

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

**Attendance:** Chairman Fred Kelley, Vice-Chair Carleton Robie, Selectman Joe Duarte, Selectman Amanda Soares, Selectman Richard Snow, 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.

**The Board will accept various donations on behalf of the Town in accordance with policies and RSA 31:95-b III (b).** Chairman Kelley reviewed the attached donations breakdown and reported the following donations were received on behalf of the Candia Food Pantry: Ellsworth Williams \$25.00, David & Leslie Chambers \$25.00 and Moore School Student Activities \$370.00. Total Food Pantry Donations \$420.00. Chairman Kelley motioned to accept the donations as presented. Seconded by Selectman Snow. All were in favor. Motion carried.

**The Board to authorize payment of payroll and accounts payable manifest.** Selectman Robie motioned to approve payment of payroll manifest number 000578-11, checks to be dated 7/8/2010, with a total gross payroll amount of \$17,866.76. Seconded by Selectman Snow. All were in favor. Motion carried. Selectman Snow motioned to approve payment of accounts payable manifest number 070210, checks to be dated 7/8/2010, with a total amount of \$310,618.00. Seconded by Selectman Robie. All were in favor. Motion carried. Selectman Snow motioned to approve payment of payroll manifest number 000579-14, checks to be dated 7/15/2010, with a total amount of \$15,709.54. Seconded by Selectman Robie. Selectman Snow motioned to approve payment of accounts payable manifest number 070310, checks to be dated 7/15/2010 with a total amount of \$23,078.26. Seconded by Selectman Soares. All were in favor. Motion carried.

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

**Highway:** Road Agent Lewis read from the attached report. He noted that he's done some grading on Currier Road, Tower Hill Road, and Flint Road. He did some tree removal on New Boston Road. Road Agent Lewis noted he will be starting work on Thursday on Patten Hill Road. He has it scheduled to be paved the first week in August. Selectman Snow asked Road Agent Lewis if he has run into problems with Tower Hill Road and the closing on the Auburn side. Road Agent Lewis replied they closed it on June 21<sup>st</sup>, but they haven't started any work on it.

**Police:** Chief McGillen explained the department has received a lot of suspicious activity calls. There have been some recent thefts; the ones they caught seem to be involved with drugs. The department continues to be busy. Selectman Robie asked if they received any interest in the part-time ACO position. Chief McGillen replied they have not seen any applications come in, but he has met with one person. They extended the ad for another two weeks (July 23<sup>rd</sup> deadline). Selectman Robie asked who has been handling animal control issues. Chief McGillen explained the Officers have been handling any issues. He noted the Sergeant has been handling a lot of the follow up and he would rather have [him](#) dealing with some of their major cases. There is a lot of work involved with the follow up i.e. you have to call the vets, get the paperwork if it's a dog bite, have the dog quarantined, and call the state vets office. Selectman Robie asked how many incidents has the department handled since ACO Ray Rodier resigned. Chief McGillen replied that he could get the numbers for him, they fall under the non crime related incidents.

Chief McGillen mentioned that he was looking at changing the fire arms. They are looking at something that is a little more user friendly and modern i.e. the Glock fire arm. He will be trying one out to see how he likes it. They haven't spent any money in this line. He noted they have some ammunition on backorder, which was an encumbered item. He has a company out of Massachusetts that he deals with that will give them a credit for the guns they have now. They may take a credit for some of the other guns he has; for example, a couple of guns were turned over to the department. It was court ordered the department could dispose of the guns as they see fit. Selectman Robie asked what budget line it would be taken from. Chief McGillen replied the ammunition line has \$1,500 in it. He thought the cost would be close to that. Selectman Robie asked about the ammunition. Chief McGillen replied they have several hundred dollars of ammunition back ordered and they may be able to switch it. Selectman Duarte asked if he has been talking with people who use the Glock. Chief McGillen noted the Auburn Police Department uses them and they really like them. The Officers scores went up and the Glock is easier to handle and clean. Chief McGillen noted the guns his department have now are ten years old. Selectman Duarte told McGillen to pursue the research on this.

Chief McGillen noted that he has someone (doing community service) coming down tomorrow to clean the ACO van and maybe some of the cruisers.

