie noted he didn't say

what the survey said; he only said it was a buildable lot of record. He told Mr. Chivers the facts in the office with two witnesses' and you went to the Selectmen's meeting and said something else. He was 100% sure about that. Selectman Chivers said going forward they have to decide what they are going to do with these two parcels of land. One of which according to the tax map has 80 feet of depth and 200 feet of frontage. This is what any prospective bidders are going to look at. Selectman Young said with all due respect these maps are inaccurate and even her own personal lots are so far off. She was hoping they wouldn't judge by the tax maps. It looks like it has been a buildable lot of record. It was mentioned that there was a house on it, but the appraised land value is \$76,000. That is without the house. Selectman Chivers said they were going to get into values later, they need to work through the zoning. Selectman Young asked why they wouldn't keep them separate lots, why would they ever combine them. Selectman Chivers said this is what it boils down to, is this Board willing to abide by the spirit and letter of its own zoning ordinance when managing our own town lands. The Town of Candia has expressed a preference for 3 acre residential lots, they discourage the use of non conforming lots. We prohibit the use of non conforming lots that are contiguous to lots in the same ownership. This is how the town has expressed their preference through the zoning ordinance. The question to the Board is are they going to uphold the spirit and intent of that ordinance or are we going to peddle a lot that is a little greater than a half of an acre. Are they going to overlook the prohibition the selling to someone having two lots in contiguous ownership? Are they going to comply with their zoning ordinance? Selectman Komisarek said he sees a real problem here. On one hand he is not for diminishing the value of someone's property. This property had a home on it, so he's not in favor of diminishing the value but he does see the point if they go to auction and they go to the tax map. How would they remedy this? If he owned that piece of property and he has been paying taxes all of these years and it was a home he would say wait a minute there is value here. As a Board they are diminishing someone's value. If the town gets the money for the taxes, the rest of the money would go to the person who has paid taxes all of those years. He sees the point where they need transparency. Carleton has paid for the survey and he has that knowledge. It is a tricky situation. He also thought this issue is emotional to both Selectman Chivers and Chairman Robie and it puts the rest of the Board in an uncomfortable position. They have an obligation to do what is right by the town. He didn't want to diminish someone's value, but he didn't want someone coming to the auction and not understanding the full value. He can't offer up a solution to that, maybe someone could offer up one on how to do this. He reiterated diminishing someone's property value after they have paid taxes year after year and then we come in and say that it's not a buildable lot anymore. Selectman Chivers said his point was well taken on that, but 414-138 really isn't a buildable lot and that does diminish its value. To the extent that there isn't any value left for the heirs of Mr. Martin and it does affect them. What they needed to look at was what is the total amount of their claim against 414-138 and what is the possibility of us getting anything in excess of that which could be distributed to those heirs. This is a fair questions. On that property our total claim for unpaid taxes is approximately \$30,000; this is for unpaid taxes and what we can claim per RSA 80:90. Selectman Young asked if RSA 80:90 was where we have the right to get a certain percentage if they so choose and that can be wavered. Selectman Chivers said they have to ask themselves what would be the minimum bid for a prospective buyer and are they effecting their interest in the property by subdividing it. Selectman Komisarek said effectively once you merge it, it's worth nothing. Selectman Chivers said it has some contributory value to the lot you just created. You just created some value to another lot. Selectman Komisarek said not much. Selectman

