

~~Unapproved~~Approved  
**Candia Selectmen's Public Meeting Minutes**  
**Monday, April 12, 2010**

**Attendance:** Chairman Fred Kelley, Vice-Chair Carleton Robie, Selectman Joe Duarte, Selectman Amanda Soares, Selectman Richard Snow, Selectmen's Assistant Cheryl Eastman, and Administrative Assistant Andria Hansen

**7:00 p.m.** Chairman Kelley called the Public Meeting to order and immediately followed with the Pledge of Allegiance.

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

**Highway:** Road Agent Lewis read from the attached report. Road Agent Lewis noted after all of the rain storms they had a lot of patching to do. They probably put down 15 to 16 tons of patch. Selectman Robie commented the shed area looked good. Road Agent Lewis replied they clean it up every spring. Chairman Kelley asked how things with FEMA were going. Road Agent Lewis explained that Emergency Management Director Panit went to a recent meeting. He will be meeting with EM Director Panit soon to figure out the numbers.

**Police:** Chief McGillen read from the attached report. They recently updated their system so the breakdown is a little different. It's broken down into what actually is a crime and what is non-criminal. It ranges from anything from a custody dispute, a domestic dispute, neighbor dispute, etc. The department has been keeping busy. They had big arrests this month. Sergeant Gallagher came upon a burglary in progress. They arrested two guys and it could be related to other break-ins. They have applied for a bunch of grants. He just received paperwork for a DWI Grant. It looks like they're going to get approved for this grant. They applied for a grant for bike helmets which they will give to kids. This is free of charge. They put in a grant for a radar. One of their radar units burnt out. This is a 50% matching grant. They put in a grant for Route 101 corridor patrols. He hasn't heard back on this grant. Chief McGillen noted they have an existing grant that's open from Fish and Game for OHRV patrols. It will get busy in the spring and they have six four hour blocks to use by June 30<sup>th</sup>. He would like to see an OHRV out there to see what's going on. Chief McGillen informed the Board he was meeting with someone from CODE Red. It's an emergency warning system that will get information out to participating residents. An example of what information would go out would be road closures, shelter information, etc. He noted the school uses the same type of thing. It might be something they want to offer residents. Chief McGillen informed the Board that the woman who was involved in last year's animal cruelty case, her attorney has filed a motion to reduce her payment to the town. She is currently paying \$148.00 per month.

**Fire:** Selectman Robie read from the attached report.

**Building:** Selectman Soares read from the attached report.

**Solid Waste:** Selectman Duarte noted he would try to get a report in the sign folder before the end of the week.

**Parks/Rec:** Selectman Snow noted there has been a lot of usage of the park this year. Selectman Robie asked if the park was going to be cleaned up. Selectman Snow replied the park has been cleaned up a couple of times now. The Moore School has done some clean up. The Field Day has been done by CYAA. They Boy Scouts and the Girl Scouts have volunteered. The Girl Scouts have volunteered to do some work on the park as a service project. Selectman Snow noted he has been doing regular maintenance at the park.

**The Board to discuss five abatement requests received (see attached). Reggie & Elizabeth Torrey:** Selectman Robie motioned to deny Reggie & Elizabeth Torrey's abatement request based on Vision Appraisals and Assessor Tammy Jameson's recommendation that the property owner didn't submit evidence that the property is disproportionally assessed and subject property was a bank sale in November 2009. Seconded by Selectman Soares. All were in favor. Motion carried. **Gordon Wovkanech:** Selectman Robie motioned to grant Gordon Wovkanech's abatement request based on Vision Appraisals and Assessor Tammy Jameson's recommendation for the amount of \$4,200. Seconded by Chairman Kelley. All were in favor. Motion carried. **Robert Gaudreault:** Selectman Robie motioned to grant Robert Gaudreault's abatement request based on Vision Appraisals and Assessor Tammy Jameson's recommendation for the amount of \$15,300. Seconded by Chairman Kelley. All were in favor. **Ronald & Beverly Girard:** Selectman Robie motioned to deny Ronald & Beverly Girard's abatement request based on Vision Appraisals and Assessor Tammy Jameson's recommendation that the property owner didn't submit evidence that the property is disproportionally assessed and the supporting evidence showed mostly unqualified sales or dissimilar properties to subject. Seconded by Selectman Duarte. All were in favor. Motion carried. **Linda Lavallee & Brian Cooper:** Selectman Robie motioned to deny Linda Lavallee's & Brian Cooper's abatement request based on Vision Appraisals and Assessor Tammy Jameson's recommendation the property owner didn't submit evidence that the property is disproportionally assessed and the surrounding property values were equitable and consistent. Seconded by Selectman Duarte. All were in favor. Motion carried.