**Fire:** Selectman Robie read from the attached report. The Fire Department got a \$40,000 grant for a fill station, but they didn't have electricity in the building to run the machine. So a bunch of people pitched in for the three phase power and it should be pretty reasonable. Selectman Duarte commented that Fire Chief Young continues to do a good job and things appear to be running smoothly at the department. Selectman Robie mentioned that a couple of the fire fighters went to Alton last week to help with the brush fires. They will get paid for this and it will come out of the forestry budget. The town of Alton will reimburse the town and he thought

this should go back into the Fire Department budget. Selectman Robie noted if Candia ever had a forest fire our budget would have to sustain other towns coming to help out.

**Building:** Selectman Soares commented that the Building Department is doing well since they have changed hands. She noted that the number of inspections was up due to former BI Hallock trying to get as many inspections done before he retired. The new Building Inspector John Ciardi has been doing a good job and has been doing quite a few inspections.

**Solid Waste:** There wasn't a report available due to Facility Operator Whitcher's vacation.

**Parks & Rec:** Selectman Snow read from the attached report. He noted that he has a quote on playground equipment, repairs, and the surface material. The surface material is approximately \$1,300. It looks like they will use all of the money for this, plus some for the repair of the playground equipment. He has put up some "No Parking" signs at the park, so people wouldn't park underneath the trees. The wooden structures are gone out of the skateboard park. He doesn't have concrete ramps to replace them. He's still talking to the donors about getting something done. They have indicated they might want to get the park seal coated. This will cost about \$700 and the donors indicated they would pay half of that cost. Selectman Snow noted he found a telephone pole and Selectman Soares has a source to get the pole to the park. This will save him from having to buy some parking barriers. He's looking to do this before Old Home Day. Selectman Robie asked what he was going to resurface. Selectman Snow replied he was resurfacing the playground area with wood chips. He noted it's down at least 3 inches from where it's supposed to be. He thought it needed about 60 cubic yards. He will look into it. Selectman Robie thought the area could be aerated. Selectman Snow replied this won't work because it decomposes faster and it's down quite a bit already.

**The Board to consider the reappointment of Ron Thomas to the Heritage Commission.** Selectman Robie motioned to reappoint Ron Thomas to the Heritage Commission. Seconded by Selectman Soares. All were in favor. Motion carried.

**Selectman Soares to discuss upgrading Building Inspector Ciardi's and Welfare Officer DelRosso's cell phones.** Selectman Soares explained the back of BI Ciardi's cell phone is missing and Welfare Officer DelRosso's cell phone won't hold a charge. She did receive a call from the phone rep that they were due for an upgrade. This upgrade would be free. They both just want a basic upgrade so they can receive calls and get voicemail. Selectman Robie motioned to upgrade the cell phones for BI Ciardi and Welfare Director DelRosso. Seconded by Selectman Duarte. All were in favor. Motion carried.

**Discuss recent Cemetery Trustee meetings.** Chairman Kelley thought they weren't having anymore Cemetery Trustee meetings, but Selectman Snow continues to have them. If there was an issue it was to be brought up at a Selectmen's meeting. He questioned Selectman Snow about

the Friday night meetings. Selectman Snow replied we are doing them as work sessions. Chairman Kelley asked who "we" is. Selectman Snow replied himself and anyone else who would like to attend. He is holding them as work sessions. Chairman Kelley asked what he is working on. Selectman Snow explained that he is working on the database for the paperwork and talking to Jim Franklin about the plans for the cemeteries he's doing. Mr. Franklin has two of them (Bean Island and East Candia cemetery) done and we'll be seeing bills for them soon. He has no evidence that would indicate these are public cemeteries. We may have to take some action to make these public cemeteries. Chairman Kelley questioned how many years have we been maintaining them. Selectman Snow noted we have been maintaining them, but we may not own them. So we'll have to go through the process that says we take over an abandoned cemetery. Selectman Robie thought they should leave well enough alone. Selectman Snow replied they should do things right. There is a process by which we decide that the town wants to maintain the cemeteries, so we should do the process. It may have been done, but he wasn't sure and Mr. Franklin couldn't find any evidence of it. There isn't a deed. Welfare Director DelRosso asked if they are listed under map and lot. Selectman Snow replied he's sure they were, but a tax map isn't a valid ownership. Selectman Snow noted he would research this some more. Citizen Joanne Beckwith asked Selectman Snow if he was working with Superintendent of Cemeteries Jerry Becker on this database. Selectman Snow replied absolutely and he is to have access to the database they develop. Citizen Joanne Beckwith thought he would be involved with the development of the database. Selectman Snow replied he has copies of what Mr. Becker has. This is going into the database and its going to be improved so they ensure they have copies of all the deeds that are available.

