

~~Unapproved~~ **APPROVED**  
**Candia's Selectmen's Public Meeting Minutes**  
**September 28, 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 of 9/14/15.** Selectman Sandler moved to accept the September 14<sup>th</sup> Selectmen's meeting minutes as presented. Seconded by Selectman Young. All were in favor. Motion carried.

**The Board to consider signing deeds to three tax deeded properties. Map 406 Lot 139 - 147 Thresher Road:** Chairman Robie noted they have a deed for Mariposa Trust on Thresher Road. Mr. Migell sent a check, but wrote on the back of it that this will satisfy the taxes for the year 2012 which wasn't enough. They sent it back and they thought maybe he would send another check by now but he hasn't. *Selectman Chivers moved to take the deed for the Mariposa Trust property.* He asked if he was far off on his number and was that a number they quoted him. Chairman Robie said he knew the number, but he sent a check less the interest. Selectman Chivers said if they accepted the check they would have been stuck with it. Chairman Robie asked if there was a second on Selectman Chivers motion. *Selectman Sandler seconded the motion for discussion.* Chairman Robie was confident that all of these things work themselves out in time. At some point this Trust will settle up and they will be compensated what they are owed. This always seems to happen with these properties. Selectman Chivers pointed out that they discussed this at a non public meeting on August 24<sup>th</sup>. It was a unanimous vote of the Board to accept this deed from the Tax Collector and move forward with this process. He asked if he has filed a petition for bankruptcy. Chairman Robie said he has been in bankruptcy for years. Selectman Chivers asked if he has paid it in full. Those are the only two reasons that they should not record a deed. He's three years in the arrears. He hasn't produced anything but a check that purports to pay us in full. If he comes up with the money next week he gets his property back. He's redeemed it within the three year period. This is how RSA 80 is supposed to work. It was noted that Mr. Migell has a three year redemption period during which time he can pay all of his outstanding taxes and expenses to the Town of Candia. Selectman Chivers asked what is the harm in recording this deed now. They followed the statutory process and considered it in a non public session. What was the point of the non public meeting they had and they declined the waiver and agreed to accept the deed. Then the Tax Collector sent out the 30 day notice. What was the point of that whole exercise if we weren't going to follow through with it at a later date? Chairman Robie said in that meeting we accept the deeds but agreed to discuss it one more time. Selectman Chivers noted they didn't say that because he just read the minutes. It was unanimous that they would decline and sign that waiver and they would move forward. This happened with the same individual last year on the same set of circumstances. Chairman Robie said when they accept that deed and they have people living on the property, it becomes our responsibility. They have to get them evicted and moved on. Selectman Chivers said they don't know if anyone is living there. Selectman Young said she was up there yesterday and there were a bunch of cars. Selectman Chivers noted that he leased his land to a school

