

~~Unapproved~~ **APPROVED**
Candia's Selectmen's Public Meeting Minutes
October 26, 2015

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

Chairman Robie opened the meeting with the pledge of allegiance.

Approval of Previous Minutes: Public meeting minutes of 10/12/15. Selectman Chivers moved to accept the October 12th, 2015 Selectmen Public Meeting minutes as presented. Seconded by Selectman Komisarek. Chairman Robie, Selectman Chivers, Selectman Komisarek, Selectman Young were in favor and Selectman Sandler abstained. Motion carried on a vote of 4 in favor with 1 abstention (4-0-1).

The Selectmen to discuss and set 2016 tax rate. Selectman Robie explained if they appropriate \$10,861,977 the rate would be \$21.72. Based on their fund balance policy on the \$10,861,977 at 11.5% our fund balance should be \$1,249,127. At this time our fund balance is \$1,365,522 which leaves a reserve of \$116,395. If they take that \$116,395 put it on the amount needed to be appropriated, it will reduce the tax rate to \$21.42 and they will maintain their fund balance as policy. Selectman Chivers asked how they came up with the 11.5%. Chairman Robie said it was a policy the Board had written in December of 2013. Prior to this they didn't have a fund balance policy. They can go back and review the fund balance policy anytime they would like and they should probably do that each December. At this point it is our policy in place. Selectman Chivers said he saw that this exceeds the DRA's recommendation by 1.5%. They recommend between 5 and 10%. Chairman Robie said they can keep up to 17%. The Government Finance Officers Association (GFOA) recommends that unassigned fund balance remain between 8% and 17%. He felt it was a sustainable fund balance for our community with an 11 million dollar budget. Selectman Chivers motioned to take \$116,395 and make it available to reduce next year's tax rate. Seconded by Selectman Young. All were in favor. Motion carried. Chairman Robie announced that the tax rate for 2016 is \$21.42.

The Board to approve Step 1 matrix increases for Officer Wasiejko and Officer Santuccio and Step 3 matrix increase for Officer Minichiello. Selectman Chivers moved to approve the Step 1 matrix increase of .50 for Officer Wasiejko and Officer Santuccio effective July 9, 2015. Seconded by Selectman Sandler. All were in favor. Motion carried. Selectman Chivers moved to approve the Step 3 matrix increase of \$1.25 for Officer Minichiello effective August 8, 2015. Seconded by Selectman Sandler. All were in favor. Motion carried. Chief McGillen noted the part time officers needed to be reappointed. They checked a few years back and it doesn't have to be done. He believed it was the Board wishes years back to do it. Once you're appointed you're always a part time officer for the town unless the Selectmen take back that authority. Past practice in Candia is that they reappoint them every year. Selectman Young asked if it was necessary to do that. Chief McGillen didn't believe so. Selectman Chivers clarified they didn't

reappoint the full time officers just the part time. Chief McGillen said that is the way they have been doing that for years and years and he would prefer not to do that. Selectman Chivers thought it was a formality. Chairman Robie asked if they have a policy on this. Chief McGillen replied no they just had a practice of reappointing them every year. Selectman Young suggested they don't reappoint them every year and if there is a problem then they can deal with it. Chief McGillen would like to do that. Chairman Robie motioned that if they don't have a policy then they will leave any necessity to reappoint special officers at this point. Seconded by Selectman Chivers. All were in favor. Motion carried.

The Board to discuss sale of the ACO car. Chief McGillen said they don't have a use for the vehicle and he thought they should put it out for bid. Selectman Chivers asked Chief McGillen what would be the minimum bid on that. There was discussion on who much they should sell it for. Chief McGillen suggested a minimum bid of \$2,250 and see where it goes. It was noted the mileage is 134,549. Chairman Robie motioned to put the cruiser out to bid in the amount of \$2,250; the deadline for the bids will be November 23rd. 2015 at 3:00 p.m. Seconded by Selectman Young. All were in favor. Motion carried.

The Board to appoint Tom DiMaggio and Michael Pouliot as Cemetery Trustees. Chairman Robie noted the Cemetery Trustees voted unanimously to appoint Tom DiMaggio and Michael Pouliot to fill the 1 year positions; their terms will expire in March of 2016. Selectman Komisarek moved to appointment Tom DiMaggio and Michael Pouliot as Cemetery Trustees. Seconded by Selectman Sandler. All were in favor. Motion carried.