**Discussion about appointing Building Inspector Ciardi as Health Officer.** Selectman Soares noted the Board needs to make a motion saying they are appointing BI Ciardi as Health Officer. Selectman Snow thought they should put out an ad to see if someone else is interested in the Health Officer position. Someone who would be more attuned to public health than the Building Inspector. Selectman Robie felt BI Ciardi was very much attuned to public health being a Building Inspector. Selectman Snow replied he wasn't a nurse or someone in the medical field. Selectman Robie mentioned if they broke this into a separate position they would have put a stipend with it. Selectman Snow presumed he was being paid to be the Health Officer, Selectman Robie replied we are paying him. Selectman Snow thought there is someone else who could do the job since BI Ciardi is part time. The part time hours is his concern, they may not get the same effort that they did out of former BI Hallock. This is putting more workload on the Building Inspector; therefore they should allow him to work more hours. Selectman Robie replied working extended hours is more reasonable than putting on another person. They said from the beginning if BI Ciardi is overloaded, he could add another half day or a whole day. Selectman Snow questioned how they were going to measure when he starts getting overloaded. Selectman Robie replied BI Ciardi would let the Board know. Selectman Robie motioned to appoint Building Inspector Ciardi as Health Officer. Seconded by Selectman Duarte. Chairman

Kelley, Selectman Robie, Selectman Duarte, Selectman Soares were in favor. Selectman Snow abstained. Motion carried.

**Discussion about removing Selectman Snow as bookkeeper of the Trustees of the Trust Fund.** Chairman Kelley noted this has been mentioned to him several times. Selectman Snow replied he was going to recuse himself from this discussion, but he would answer any questions. Selectman Snow asked who appointed him as the bookkeeper of the Trustees of the Trust Fund. Chairman Kelley replied that is what he was asking him. Selectman Snow replied the Trustees of the Trust Funds. The Trustee of the Trust Funds consists of David Labbe, Albert Hall, and Roland Girard. They appointed him as a fee basis clerical employee for the Trustee of the Trust funds. Chairman Kelley asked according to state law can you hold this position and be a Selectman. He thought that he couldn't. Selectman Snow replied of course he could. The Office of Trustee of the Trust Fund and the Selectmen are incompatible offices. However he is not a Trustee of Trust Funds. He is a fee based employee of the Trustee of the Trust Funds. There is clear statutory evidence and Attorney Generals opinions that indicate what he is doing is perfectly legal and under the agents of the Trustee of the Trust Fund. He would be happy to give the Board the latest copies of the Trustee meetings which invited the Board all to attend. They all got their own copy last year. There are two different citations one is a Supreme Court case and the other is the opinion of the Attorney General, which specifically addresses an employee of the library. The library employee got elected as a Selectman. She went to the Superior Court and it was decided it was not an incompatibility. It was appealed to the Supreme Court and they agreed. It was decided to reverse the decision of the Superior Court and to grant attorney's fees to her. The Trustee of the Trust Funds are independent agency, similar the Deputy Tax Collector and the Tax Collector. If he thought it was an incompatible office when he ran for Selectman he would have resigned as the book keeper of the Trustee of the Trust Funds. Selectman Robie read from a section of "Knowing Your Territory" regarding the Trustee of the Trust Fund position. Welfare Director DelRosso clarified he is an employee of the Trustees not a Trustee. He gets paid for his services, he's not a volunteer. Chairman Kelley noted he was told by LGC there was an incompatibility and he would show Selectman Snow the RSA.