down in Massachusetts. This shouldn't deter us from following the procedure in the RSA. Selectman Young said she would hate to take someone's property if there is something we can do. Selectman Chivers reiterated that there is a three year redemption period. They aren't selling it out from under him they are following the RSA. This is our duty. If he redeems in the next three years the title goes back to him. He asked the Board if there was any compelling argument to not do it. Chairman Robie said a year ago they took deeds and they moved to conserve some of them through town meeting and sell the rest of them. If they move to sell that deed within the calendar year, he has a 90 day period from the time it is noticed and going to sale to redeem his property. They ought to make some type of decision on what they are going to do with that deed once they get it. Selectman Chivers suggested that they take the deed and wait out the three year period and see if he redeems it. Chairman Robie asked what they would do with the tenants on our property. Selectman Chivers asked if they gave that any consideration at our non public meeting. Chairman Robie said no that is why they are discussing it now. Selectman Chivers didn't think a tenant on a property should deter us from following the RSA. Selectman Sandler said it might not but do they have some liability with these people living on our property. Chairman Robie replied of course. Selectman Sandler said if something happens how do you cure something like that. Do they get the Sherriff and kick them all off? Selectman Chivers said if it is necessary. They could follow the eviction procedure if it is a concern of this Board. Selectman Komisarek said at this point in time their interest is accruing at 18% annually and will continue to do so if we take them. Once they take action and take the property they don't have 18%. So if it sits there for 2 ½ years he can see where Selectman Chivers is coming from. There is an RSA and a process in place. Now they have the tenants and the eviction. If they don't take it they are still making 18% annually, what is the risk if we don't take it. Chairman Robie said there is none. Selectman Chivers said the risk to this Board is that we don't have a predicable procedure for collecting taxes from people. They don't follow the RSA. They do what they feel like doing and that is the risk. Chairman Robie said they just did this at their non public meeting. Selectman Young added they granted some waivers and not others. Selectman Chivers said they gave each one consideration and they granted a waiver. Now they are reconsidering this. Chairman Robie said that was correct. Selectman Chivers asked on what basis or reason are they reconsidering this at this moment. He asked if they should consider all of the waivers. Chairman Robie said they are going to reconsider all of the ones they didn't grant a waiver on. They aren't doing anything out of the ordinary here. They are just reconsidering the ones they didn't grant waivers on at that time. Selectman Chivers questioned is that because they didn't give them enough consideration. Chairman Robie replied that may be possible. He has thought about this for a while and the ramifications down the road. Andrew Migell has been in here every year since I have been Selectman and they've always been at the same crossroads but they get to the next year some way or another. Selectman Chivers asked what does it say about the credibility of this Board if they send him a letter that says if he doesn't pay us in 30 days they are going to file a tax deed and 30 days later they blank and don't file the deed. What does that say to everybody else in town that thinks that is going to happen to them if they don't pay their taxes? They have a duty to follow the law and have a consistent process. They followed the law they considered this on August 24<sup>th</sup> and gave it all of the consideration they thought it deserved. Now two months later they are changing their minds saying they didn't give it enough consideration. Chairman Robie said that was the process and maybe they're not changing their minds they are going to vote on it. Selectman Chivers said he was standing by his decision on the deliberation they had two months ago and they gave everyone one of these accounts the

benefit of the doubt. They got the letter from the Tax Collector which gives them 30 days to come in and make arrangements. He didn't think they had any choice but to take the deed. Chairman Robie disagreed and thought they did have a choice. If they are going to hang on to that deed for three years to give Mr. Migell a chance to come in and the last deeds that we took we sorted through them rapidly and sent them to auction. As far as following the procedure it's not going to happen the same every time. It doesn't happen that way in this business. Everything has to go on its own merit. Selectman Young said if you do it for one then you do it for the other two. Chairman Robie understood Selectman Chivers' point, but he agreed with Selectman Komisarek's point. Once they take that deed the 18% stops accruing. Selectman Chivers didn't think it did, the interest accrues until they are paid in full. Chairman Robie pointed out that if they take the deed Mr. Migell isn't going to get a tax bill next year. Selectman Chivers said when he goes to redeem he has to pay all unpaid taxes plus accrued interest. Chairman Robie said the interest will keep accruing but there won't be a tax bill. Selectman Chivers said he has to pay the taxes that would have accrued plus interest. Chairman Robie didn't know how he could say that because it's not his property. Selectman Chivers said if you read the RSA he is obligated to pay the taxes that would have accrued on the property had he owned it in addition to that 18%. Chairman Robie said once they own the property they are the property owner. He's not the property owner any longer. Selectman Chivers asked if this whole issue turns on that point of law, if it does we can defer this discussion until we get a decision. Chairman Robie said not on that one point, but that was a good point that Selectman Komisarek brought up. Selectman Komisarek asked what the eviction process would look like. Chairman Robie said they would evict the tenants and then we have a piece of property that we are going to hold on to for three years to see if Mr. Migell comes back to repurchase it. If the rest of the Board isn't interested in holding out for three years they'll wait the 90 days and then hire an auctioneer. He's not ready to do that. Selectman Chivers said he wouldn't be either. Chairman Robie noted that is different than last time and different than two months ago. Selectman Komisarek asked why they wouldn't sell it; they want people paying their taxes in town. Selectman Chivers explained that happened last year, they took the two properties on Depot Road and they went to sale right away. Chairman Robie asked if they were going to sale right away. He doesn't want to do that and he's not comfortable doing that. He didn't think they should hold on to the property for three years and lose the tax revenue. Chairman Robie said they will pay us, sooner or later the Trust it going to be dissolved and someone is going to take care of it. Selectman Chivers said the issue before this Board is not whether to sell these properties, the issue is whether to file the tax deed. Chairman Robie said this is why we are having this discussion. Selectman Chivers said they could decide to sell it in a year if Mr. Migell doesn't come in, a year could cure a lot. Selectman Komisarek asked if they could still tax him after the three years. Chairman Robie said they would collect the interest on what is owed. Chairman Robie said they have a lien on his property and they tax him. Selectman Komisarek explained typically when you are doing a title search on someone you'll see three years of taxes. If it goes past that then they lose it to taxes. You usually don't see the fourth year. In a technical sense they would still be taxing them. If they don't take it, they can keep taxing them. Selectman Sandler thought they should take the property, but they have to do something with the people that are currently there. If they could figure something out there he would vote in favor of it, if not he doesn't know if he wants to vote on it. They are not in the business of renting property. What right do they have to stay there if they are not paying? They could get in touch with the Sheriff and put them on notice. There is a certain procedure that you have to wait a