The Board to request funds from the Henry Moore Highway Fund in the amount of \$12,000.24. Chairman Robie said they had a quote from August 6th, 2015 in the amount of \$12,000.24. They are going to request this amount from the Henry Moore Highway Fund from the Trustees of the Trust Funds. *Selectman Young moved to request the funds from the Henry Moore Highway Fund in the amount of \$12,000.24 from the Trustees of the Trust Fund. Seconded by Selectman Chivers. All were in favor. Motion carried.* Selectman Chivers asked if it was ready to be paved. Road Agent Lewis explained they are going to do that rough section near the swamp on Chester Turnpike. It's about midway down Chester Turnpike and it's been about 30 years since it has been paved. He is getting a quote to shim it and compare that to taking the pavement off in the rough section, put down gravel and then pave it. He is going to see which one works out the cheapest.

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 October 22nd and October 29th was \$70,365.75. Selectman Chivers motioned to accept accounts payable and payroll checks for October 22nd and October 29th in the amount of \$70,365.75. Seconded by Selectman Young. All were in favor. Motion carried.

Other Business

Sale of Tax Deeded Properties: Selectman Chivers said they had a pretty successful auction on Saturday. All of which exceeded their minimum bid. He noted for Map/Lot 414-137 the minimum bid was \$25,000 and it sold for \$64,000; Map/Lot 414-138 the minimum bid was \$21,000 and it sold for \$42,000; Map/Lot 413-105 the minimum bid was \$27,000 and it sold for \$30,000; and Map/Lot 407-036 didn't have a minimum but it sold for \$200. It was very successful. The closing is scheduled for no later than December 8th. He sent the purchase and sale agreements to the town attorney today. As soon as the deeds are ready they'll contact the purchasers and they will schedule the closing. They will bring two checks, one for the balance due and the other for the buyer's premium payable to Jim St. Jean. There is one issue the Board has to address, when they set the minimum bids they calculated all of the amounts they were entitled to per RSA 80:90. They took 5% of the 15% premium they were entitled to per RSA 80:90. If they just keep the minimum bids and they refund the surplus they are giving away \$27,280 and they don't have to. Their minimum bid is not the maximum amount they can claim from the proceeds. The minimum bid was established just to market the property and open the bidding. The maximum amount they can claim (stated in RSA 80:90) which includes all of the accrued interest and the 15% premium which we can add on to. At some point this Board has to decide whether they want to assert their right to the entire 15% premium or do they want to just accept what they considered a minimum when they determined minimum bids a few months ago. This is for another day and it should be on a future agenda, but it is something they should think about. Chairman Robie thought they could discuss it now. Selectman Young thought they had this discussion and it was an agreement that all they wanted to do is make the town whole. She thought they felt whatever was left over would go back to heirs or whomever. Selectman Komisarek said they looked at it and the Town gets 18% interest which is far above market, so they came to this conclusion. Selectman Chivers didn't know why they would waive their right to the full 15%. One of the owners is deceased and didn't have a will, another one disclaimed ownership, walked away from the property because he didn't think he owned it, and the other one is a landlocked parcel. None of these people live in town and he doesn't know why they would give up \$27,280. Selectman Young said at some point if they do this again, it might affect someone that lives in Candia. It might be someone who couldn't pay their taxes and their kids may be in a position to help out. She agreed back then because the town is getting back what they owed us. They've gotten back their responsibility to the town. The Board knows how she feels about doing this anyway. They represent the taxpayers and they have gotten back what is owed to us. She didn't find the need to take more and whatever is left from a property should go back to the heirs. They are going to find if they continue to sell properties, at some point it might affect someone that lives in Candia who has a family or has fallen on hard times. She would feel horrible not only taking the property and selling it, but then keeping anything above and beyond what they would take to make Candia whole. Whether they are in a nursing home or heirs this is her personal opinion on that. She felt they have gotten their share and she doesn't feel entitled to take more. Selectman Sandler confirmed that statute gives them permission to do it, so from a business standpoint they should take what they are entitled to. This also affects the taxes. Selectman Chivers said he agreed with Selectman Young but this is on a case by case basis. They have four properties that they could get maximum recovery under the statute. Selectman Komisarek said these people had every opportunity to pay their taxes. He felt the Board put a lot of