Chivers said the other lot is worth \$86,400 and there is nothing on it. Selectman Young said you can't use the assessed when you use the unpaid taxes and RSA 80:90, so that other one is \$20,620 plus \$12,960. Selectman Chivers said that is the value of the town's claim which is around \$33,000. Selectman Young said it does appear to be a lot of record and there is a home on it. She doesn't know factually how long it has been there and they owe the town and the Zoning Board allegiance to that and to enforce that. She is thinking about this taxpayer and she is in the same situation where her lines have been moved and they've been charged a certain amount. Then you go to try and sell it and it's not a lot of record. She asked how long this has been a lot of record. Chairman Robie said Larry Steven's grew up in that house and the house is 100 plus years old. Selectman Chivers said the question is do we merge the two lots and if there is any surplus proceeds they will figure out some equitable way to distribute those proceeds to the residual owners. In Mr. Martin's case he has passed and his wife has passed and his son has expressed no interest at all in the property. As far as Mr. Lemay goes, he lives in Manchester and any amount they get in excess of what the claim will go directly to him. This is the question before this Board before they go to auction, do they merge the two lots or keep them separate. If they agree to go with two separate lots how do they reconcile the this discrepancy between the Building Inspector's memo dated November 6th, 2014 and what was disclosed to this Board by Mr. Robie's testimony on September 8th, 2014. Chairman Robie stated his testimony was that it was a lot of record. There was no disclosure of what size that lot was which was between him and Mr. Franklin. In addition, he never said with or without a variance. Selectman Chivers said the message he got from that was if there was sufficient depth you would not need a variance. Chairman Robie said the summer of 2012 or 2013 he and Selectman Chivers met at the Depot Road/Langford Road triangle before Selectman Chivers was a Selectman. Mr. Martin had contacted him two years prior about that lot and he showed a little interest and Mr. Chivers confronted him on that day and asked what he was going to do with that lot. Chairman Robie told him if he could get it purchased he was going to put a house on it and Mr. Chivers told him he couldn't because it was a non conforming lot. At that point he wanted to make sure it was conforming, because he knew he was up against a stone wall to get a variance on a non conforming lot if it did ever happen. If he knew it was 80 feet deep he would have walked away from it. Mr. Chivers had in interest in what he was doing with that lot a year and a half ago possibly two years ago. He has been on this for awhile and Mr. Martin contacted him when he was in the hospital in Tilton New Hampshire. When he first moved out of his house three years ago, he needed some money and he wanted to know if he was interested in that lot. He found Mr. Martin in a home in Salem New Hampshire on his death bed and he didn't know he was going to pass away. He went to his room and made a deal with him, so he could have a decent end of his life. It didn't happen and then they got into this. Just so everyone knows Mr. Chivers has as much interest in that lot down there then he does. He has for years since Mr. Martin left. Selectman Chivers said his interest is limited to good governing for this town. He had no interest at all in that property, none what so ever. His interest is that they don't have someone who is operating as the Chairman of the Board of Selectmen out there trying to leverage his position on this Board to buy property from tax delinquents. Chairman Robie said he never did but Selectman Chivers has accused him of that numerous times. Mr. Martin contacted him long before the deed was ever taken. The prior Board before Selectman Chivers came on never discussed taking anyone's deed. They just said leave them in lien and time will pass and then they'll deal with it. This is a slippery slope. Selectman Chivers said this was a finding by our town auditors. They recommended they start following RSA 80 and start properly disposing of

properties. Chairman Robie said that is what he said in the minutes and if they were going to take properties they needed to follow through. You used that to say he was lobbying for his own benefit. Selectman Young asked Selectman Chivers if that was true and did he not want a house there or does he care either way. Selectman Chivers said he didn't care either way. His preference is that they following the Zoning Ordinance and they get rid of a non conforming lot merging it with another lot. Selectman Young said it appears to be a buildable lot of record. Selectman Chivers said not according to the tax map. Selectman Young noted according to a survey and she felt it would hold up in a court of law. Selectman Chivers asked if they had access to that survey. Selectman Young thought they probably could. She asked Building Inspector Murray when he wrote the memo that it was to the best of his knowledge using these tax maps. Selectman Sandler asked if the property was surveyed when he wrote the memo. Building Inspector Murray said he was unaware of it and the only information he had to go by was the tax maps. Selectman Young wanted to clarify that there was a person in this meeting room that made inappropriate comments last meeting. She and her friend spoke throughout the meeting. She was asking to not let this happen at this meeting or she should be removed. She won't put up with this again for another meeting. It's not appropriate and everyone should be standing stating their names and their address. She asked that everyone in attendance should be respectful or they will be asked to leave. Selectman Sandler said there are several lots that are smaller than an acre all over town, so he didn't think they were creating a monster by keeping them separate. Maybe this is something they should be asking town counsel. Selectman Chivers said it would get bounced back to them because this is a judgment call for this Board. Selectman Komisarek wanted to be clear on what happened. Chairman Robie has discussions with Mr. Martin and you talked about buying it but it wasn't under contract. Chairman Robie said he didn't sign a contract until the survey was done. He noted this was a long time before the town took these deeds. Selectman Komisarek said so you had an understanding with Mr. Martin in regards to what the sale price would be. Chairman Robie said he had the purchase and sale agreement and would they like to see it. Selectman Komisarek asked if it didn't survive Mr. Martin's death. Chairman Robie clarified that it didn't survive Mr. Martin's death. It's null and void because Mr. Martin passed. He noted at some point his brother may probate that property, but he doesn't have the funds or resources to do that. Selectman Komisarek asked when Selectman Chivers said that Chairman Robie was using his position as Chair to buy this property, in what way was he doing that. Selectman Chivers said he knew Mr. Martin and he was in a home suffering from acute alcoholism. He knew him for years before he left his house and he didn't strike him as a kind of man that would make any overtures to anybody about selling his property. He was in the VA Hospital in Tilton, totally incapacitated. He had no contact with his son or anybody. Before they take a deed to the property the people get notices in the mail that there is a pending deed, so he understood what the process was. He doesn't have any direct evidence that Carleton went up there and used his position as the Chairman. Selectman Young clarified it was prior. Selectman Chivers said it has been a while, they took the property for taxes in September 2014 and he died in April 2014. Chairman Robie reiterated Mr. Martin called him looking to sell his property. This was his last hope to get some cash. The VA finally let him go; his brother found him a place in Salem when he left the VA. He obviously had no resources. The VA attached his property, they contacted the VA and they were going to clear that lien for Mr. Martin. So he could have the little bit of funds that were going to come to him before he passed. Don't say he contacted Mr. Martin, Mr. Martin contacted him. You've said to numerous people that he solicited Mr. Martin because he knew that his property was coming up