certain number of days and then they have to move out. He asked if they are paying Migell or are they just squatters. Selectman Young didn't think they were squatters. Chairman Robie asked the Board if they would like to make a decision on this. A motion was made by Selectman Chivers and seconded by Selectman Sandler. Selectman Sandler said he would accept an amendment, if someone would make it. They include in this motion that they evict those people that are currently there. *Selectman Chivers said he would withdraw his motion and make a new one. Selectman Chivers moved to take the deed to this property Map 406 Lot 139 and commence the eviction procedure. Seconded by Selectman Sandler. Selectman Komisarek said he didn't want to hold it for three years. If they are going to take it then they should sell it. Chairman Robie called for a vote. Selectman Chivers and Selectman Sandler were in favor and Chairman Robie, Selectman Komisarek, Selectman Young were opposed. Motion failed on a vote of 2 to 3 (2-3-0). Chairman Robie moved to grant Mariposa Trust a waiver. Selectman Chivers asked for how long. Chairman Robie said one year, just like they did last time. Seconded by Selectman Young. Chairman Robie, Selectman Sandler, Selectman Young were in favor and Selectman Chivers was opposed. Motion carried on a vote of 4 to 1 (4-1-0.)* **Map 406 Lot 148 – 115 Critchett Road:** Selectman Chivers said the facts are identical but he didn't even bother to send us a check. He knows this person and he feels just as bad as Selectman Young does. He understands the ramifications of this and doesn't know a painless way out of this. Chairman Robie said the painless way out of this is to wait it out. If they evict him from his property he is going to become a ward of the state. There is no money there and the property is not valued at what they have it assessed at. *Chairman Robie motioned to grant a waiver on Map 406 Lot 148 115 Critchett Road. Seconded by Selectman Young. All were in favor. Motion carried.* **Map 407 Lot 041 – Critchett Road:** Chairman Robie noted this is owned by a trust. Selectman Komisarek said the tax card says it is land locked and the remainder of the land is Raymond. There is 2.5 acres in Candia and 5 acres in Raymond. Selectman Chivers said this is a case where there is no tenant and there is no one living on it under what circumstances why would they not record the deed. Selectman Young asked what if they record the deed and Raymond doesn't. Selectman Komisarek didn't think they could sell it, it doesn't have any value. Chairman Robie said unless you pay for a subdivision and verify the property line and the town line. They can't sell until they spend some money to do it. Selectman Chivers asked about the land in Raymond and they would have no authority to sell the land in Raymond. *Selectman Young motioned to grant a waiver for Map 407 Lot 041 for a year. Seconded by Selectman Chivers. All were in favor. Motion carried.*