**The Board to consider a donation to the Boy Scouts for the 2010 delivery of the Town Reports.** Selectman Snow noted he would be recusing himself from any discussion on this. Selectman Robie motioned to donate \$300.00 to the Boy Scouts for the delivery of the 2010 Town Reports. Seconded by Selectman Duarte. Chairman Kelley, Selectman Robie, Selectman Duarte, and Selectman Soares were in favor. Selectman Snow recused himself from the vote. Motion carried on a vote of 4 to 1.

**The Board to consider the reappointment of Janet Lewis as Deputy Treasurer.** Selectman Robie noted that they have received a letter from Treasurer Katie Philbrick recommending Janet Lewis as Deputy Treasurer. Chairman Kelley motioned to reappoint Janet Lewis as Deputy Treasurer. Seconded by Selectman Robie. All were in favor. Motion carried.

**The Board to discuss Chief McGillen's memo dated 3/19/10 reporting a favorable evaluation for Officer Kevin Cashman and to request a possible Matrix step increase.** Chief McGillen noted that Officer Kevin Cashman is doing an outstanding job. He would be going to Step 3 of the Matrix which would be a \$1.25 per hour increase. Selectman Duarte motioned to accept Chief McGillen's recommendation for an increase \$1.25 per hour (Matrix Step 3) for Officer Cashman based on a favorable review. Seconded by Selectman Robie. All were in favor. Motion carried.

**The Board to discuss property located Knowlton Road Map 404 Lot 085.** Selectman Robie explained Mr. Duhaime has approached the town. He is interested in a piece of property the town had taken for back taxes. Mr. Duhaime contacted Ms. Debra Fostier (the previous owner) as well. Ms. Fostier had contacted the Selectmen's Office and stated she would like to buy the property back. Selectmen's Assistant Eastman told Ms. Fostier the amount of past taxes owed would be \$4,524.24. Mrs. Fostier didn't realize the town had taken her property until she received Mr. Duhaime's letter. She would like to buy the property back from the town. Selectman Robie felt the Town should give Ms. Fostier the option to buy the property back first. Selectman Robie thought this would fall under "as justice may require". Mr. Duhaime and Ms. Fostier could work something out after Ms. Fostier buys it back. Selectman Robie explained if the town was to sell Mr. Duhaime the property, it would be a long process. Chairman Kelley stated it would have to go out to bid. Selectman Robie was told there is a warrant article that states this has to go to the Conservation Commission and Planning Board before it is sold. Selectmen's Assistant Eastman replied no. Road Agent Lewis thought that if the town was going to sell the piece of property it would have to. Selectman Snow question if this is a redemption or it is a sale. If this is a sale of the land the statute says they can do that under 80:80, but if we are selling Ms. Fostier the land than 41:14-a would apply. There is a process they have to go through before they sell it. Selectman Robie clarified they are not selling her the land; she is going to pay the back taxes. He reference 80:80 and it says they can do that. Selectman Snow stated 80:80 says that if the town owns the land the Selectmen can dispose of it if they so choice. He reiterated is this a sale or a redemption. It can't be a redemption because it has already gone to tax deed. If they want to transfer the land back to the previous owner, that would be fine but they have to follow the process of 41:14-a. Selectman Snow explained if you don't follow the process than the person who would eventually own the land would not have a clear title. Someone could come back and challenge it. Selectman Robie stated that RSA 80:80 defines the process. Selectman Robie read from 80:80 section VI. Selectman Snow replied if you look at the title it says by selling her the tax lien we are giving her the deed back. We are selling her the property back because the town has taken it through tax deed. The lien is put on two years after they don't pay, two years later they passed a deed and someone could buy it. The deed implies