and he was in bad shape. You just said you didn't know that for a fact, but he does know it for a fact. Selectman Chivers asked what the pleasure of the Board was. Selectman Sandler asked if they go to auction both parcels isn't it like caveat emptor for the buyer. Selectman Chivers said that's true but their first source of information is going to be that. He questioned how they should advertise it in the paper. Selectman Sandler said if those numbers aren't correct why don't they have it surveyed before we go to auction. He thought this would resolve the issue. This lot is incorrect and he knows that his house is incorrect. Chairman Robie said instead of the town spending \$1,100 on a survey, he would just give the survey to the town. It is a certified survey done by Mr. Franklin. Selectman Chivers asked if it was 170 feet of depth. Chairman Robie said it is an acre lot. Selectman Chivers asked if the survey would be available to any perspective buyers. Chairman Robie reiterated that he would just give the survey to the town. Selectman Sandler said that cleared it up for him. Selectman Komisarek reiterated as a Board they don't have the right to be diminishing (whether it is the owner or the estate) the value of this property. It will be worth almost nothing, it isn't going to increase the value of the 3.8 acre lot very much. He didn't think they had the right to do this. If they have full disclose and someone can come in and then they can see that survey. Selectman Chivers asked the Building Inspector to correct the memo as to his opinion on that property, this is all done. **Decide minimum bid:** Selectman Chivers said the only basis on minimum bids on properties should be some fraction of its assessed valuation. Selectman Sandler said some fraction of the valuation and not the taxes due. Selectman Chivers said on the lot they just talked about the taxes were \$30,000. He asked the Board if they thought that someone should bid \$30,000. Selectman Young said they are not \$30,000, they are \$20,620.45. They haven't even decided if they want to waive RSA 80:90 (f). The taxes owed are fact; this is unpaid taxes with accrued interest. Selectman Chivers asked where the starting point is, the unpaid taxes only. He asked what Selectman Komisarek's opinion was. Selectman Komisarek said they have an obligation to the property owner to not diminish the value, but it is a \$75,000 lot then \$15,000 sounds a little inexpensive. Selectman Sandler said isn't our goal to collect taxes. Selectman Chivers explained they have an obligation to protect the former owner's interest in the property. Selectman Young said with all due respect you just told us we didn't have an interest to the former owner, because they knew about the taxes and they were noticed and we have a duty to the town. Selectman Chivers clarified they have an interest in any amount that we recover beyond our minimum. Our minimum could be on the accrued taxes, the interest, and if we choose they add in this RSA 80:90. Selectman Sandler added and the administrative costs. Selectman Chivers said there is a 15% mark up that the town is authorized to add to the assessed value to add to the minimum. Is this the amount they are looking for as the minimum bid? Selectman Sandler said the town isn't in the real estate business, they are in the business of getting taxes in here to pay our annual expenses. This is his opinion. Selectman Chivers said they have a property that is valued at \$4,000 their minimum bid would be \$3,100. That isn't an incentive for someone to buy it. He felt that with a \$4,000 property the minimum bid should be no more than half of that. Selectman Komisarek said he would be interested in knowing what the fair market value of the property. He has no idea what that is. When people go to auction they always get a discount of the fair market value. Selectman Chivers said they never had these appraised; they've been assessed not appraised. Chairman Robie said the word is auction and it will bring the value of whatever that is to the people bidding on it. Selectman Chivers said they set a floor, a minimum amount under which we won't sell it. They aren't going to have an unreserved auction where someone shows up and bids \$1.00 and they get it. Selectman Young said they need their taxes and interest.