**The Board to discuss Deerfield Fair proposal to reimburse the town for additional coverage required for the fair weekend.** Chief McGillen said he put together a proposal in the interest to improve safety at the Route 27/ Route 43 intersection. He was told by the Deerfield Chief that the Deerfield Fair Association may entertain a proposal. He drafted a proposal and scaled down the hours from what they used to do. He gave it to the President of the Fair Association. Apparently it didn't go through and it was status quo. Selectman Chivers clarified that they weren't willing to offer anything for the coverage. Chief McGillen said apparently not. Selectman Chivers asked about a donation. Chief McGillen said he heard the word donation and he didn't know for how much. This is a quick update. They are going to provide additional coverage like they have in the past. They'll have officers on regular patrol as a secondary unit out there. Selectman Chivers said they are back to where they started. Chairman Robie asked the Board if they have read the minutes from 2010 (see attached). The Board members said they

had. Selectman Young asked what the procedure was in 2010. Chief McGillen explained in 2010 they put guys in the intersection and the Town of Candia paid. Chairman Robie said that was the decision of the Board of Selectmen. Selectman Chivers said that is what they have been doing ever since. Chief McGillen said they have not. Chairman Robie said not at the intersection. Chief McGillen said not at that intersection and they had a significant crash two years ago. They had no money and they provided no traffic control. Chairman Robie said the 2010 minutes reflect that the Board of Selectmen voted to handle the traffic in our town with regular duty officers. This is what the minutes reflect for that fair event. Nothing has happened since then until last week. It is our responsibility to take care of the traffic. Bob Boyton of the DOT programs the light and it works very well. Chief McGillen said he received a letter from the state about that. When the traffic backs up at that light the DOT recommends an officer manually operate that light. Chairman Robie reiterated the direction of the Board was to take care of our traffic in the Town of Candia. Chief McGillen said yes back then. Chairman Robie said until anything changes this is the direction they should head. There was a check that the Deerfield Fair Association sent Candia for officer detail for that weekend. It was more than the rate that they were willing to pay, but they paid it in contest and they acknowledged that (see attached). They put us on notice in September of 2010. After this happened Chief McGillen came to the Select Board and the Selectmen requested that they take care of the traffic in Candia with duty officers not special detail officers. So if he needed to put on an officer for the day it is our responsibility. There wasn't an officer at the church and there was an accident and the Fair Association got blamed for the accident because they didn't have a detail there. Then Chief McGillen went to Deerfield two weeks ago to the Police Chief. The Deerfield Chief has good relations with the Chairman of the Association. Then Chief McGillen talked with him and they were offering a donation (with no hours or time). Chief McGillen replied that Chairman Robie said there may be a donation and that was the first he had heard of a donation. For the record he didn't ask the Deerfield Chief to speak for them. The Deerfield Chief took it upon himself to talk with whoever he spoke with there. He told him he might want to come up with a proposal. Selectman Chivers asked if they were withdrawing their offer of a donation. Chairman Robie said they have at this point. This discussion they are having now probably should have taken place a month ago with direction from the Board to see if they can get something from the Deerfield Fair Association to maybe reconsider their letter. Selectman Chivers said it sounds like they took their initiative and through you they made a proposal. Chairman Robie said they didn't. After he got word from Chief McGillen and Selectman Chivers last Saturday morning he took it upon himself to find out. He remembered what happened in 2010 and how it all went down. As far as their minutes go and if there is a traffic issue out there it should be taken care of. Selectman Sandler asked what the question was before the Board and it appears there is nothing to do. Selectman Chivers agreed because they don't have a proposal from the Fair Association. Chief McGillen clarified that decision that the Board made should stand and they should pay guys to be out there. Chairman Robie said yes, in 2010 the Board voted to take care of the traffic problem if they have one in Candia. This doesn't stop until something changes. Citizen Russ Dann of Tower Hill Road asked if this was a state road and if so why aren't they responsible. They have State Police and County Sheriff's why aren't they handling it. They should cover it because it is a bad spot. Chairman Robie said the state said they would cover it if they felt it was necessary. They felt controlling the light takes care of it. Selectman Chivers asked if their officers could control that light. Chairman Robie didn't think so. Chief McGillen said they could manually operate it if they need to. Selectman Sandler asked Chief McGillen if they