the property is owned by the town. The question is are we selling it back or are we conveying it back and does 41:14-a apply or not. Chairman Kelley stated Ms. Fostier will need to pay her back taxes before she gets her land back. Selectman Robie added we will get her a new deed and Ms. Fostier will have to pay for that. Selectmen's Assistant Eastman noted the Selectmen could decide to sell the land back for more money if they choose to do so. Selectmen's Assistant Eastman read from RSA 41:14-a. She noted 80:80 deals with tax deeded property and 41:14-a applies if you're not. Selectman Snow noted this is not a lien it's a deed which means we own the property and we're selling it. Selectmen's Assistant Eastman thought this didn't apply to 41:14-a, because we acquired the property through a tax deed. Selectman Snow felt how you acquired the property didn't have anything to do with it. Selectmen's Assistant Eastman replied there is a difference between acquiring a property through tax deed or not. Selectman Snow noted the person has time to redeem up until a deed is cut. Selectman Snow reiterated do we have to follow 41:14-a. Selectman Duarte suggested contacting the town attorney. If we are following the rules then we should convey the deed back to Ms. Fostier for the amount of \$4,524.24. Selectman Robie asked if Atty. Mayer has been contacted on this. Selectmen's Assistant Eastman replied she did contact Atty. Mayer and he said provided the Selectmen passed a warrant article which they did in 1993. This warrant article gives the Selectmen the authority to transfer the property. Selectman Robie noted that the warrant article states "as justice may require" and this is a case where justice is required. Selectman Duarte motioned to contact Atty. Mayer and if it's okay we will transfer the property back to Ms. Fostier, she will pay the past taxes (\$4,524.24) and for the cost to transfer the deed. Seconded by Selectman Robie. All were in favor. Motion carried.

**The Board to accept Deputy Tax Collector Paula Galatis' resignation.** Selectman Robie motioned to accept Deputy Tax Collector Paula Galatis' resignation with regret. Seconded by Chairman Kelley. All were in favor. Motion carried.

**The Board to discuss RFP for the Recycling Center swap shop.** Chairman Kelley noted that SWC Member Roger Stenbeck did a spec sheet and he wanted to bring it to the Board. There were a couple of things he didn't agree with on the spec sheet. They're looking to build 16' x 32' building. Chairman Kelley would like to see the old swap shop taken down and moved to the new facility. Selectman Robie stated he was of in favor of recycling the old building. He felt half of the old building could be moved to the new facility. The current building is 28' x 32'. If they put the two end bays together they'll have a 16' x 32' building. There are enough panels to replace the damaged ones, close up the doorways, get some new fasteners, a new door, and some touch up paint. They'll have a new building for a third of the cost of a new one. Selectman Duarte noted if they decide to build a new building it could cost more than \$15,000. If they use the old building they'll have a little extra money left over. In addition, there is money for the closure of the old facility they could use. Selectman Snow asked Chairman Kelley if he was concerned with the proposal or the process. Selectman Robie stated they didn't want a new building. Chairman Kelley thought the old building should be recycled. He noted some things were left off of the RFP i.e. groundwork, electric, cement blocks need to be moved which will

need an excavator. They didn't add that into the price. Chairman Kelley explained the old building needs to be moved and there is nothing wrong with it. Selectman Snow asked what are the disadvantages of sending out a proposal that says give us a price for a new building and include all of the things that would be necessary to do with the old building. He questioned what could they lose by doing this. Selectman Duarte replied time and he has had inquiries about when they are getting a new swap shop. Selectman Robie noted this RFP is only for the building. There is no site work, concrete, or erection of the building included in this RFP. Selectman Snow stated if this proposal is not consistent with what we are talking about then they should make it consistent. Chairman Kelley replied you have to erect the building and the company doing it has to be insured. Selectman Snow asked why we don't find out the cost difference. Selectman Robie replied because we have an old one we don't use. Chairman Kelley stated putting a new building up will cost a lot more than \$15,000. There is a lot involved. Selectman Snow noted the RFP should reflect the cost of everything. Selectman Robie asked if they wanted to go back to the Solid Waste Committee with this. Selectman Robie noted he put together information on this and he was told he couldn't work on it. They should make a spec sheet and send out to bid. Selectman Soares stated the problem with this is it's not an easy or short task. The point with this RFP was to make an operational swap shop which is ideal for all residence. She didn't want to see this process dragged out. She thought what is proposed is above and beyond for what they need for a swap shop. We don't need to spend any additional money for a brand new building. The foot print is always changing. There isn't a definitive location, because the SWC was told by the state that the building has to be at least 50 feet from the burn pit. The Forest Warden might want it more than 50 feet. Selectman Soares thought the RFP was excessive. She felt the SWC should redo the RFP and it should be noted that \$15,000 is the limit for the entire project. Citizen Carla Penfield noted if you don't use the old building, you are going to have the cost of getting rid of it. Selectman Soares noted they did get a quote to take the old building down and it's around \$21,000. Selectman Soares stated she was in favor of recycling the old building. She didn't know if the SWC would be adamant about sending it out to bid. Selectman Robie noted that Chairman Kelley spoke with SWC Chair Al Couch on what he proposed to do and he was in favor of this. There is some closure money to disassemble the old building. Selectman Robie explained he quoted the work for the old building and he came in \$1,000 less than what the warrant article appropriated. There was some further discussion about the SWC's RFP. Chairman Kelley noted the SWC received a verbal quote (to remove the building), which it would cost approximately \$20,000. *Selectman Robie motioned to not send out a proposal for a 16' x 32' building.* Citizen Ingrid Byrd thanked the Board for considering recycling the old building. She stated the town needs to do this not just talk the talk. Selectman Snow clarified if they want to take the SWC's bid, rework it, and come up with another bid. *Seconded by Selectman Soares. Chairman Kelley, Selectman Robie, Selectman Duarte, and Selectman Soares were in favor. Selectman Snow was not in favor. Motion carried on a vote of 4 to 1.* Selectman Soares agreed with the majority of the Board, but felt an RFP needs to incorporate the whole thing.