Selectman Komisarek asked what's going to make the town hold. At the end of the day what does the town do. Selectman Chivers said they don't know what their administrative costs are, because they don't track that. It is safe to say that RSA 80:90 more than covers administrative expenses associated with the sale. He noted that 256 Depot Road has an assessed value of \$105,800 and our taxes and claim could be \$31,000. This is probably a fair number for that. Selectman Komisarek asked if they could talk about RSA 80:90 a little bit. He wants to try to understand and he didn't think the town should be profiting, but they should absolutely be covering all costs that are associated with it. He wasn't sure what those costs were. They came up with this RSA for town's to recoup expenses they might have. Selectman Chivers said yes because they don't track them separately. Selectman Komisarek said but their costs probably aren't \$15,000. He was thinking the minimum bid should probably be around \$20,000. Selectman Chivers asked for which property – 256 Depot Road. Selectman Komisarek replied yes because they are owed \$15,662 and they get another \$4,300 on top of that. Selectman Young said she agreed with him. There might be costs for filing fees. She would rather have anything that is above and beyond the unpaid taxes and interest and estimate our costs to make it happen and make the town whole again. She would rather see the poor families that are losing their properties get it. Selectman Chivers clarified that they recommend 5% instead of 15%. Selectman Komisarek thought it was the Board's discretion, they can look at the expenses and if they have \$12,000 worth of expenses then they need to make the town whole. In his rough estimation he thought \$4,300 (Critchett Road) would more than cover expenses. Selectman Young asked if they could word it actual. Selectman Chivers replied no because they don't have any numbers. He noted that Selectman Komisarek is suggesting instead of 15% they calculate 5%. He asked the Board if they want to apply 5% to all of the properties. Selectman Young said no because they'll find that Critchett Road is going to cost more than \$200 for filing fees. She thought that was a good idea but wasn't sure if it was going to work. She asked if anyone has an estimate on the cost. Selectman Komisarek said they came up with this RSA for a reason to help protect towns and recoup their taxes. They have to decide what is fair. Selectman Young asked if they could ask for a certain amount and anything above and beyond they could give it back. Is that something they want to do? Selectman Sandler said all they need to do is ask for a higher number. Selectman Young said they could keep the 15%, but give the rest back to them above and beyond what the actual costs are. Selectman Komisarek asked what the costs are associated with it. Selectman Chivers said let's try to find some consistency to this. How about 5% instead of 15% on that RSA 80:90. This is fair to the heirs and the bidders. It covers the administrative costs which is what this Board's thinking was. He said the Board suggested \$20,000 for Depot Road and with 5% its \$20,953 and anything over and above that will go to the heirs. Selectman Komisarek said he would like the benefit of understanding how other communities do it, RSA 80:90 gives them that latitude. Selectman Chivers said they hammer it out like this and they tell the auctioneer how much the minimum bid is when they go to sale. Selectman Sandler said the minimum bid is the town's interest. Selectman Young agreed and not more or less. Selectman Chivers said if they apply 5% to 256 Depot Road it comes to \$20,952. Selectman Young asked about the Raymond Road additional costs (\$226,181). Selectman Chivers said that was the \$100 per day fine, but they aren't considering that tonight. He said the other property on Depot Road would be about \$24,000. Selectman Komisarek asked what the rate was applied to the taxes. It was noted that it's 18%. Selectman Komisarek asked if there was a breakdown of how much interest was accrued. Selectman Chivers said they could get that information for him. Selectman Komisarek said perhaps the town is getting their