would ask the State Police for help. Chief McGillen said no. Selectman Sandler said the State Police work at Loudon and other events if it is a state highway. Why wouldn't the State Police be willing to put some people out there? Chief McGillen said he didn't know they could come in and start doing our traffic details too. Selectman Sandler said there was no need to be facetious about it. Chief McGillen said he wasn't but his department is capable of handling it. Selectman Sandler said between town and state there is this professional jealousy he knows this because he has been on both sides of the fence. He is saying that is a state highway and it is the State Police, it seems like he could ask them to help your guys. They would still have Candia Officers there but get help from the State Police. Chairman Robie said they have no problem putting our guys out there. Chief McGillen recalled that the motion was they get paid the overtime rate. Chairman Robie said they would be paid their regular duty pay. So they put a part time officer out for that day and he does traffic control for his duty pay. Chief McGillen thought that was a wage issue now. Chairman Robie said it wasn't a wage issue at all. He asked if there was a difference between directing traffic and arresting someone for marijuana. Chief McGillen said it was two different things. Chairman Robie asked if there is an accident and you are directing traffic and there is a drug bust are those two different things. Chief McGillen said this was a special assignment to handle traffic. Chairman Robie said the Selectmen asked for duty officers to do that job. Chief McGillen said it was whatever the Board decided but he thought that set a bad precedence. He noted in 2010 they paid the officers detail rate and then someone in the town hall changed it to time and a half rate. Then it came back in front of the Selectmen and they reversed the decision and decided to pay the detail rate. Selectman Chivers asked if the issue was what the officers are making the hourly rate to direct traffic. Is this what it all boils down to? Chief McGillen replied yes and it is what's fair. They are setting a precedence. They paid guys (in 2010) time and a half or overtime and they didn't just pay them straight pay. Selectman Chivers said that is what they signed up to do as a police officer. Chief McGillen said they didn't sign up for when someone has an event. They had one the other day in town and they had a detail officer there. They didn't just assign it. Chairman Robie clarified they had a customer request a detail. Just like PSNH requests a detail. The Fair Association hasn't called up and requested a detail. They took it upon ourselves to take care of our own traffic problem in 2010 with duty officers. This means if they have a part time guy available there is nothing wrong with them directing traffic for the fair. Chief McGillen said he disagrees with that. He directs traffic at a detail rate or a time and a half rate. Chairman Robie said that is where they disagree. Selectman Chivers said if the Deerfield Fair isn't willing to reimburse the Town of Candia our costs at time and a half or detail rate, they are going to have to put a part time officer over there to direct traffic. Add an additional officer that day. Selectman Young noted she never got to pick and choose what she was doing as a professional. She did what she was told. She never said unless you pay me more I won't do it. If they don't want to maybe the State Police could be a resource. She can't imagine that any of the officers would refuse to stand out there and direct traffic to make things safe in our community. Selectman Chivers asked if Chief McGillen could get in touch with the State Police to see if they could help us out a little bit and maybe the guys won't have to stand out there for ten hours. They could split it up with the State Police, but they haven't talked with them yet. It's logical to call the State Police and ask for help. Selectman Sandler said he understood the dynamics of what was going on here, however a policeman's duty is directing traffic. It is part of all of his duties. Selectman Young asked if they needed to make a motion. Chairman Robie said there is no motion. They are going to take

care of their own traffic problem in Candia like the 2010 minutes reflect and if they can't do that they are going to call the State Police. Selectman Chivers said they are going to do that anyway.

**Chief McGillen to recommend Trick or Treat hours for Halloween.** Chairman Robie motioned to have Trick or Treat hours on October 31<sup>st</sup> from 5:00 pm to 8:00 pm based on Chief McGillen's recommendation. Seconded by Selectman Sandler. All were in favor. Motion carried.