**Selectman Snow to discuss RFQ for Moore Park fencing additions/changes.** Selectman Snow provided the Board with a sample of the RFP. He explained that he would like to take the fence that surrounds the old pitching cage and put it across the back of the play ground. Then add some new fence and extend it. This will protect the kids in the park from either wondering out or someone coming around the scout cabin and walking off with a child. This will enclose that part of the park. The quote he provided is supposed to reflect this. He would like to put the RFQ on the website. He didn't want to put it in the banner because it's too expensive. Selectman Robie thought it should go in the Banner. Selectman Robie thought the RFP should go on the website and in the Banner and if no bids come in give the work to Quality Fence. Selectman Snow replied he would go with the cheapest price. It was the consensus of the Board to go forward with the RFQ process

**Selectman Snow to discuss summer recreation program contract.** Selectman Snow explained the deal is the same as it was last year. It will cost the town \$1.00 and the cost will be paid by the people who sign up for it. There hasn't been a lot of feedback. The program hours have been extended and when it rains they don't have to shut the program down. They can use the CYAA on rainy days. Selectman Snow provided the Board with three copies of the contract. Selectman Snow motioned to authorize Chairman to sign the contracts on behalf of the town. Seconded by Chairman Kelley. All were in favor. Motion carried.

**Approval of Previous Minutes: Public meeting minutes of 03/22/10.** Selectman Robie motioned to approve the March 22, 2010 public meeting minutes as presented. Seconded by Selectman Duarte. All were in favor. Motion carried.

**Mosquito spraying:** Citizen Boyd Chivers asked what day the Banner comes out. Selectman Robie replied Thursday. Citizen Boyd Chivers mentioned that Dragon Mosquito put an ad in the Banner saying they would be spraying for mosquitoes starting today. If a land owner wanted to decline they should send a written notice to Dragon Mosquito. He asked if the Board felt this was an appropriate way of handling this. Since when does a landowner in this town have to give a written notice to somebody if they're electing to decline participation in the program. This implies that the town feels they have the right to enter his property and spray where ever they want and however they want without his permission. Selectman Robie and Selectman Duarte agreed with Citizen Boyd Chivers. Selectman Robie added he didn't have any idea of how this notice got in the paper. He noted this notice didn't get to the Selectmen's Office until Thursday afternoon. Citizen Boyd Chivers wanted to know who was responsible for this. Selectman Robie thought it was Dragon Mosquito and the Health/Welfare Department. Citizen Boyd Chivers asked who oversees the Health/Welfare Department and who is accountable for this. Selectman Soares replied she is accountable, but she hadn't seen the notice. Selectman Robie stated Dragon Mosquito probably sent this to the Banner. Citizen Ingrid Byrd noted at all of the public hearings and at the deliberative session it was clearly stated what would be done with these dunks and there wouldn't be any spraying. Chairman Kelley noted they weren't spraying. Selectman Robie added they are going to monitor the water. Selectman Soares explained