administrative fees back with this 18%. What he is saying is that he doesn't want to be unfair to the heirs. Say the Depot Road property is \$20,620 (taxes & interest) then we are still going to be made whole at 18% which he thought was excessive. Selectman Young asked how they get that information that Selectman Komisarek was talking about. Selectman Chivers said the Tax Collector. Chairman Robie noted the town took those deeds and the rightful owners are responsible for the interest and penalties when that happens. He didn't think the town was taking advantage of anybody by getting paid their interest and penalties on those tax bills. The town will be made whole. The town has supplemented those properties for years and years when the taxes hadn't been paid that is why they charge interest. At some point the interest becomes the town's property. Selectman Komisarek replied what they are saying is the town is entitled to that but they are talking about the additional. Chairman Robie said they are talking about interest at 18% after the property has gone to lien. It's a legitimate charge. Selectman Komisarek questioned if it was appropriate for the town to be charging the owner and the estate in addition to the money the RSA allows. Is this appropriate? Selectman Young asked if these properties have been the three plus years. Selectman Chivers replied no but they have gotten their notice stating that we are going to sell them within 90 days and nothing happens within that 90 day period. Now they are permitted to sell them and if there are any proceeds over and above our claim they go to them. After the three years the town keeps everything over and above their claim. Chairman Robie clarified the 90 days start when they notice the intent to sell. Selectman Chivers thought it was when they sent the 80:89 notices. This is what it says in the notice. Chairman Robie said they haven't noticed it going to sale. Selectman Chivers said they already sent that notice out after they took the deed. So right now if they go with the 5%, the lots on Depot Road will sell for about 20% of their assessed value. The minimum bid for 414-137 would be \$24,940 the assessed value is \$86,400. This is about 20% of his assessed value. This is probably pretty good incentive for someone to bid on it, the same way with the property at 256 Depot Road, the minimum bid was \$20,952 and the assessed value is \$105,800. Selectman Sandler asked what the number was on the other one. Selectman Chivers said the assessed value is \$86,400 the premium is \$4,300 which gives you a minimum bid of \$24,940. He noted 256 Depot Road's premium would be \$5,290 instead of \$15,870, so the total minimum bid would be \$20,953. The assessed value is \$105,800. This is roughly 20% of the assessed value. The premium for Old Candia Road is \$3,138.52. He thought this was reasonable for any prospective bidder, it's reasonable for the town, it covers any administrative overhead without having to document anything, and it is a pretty good fraction of the assessed value of the property. Selectman Young asked when they do this they will now get a notice that they can repurchase within 90 days if she was an owner of one of the properties. Selectman Chivers said they are going to check the RSA on this. Selectman Young said she feels bad about doing this. Selectman Chivers asked if she would like to give another 90 days. Selectman Young said no, but there is something sad about this. Selectman Chivers moved they schedule these properties for public auction and use the minimum bids they just stated based on RSA 80:90 (f) premium of 5% instead of 15%. Seconded by Selectman Sandler. Motion carried. All were in favor. Selectman Chivers said he would get in touch with the auctioneer and get this thing moving as fast as they can. He noted their previous Board agreed on Paul McInnis and is the Board okay with that. Selectman Komisarek said he was and Paul McInnis has a good reputation. Selectman Young and Selectman Sandler were okay with him as well. Selectman Chivers thanked Mr. Robie with helping solve the issue with 256 Depot Road.

The Board to approve new cemetery lot deed. Chairman Robie said the Cemetery Trustees have drawn this up and sent it to Atty. Mayer for approval. The Cemetery Trustees accepted the deed as presented. Since the Selectmen sign the deed the Trustees need the Boards approval. Selectman Young moved that the Selectmen accept the new cemetery lot deed under the recommendation of the Cemetery Trustees. Seconded by Selectman Chivers. All were in favor. Motion carried.

The Board to consider approving the new deductible policy. Chairman Robie explained A/P Clerk Donna Becker drafted a new deductible policy to update the personnel policy. She has made proposed changes to the policy. The employee is responsible for \$1,250 of their deductible and the town will help compensate them on the end of that with \$750 compensation on their \$2,000 deduction. The new policy is effective July 1, 2015. They will discuss their reimbursement program as they discuss the new insurance policy in November. Selectman Chivers moved to adopt the proposed changes to the reimbursement policy effective July 1st 2015. Seconded by Selectman Komisarek. All were in favor. Motion carried.

The Board to accept Candia Volunteer Firefighters Katrina Walker and Kevin Williams resignations. Selectman Chivers moved to accept the resignations of Candia Volunteer Firefighters Katrina Walker and Kevin Williams. Seconded by Selectman Komisarek. All were in favor. Motion carried. Selectman Chivers asked if they could send out a letter of recognition.

The Board to authorize payment of payroll checks and accounts payable checks. 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 June 18th and June 25th was \$78,546.06. Selectman Sandler motioned to accept accounts payable and payroll checks for June 18th and June 25th in the amount of \$78,546.06. Seconded by Selectman Komisarek. All were in favor. Motion carried.