**The Board to appoint Adam Lawsen to the Candia Volunteer Fire Department as a Firefighter.** The appointment was deferred to the October 12<sup>th</sup> meeting.

**The Board to authorize payment of payroll checks and accounts payable checks.** Chairman Robie announced the grand total of payroll and accounts payable checks for September 24<sup>th</sup>, and October 1<sup>st</sup> was \$60,574.83. Selectman Chivers motioned to accept accounts payable and payroll checks for September 24<sup>th</sup> and October 1<sup>st</sup> in the amount of \$60,574.83. Seconded by Chairman Robie. All were in favor. Motion carried.

### **Other Business**

**Household Hazardous Waste Day:** Selectman Sandler said it was very well run and very professional. He was pleased with how it went. Chairman Robie asked if they had a total. Selectman Sandler thought it was about \$1,600. Fire Chief Young asked how much do we appropriate for HHWD. Chairman Robie noted \$9,000 was budgeted.

**Pinkerton Endorsement:** Sean McDaniel of 379 Brown Road said he would like to talk about the work the School Board has been doing on the Pinkerton/Central High School evaluation. They have been working on this for a few years now and they have been doing a thorough evaluation. They have done an excellent job with the way they have been managing this. He personally has two daughters that are in Moore School and if the Pinkerton move does happen he is in favor of it. He also thought this was a great move for the town. He's personally going to gain for his own family, but the town would benefit greatly by making the move. He has been going to all of the meetings, the School Board evaluations, and the Pinkerton walk through. He has been trying to talk to a lot of people in town and everyone he talks to seems to be in favor of the move. One of the questions that people have concerns with is how is it going to affect their taxes. They have data over the last 10 years. Pinkerton has actually been less each year for the last 10 years. The move to Pinkerton would not significantly impact the cost of the high school budget for this town. He is not officially involved in this, but if people have questions they can contact him at [smcdaniel51@comcast.net](mailto:smcdaniel51@comcast.net) and he will find the answer.

**Smyth Memorial Trustees:** Smyth Memorial Library Trustee Fletcher Perkins said the Trustee Carla Penfield's appointment is about to end. The Trustees are requesting she stay on another five years. He asked if he should send the Board a letter for the request. Chairman Robie said the Smyth Memorial Trustees should send the Selectmen a letter to request Carla's reappointment.

**Pinkerton Endorsement Continued:** Citizen Fletcher Perkins thought the people that have been researching Pinkerton have been doing a wonderful job. He is totally neutral. He thought the research ought to extend to the Planning Board and the Steering Committee so they can get something going. He felt going to Pinkerton is not the cure for what is bothering Candia. It is a piece of the pie but there is a bigger piece that they have to solve. The help is needed from the young people in this town. Kim Lackmann of Highland Street said she was in support of what Mr. McDaniel's is doing and is greatly appreciative of all of the work the high school task force has done. She agrees with Mr. Perkins and they have to work together as a whole to make a move like that. Pinkerton is a small piece of the puzzle that will benefit the community. They need to get all of the other groups involved as well. Selectman Chivers asked how Pinkerton could accommodate all of the influx of students from Candia and Hooksett. Can they absorb all of these kids? Mr. McDaniel said they have a large population over there. So what they did to address that is build a freshman building and then staffed it for all of the new students. They have 500 freshmen right now. Candia actually fits within their fixed costs. They really want us to come there. They wouldn't need to add to their infrastructure. The task force looked at Raymond, but they didn't have the infrastructure to accommodate our students.

**Recycling Center Art work:** Joyce Bedard of 437 Patten Hill Road said she wanted to follow up on the recycling center art. She has been coming to every meeting since they discussed it. She has been waiting to hear, but hasn't heard anything. She thought they were going to have some type of compromise. Selectman Sandler said nothing has happened yet, however the petition starter Jim Argeriou has a proposal that he is putting together. They would like to put some brackets up so they can have some art displayed. The first step is to get the other walls fixed and put some insulation in. There is a compromise, but something will be done.

Chairman Robie moved to adjourned at 8:00 pm. Seconded by Selectman Sandler. All were in favor. Motion carried.