Dragon Mosquito would be going to areas in town and someone is going to count the mosquito larvae and based on the amount they would add the natural bacteria. It was her understanding they were suppose to ask the landowners before they go on their property. Citizen Boyd Chivers stated the notice says when mosquitoes are found certain insecticides will be used. Selectman Soares explained if the larvae counts are too high then they will use the chemicals (dunks). If it isn't anything substantial they shouldn't be added the chemicals. Selectman Robie stated if it is substantial they're going to, but if you don't want Dragon Mosquito on your land you can tell them no. They shouldn't have to be told they should ask the residents. Selectman Soares replied it was her understanding that Dragon Mosquito would ask the residents before they entered their property. Citizen Lynn Chivers stated she didn't care what the Board's understanding was; the notice clearly states that the residents must notify Dragon Mosquito in advance if they don't want this. She wanted to know what the Board was going to do about this. This notice was in the paper on April 8<sup>th</sup> if they sent a letter it might not have been received by Dragon Mosquito by April 12<sup>th</sup>. Selectman Robie motioned to contact Dragon Mosquito and tell them to hold off on putting dunks in any of the residents ponds until this issue is resolved. Citizen Ingrid Byrd noted one of the things stated (in the notice) is the dunks are *Bacillus thuringiensis israelensis* which is BT an organic larvicide. They never said anything else about the other stuff they were going to be using. There is a bunch of insecticides listed that they never talked to the residents about, so they misled everybody. Welfare Officer DelRosso thought they should talk with Health Officer Hallock about this and maybe review the contract. Citizen Boyd Chivers suggested that if they plan on using anything other than BT than you void the contract. Then bring back to the town next year and let people hear the chemicals they propose to spray in the water. Chairman Kelley would like to review the contract. Selectman Snow stated the actual mosquito control plan has been put on the website. This would contain all of the things Dragon Mosquito intended to use. Selectman Soares stated we don't have a formal contract with Dragon Mosquito. They don't have formal contracts with Towns. Selectman Robie recalled last fall the Selectmen agreed to let this company apply for the license. He didn't know if they agreed to hire them to do the spraying. He thought everything had to go out to bid and was confused as to why Dragon Mosquito got the work and no one else had a shot at it. Selectman Snow clarified the license is granted to the company, therefore if you didn't hire them you would have to get another company to get the license. Selectman Robie asked is that why they don't need a contract. Selectman Snow replied that is a contract. You paid them to get a license to spray. The license says they can and this is how they'll spray, it had to be in place if you want to get the reimbursement. When you agree to let them get the license you agree you're going to let them carry it out. Selectman Robie replied he didn't agree with that and they should agree to pay a little more for the license and get a lower price. Selectman Duarte stated they can't tell us what to do we're paying them. Chairman Kelley stated he would review the control plan. Citizen Boyd Chivers asked the Board to contact Dragon Mosquito in the morning and tell them not to come to Candia until the Board gets this resolved. Citizen Carla Penfield asked how Dragon Mosquito was contacted. Chairman Kelley explained former Selectman Lazott and Health Officer Hallock contacted them after a resident contracted EEE. Citizen Carla Penfield noted

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there was no one in attendance this evening that was involved with hiring the company. Selectman Snow asked resident Lynn Chivers if the "must" was changed to "should" in the public posting would that make a difference to her. She replied that it wouldn't matter and it's unacceptable. Selectman Snow stated in his mind this would be a problem. Citizen Lynn Chivers stated if they want to come on her property they will have to get her permission first. Selectman Snow replied what if they knocked on residents doors. Citizen Lynn Chivers felt they should have to let people know in advance. PSNH leaves notices on resident's doors that they will be doing work and if you have any objections to contact them. Dragon Mosquito didn't have any intention of contacting them. Citizen Lynn Chivers stated she shouldn't have to submit anything in writing to tell people not to come on her property, she should be asked. Selectman Duarte stated he didn't like this procedure. Selectman Robie thought for the money they were charging they could send the landowners a letter asking for permission to come on their property. Selectman Soares felt it was a matter of common courtesy. There was further discussion about notifying the residents and entering their property. Citizen Carla Penfield noted they shouldn't get caught up on the trespassing thing; the company is putting down chemicals they didn't tell you about. Selectman Soares agreed. Selectman Duarte noted he was an advocate against spraying. It was the consensus of the Board to contact Dragon Mosquito and ask them to not proceed until the Board has more information

Citizen Joanne Beckwith asked when the Holbrook Cemetery gates will be open. Selectman Snow replied the gates will be open on April 15<sup>th</sup>.

Citizen Ingrid Byrd stated she received a letter from the Selectmen regarding up keep of a grave site located on her property. She asked why this letter was sent out. Selectman Robie replied because they have a concerned citizen who would like to fix up the abandoned gravesites. These sites are not being maintained and some stones are being lost. He noted once these stones are gone there gone forever. He noted that he is a person that is concerned about these sites as well. Citizen Ingrid Byrd felt this was not a nice letter. She explained they do not have a site on their property. They have a stone at the end of a stone wall and she and her husband have been taking care of it as long as they have been there. She didn't like the tone of the letter and doesn't want anyone on her property. Selectman Robie replied all she had to do is let the Selectmen's Office know, it would have been appreciated. Citizen Ingrid Byrd replied it would have been nice to get a phone call, instead of letter signed by four of the Selectmen. Selectman Robie replied this was what we did and he apologized.

Selectman Robie motioned to adjourn at 8:28 p.m. Seconded by Selectman Duarte. All were in favor. Motion carried.

Respectfully submitted,  
Andria Hansen  
Recording Secretary