Announce Next Regularly Scheduled Meeting Date: July 13th, 2015 @ 7:00 p.m.

Other Business

Selectman Chivers mentioned at the last meeting Mr. Murray took exception to his characterization of Mr. Robie's conduct with respect to the sale of tax deeded properties. He is pleased to report that he and Mr. Murray met on this the following Friday and resolved it. He produced evidence from the minutes he felt was in support of his position and Mr. Murray presented his side of the story. He thought they came to some kind of agreement or at least an acknowledgment that there is some plausible basis for his position and he accepts Dave's position as well. Building Inspector Murray agreed.

Solar Up: Selectman Komisarek said that Al Hall had contacted him about a letter for the Solar Up program. He provided a template that he would like us to use and he went over it. He didn't know if he needed to bring this to the Board. Mr. Hall explained the Board already voted in favor of the Solar Up. This is just a letter of support for the Chairman to sign. Chairman Robie said they need to get started on that, August 1st is going to be here in a month.

Recycling/Energy Committee: Citizen Rudy Cartier of 553 North Road said he understood his name was on the agenda for the Recycling and Energy Committee last Selectmen's meeting. He noted that he has sent a letter of actual interest to the office. He would like the Board to know that he is interested in helping this committee out. He is interested in environmental issues and he knows there is stuff coming up with solar. Right now they are very heavy into the photovoltaics at Honeywell. He thought he could give a lot of help to the committee. They have some good people on there that are very interested and he has some technical expertise he would like to bring to the committee. He thought he could help them out with some of the details and get them in touch with the right people. His background right now is to make sure that anything that is done from an energy/conservation standpoint is real and the savings that are supposed to come up are coming up. He reviews plans from the design engineers all the way through construction and installation. Honeywell is a energy services company, so when they tell someone they are going to save a million dollars a year they will save that or they will write them a check. His vested interest is that he doesn't want Honeywell write a check to anybody, so he is really careful. Honeywell bills him out at almost \$200 per hour for his services. He would like to provide his services to the town. This is why he submitted his letter of interest. Chairman Robie said he would look for input from the Board in the week ahead. His letter is in the sign folder along with his resume. He will look to the Board for comments. Citizen Dick Snow of Depot Road said when he was on the Board they were approached by Jack Munn to do a possible solar garden at the old recycling center. The expertise necessary to be able to analyze that type of installation is not present here but it is present in someone like Rudy. They are going to need someone if they do that. This project is a win-win. The town would get some rental use of it and get a tax break in their rate of electricity. Every other taxpayer in the town was going to get a reduction in their rate if that was successful. This is a site that has some problems associated with it and they need someone who is a professional engineer. He would strongly suggest the Board support Rudy's membership to the committee. Chairman Robie said on that comment that Mr. Snow just made, he discussed this with Mr. Munn and they were going to follow up on it after the closure was complete which it is. Daniel Ladd had finished the demolition of the concrete and the loaming. He is interest in the Solar Garden and hearing Jack Munn out. He thought there was a future there and he was sure there were a lot of people when they went to the wooden wheel to the rubber tire that said they didn't want that either. They went ahead anyway. He is in support of this and he would like to leave something for the future generations. He asked if they Board would like to meet with Mr. Munn again. They should decide if they want to pursue this any further. Selectman Komisarek said if you look around the state there are a bunch of towns that are starting to do this. Selectman Chivers suggested fully staffing that committee and have them look at it and make a recommendation to us. Chairman Robie noted they have a committee staffed by three. They need direction from us to move that ball. We aren't going to sit here and oppose them. Al Couch of North Road said he was appointed to the Recycling/Energy Committee along with two others and they have not held a meeting. They are supposed to be a five member committee. He thought there would be a lot of interest in town, there was with the Solid Waste Committee. There hasn't been that interest with the Recycling/Energy Committee. They would love to work on that solar project, but they need a full committee. He would strongly suggest that they appoint Rudy to the committee. Selectman Young asked if the three members attended a meeting for solar. Al Hall noted that was for Solar Up and that was with SNHPC. The Solar Garden is a project of Jack Munn's. They are separate

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projects. Chairman Robie noted that Jack Munn is working independent of SNHPC with the Solar Garden project.

Selectman Sandler motioned to adjourn at 8:45 p.m. Seconded by Selectman Chivers. All were in favor. Motion carried.