work into this. There was a lot of discussion and correspondence and they (property owners) have had their opportunity. Selectman Chivers said it is a business decision they have to make. It would be hard to explain to the people of Candia why we are leaving \$27,280 on the table. Selectman Young said unless it is their family then it wouldn't be so hard to explain. Selectman Chivers asked the Board if they wanted to recalculate the amount the town was entitled to and when they have the closing they can use the 15% maximum that is allowed under RSA80:90f. Selectman Sandler said it might seem cold hearted but it is the best decision. *Selectman Chivers motioned to recalculate the amount the town are entitled to.* Selectman Young clarified if the motion was just for these properties or for the properties they take in the future. Chairman Robie said just these four properties. He clarified that the minimum bid was set with the taxes in mind with the interest and 5% of the assessed value. The last date they need to calculate is the taxes that would have been paid from the last tax bill until now. They are entitled to that and they are entitled to 15% of the assessed value of those properties, so they are going from 5% to 15%. Then there is one property where there is no one to claim that money which needs to be refunded. The money will be deposited, so if anyone ever wants to probate Mr. Martin's property the money will be in the court. Selectman Chivers said that Mr. Martin does have one heir who can produce evidence. He isn't Mr. Martin's heir. He is Mr. Martin's deceased wife's heir. Mr. Martin's deceased wife was a tenant on the property and her will is probated in Hillsborough County. So if he can produce evidence he is entitled to any proceeds deriving from her. Chairman Robie said they will let the court decide that and the check will be deposited at the court. Selectman Komisarek asked if there was a second on the motion. *Seconded by Selectman Sandler. Selectman Chivers, Selectman Sandler, Selectman Komisarek, and Selectman Young were in favor and Chairman Robie abstained. Motion carried on a vote of 4 in favor and one abstention (4-0-1).*

Clarification on RSA 80:90. Selectman Chivers said last meeting they discussed what the law entitles us to collect on tax deeded properties. He cited an RSA that says if someone redeems a property they have to pay the taxes that would have accrued against that property if it weren't for the fact that the town owned it. He got clarification from the NHMA and they said "In that event, RSA 80:90, in conjunction with RSA 80:88 and RSA 80:89, would require the property owner to pay all taxes that would have become due during the time the town owned the property." They would calculate the amount the taxes that would be on that property for that period of time and whoever wants to redeem that property has to pay that amount. So they aren't out any tax revenue if they take a deed to a property and hold on to it in the town's name.

Household Hazardous Waste Day: Selectman Sandler said the final bill came in. It was \$7,800 which was \$1,200 under budget. They budget \$9,000 for Household Hazardous Waste Day.

Solid Waste hauling contract: Selectman Sandler said Chuck has been approached to extend the contract for another three years. The numbers are good, they are lower than what they are paying now. The transportation fee is \$127.50 and they are proposing \$125.00 for three years. The per ton basis they are currently paying \$69.36 and they are

proposing \$68.00. This is three years and on February 1st, 2017 there will be an escalation of 2%. He thought it was a good deal. They could go out for a new bid but that is very complicated. Chuck has had trouble with Waste Management in the past but said those matters have been resolved. He would highly recommend that they go with Waste Management for another three years. Selectman Chivers said they know there is a 2% increase in 2017. Chairman Robie asked where they are now in the contract. Selectman Sandler said he didn't know but this takes effect one month after we agree. They must be towards the end of the contract. Chairman Robie said they usually look at this a year ahead of time. Selectman Sandler said if they came through with significant increases he wouldn't recommend them. If they can stabilize things they should go for it. There was some further discussion about the contract. Selectman Sandler said he didn't know the procedure and didn't know if Chuck normally does this on his own. Does it require Board approval? Chairman Robie said the Board needs to sign the contract. *Selectman Sandler motioned to extend the Waste Management contract for three years. Selectman Chivers seconded for discussion.* Chairman Robie asked if there was any interest to rebid this contract. Selectman Komisarek said he would like to know who the players are. He thought they should do a little bit of leg work. Chairman Robie noted Pinard used to haul for us. Selectman Chivers asked if they would like to shop this out. Chairman Robie said they would have to withdraw the motion. Selectman Sandler said for budgetary purposes it would be a good move to lock into that and it's certainly not going up. Chairman Robie said they don't know what the other haulers would bid for hauling trash these days. Selectman Sandler said it is going to take some time to send out those bids. Chairman Robie said they don't know when this contract expires. He thought they had another year. Selectman Sandler asked if they want to put this off to the next meeting and find out when the contract expires. It was the consensus of the Board to differ this discussion until the next meeting. Selectman Sandler withdrew his motion and Selectman Chivers withdrew his second. Chairman Robie thought they should do their due diligence and look at other haulers.

Old Home Day 2016: Resident Hannah Lewis of North Road asked the Selectmen if she could volunteer to start up Old Home Day again for August 2016 in Moore Park. She would like the Boards support. She knew there was funding for it in the past. She didn't know if that was available for next year. Chairman Robie said they still have some monies in the fund, but there is very little. He asked her to come back with an estimate of what she might need. He was sure the Board could find it somewhere and she could get local support if she needed it. Hannah asked the Board if they would like a plan of what she was going to do. Chairman Robie said that would be great.

Selectman Sandler moved to adjourn 7:39 p.m. Seconded by Selectman Komisarek. All were in favor.