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**Chairman Kelley to discuss repairing or replacing baler at Recycling Center.** Chairman Kelley noted he talked to the company who manufactured our baling machine at the recycling center. He met with Mr. Maguire from Maguire Equipment. They told him they have some major problems with our baling machine. He quoted him approximately \$10,000 to fix the machine. They paid \$30,000 for the machine. The machine was purchased from Recycling Mechanical. Chairman Kelley explained he couldn't find any further paperwork on this machine. In addition, he couldn't find any warranty paperwork. Selectman Snow asked what a new baler would have cost at the time. Chairman Kelley received a quote and minus \$7,000 trade in for the old machine the cost for a new machine would be \$93,732. Chairman Kelley explained the Facility Attendants' spend between 1 hour to 1 ½ making a bale. If you have two

of the highest paid employees making the bale, you're looking at \$38.00 per bale. He thought they were losing money with this machine. Chairman Kelley explained that it took Mr. Maguire over an hour to hook up a wire. He further explained all the guides, sides, and pistons are worn out. Selectman Snow asked how long it should take to make a bale on a good machine. Chairman Kelley replied a maximum of a half an hour. He noted that Selectman Soares informed him that it sometimes takes 2 to 3 hours to make a bale. He felt they are really losing money if it takes this long. Selectman Soares noted that mixed paper can take awhile. Chairman Kelley reiterated that it would cost about \$10,000 to fix the machine. Selectman Snow questioned what they would end up with when it's fixed. Chairman Kelley was told it could be fixed for \$10,000. It wouldn't be perfect, because at one time one of the pistons let go and put a big dent on the inside of the machine. When the piston comes out the bale gets kitty cornered and doesn't come out straight. Chairman Kelley noted there is a one year warranty with a new machine. Selectman Duarte asked if there was a warranty with the machine they have now. There was some discussion about the piston. Welfare Director DelRosso asked how old the baler was. Chairman Kelley replied it was a 2001. He asked the Board what they wanted to do. Selectman Snow asked why he had two quotes. Chairman Kelley explained the machine that's \$148,997 is the newest machine and the baler for \$93,732 is little older and doesn't have as many features. Road Agent Lewis asked if the quoted \$10,000 fixed the hydraulics. Chairman Kelley replied they would fix some of the hydraulics, but not all of it. Selectman Robie explained they were going to fix the main valve and the pistons. Road Agent Lewis thought it sounded like it will cost more than \$10,000 to fix the machine. Chairman Kelley replied he was quoted \$10,000. Selectman Robie suggested shutting that baling machine down and put a trailer out and let someone else bale it up. Selectman Soares asked what they would do about the plastics and mixed paper. She noted they bale everything and if the plastics aren't baled they won't be hauled. Selectman Robie couldn't see spending \$10,000 on that machine. Selectman Soares agreed but NRRA wouldn't take the plastic if it's not baled. Selectman Robie stated when the budget season comes around they can ask the people if they want a new baler. There was further discussion about the baler. Road Agent Lewis asked if they could do something to the machine to ensure it lasts another 4 or 5 years. Chairman Kelley replied that he was told by Mr. Maguire that he would be throwing good money away on fixing this machine. Road Agent Lewis noted Mr. Maguire is in the market for that and \$93,000 is a lot of money. Chairman Kelley felt they should spend the \$10,000 to repair it and try to keep it going for another couple of years. He further stated he has a problem with the amount of man hour labor put into this machine. Selectman Duarte stated they need a baler of some sort. Road Agent Lewis noted you won't have the most efficient baler no matter what you do. There was further discussion about the parts being repaired on the baler. Selectman Duarte felt they should try to get another couple of years out of the baler and then present a warrant article to see if the people in town want it. Chairman Kelley thought they should try fixing it before they go back to the people and ask for more money. Citizen Joanne Beckwith asked if Chairman Kelley received a second opinion. Chairman Kelley replied this is the second opinion; he already received one from the company

that sold them the machine. Chairman Kelley further noted that Mr. Maguire was very thorough. Selectman Duarte agreed with Chairman Kelley and they should go with fixing the baler. Selectman Robie asked where the \$10,000 to repair the baler was coming from. He thought it could come out of the equipment repair line. Selectman Soares replied whatever line item you can take it from. Welfare Director DelRosso thought spending the \$10,000 to repair the baler was a good idea for a couple of years, but maybe present a warrant article for two years in a row asking for \$50,000 each year. Then they'll have the money to purchase a new baler if the old one breaks down. Road Agent Lewis asked how often these machines need to be rebuilt. Selectman Soares noted the fact that the new machines come with a one year warranty tells you something. Selectman Robie replied that some places might run these machines eight hours a day and we might run it six hours per week. Chairman Kelley replied that the hardest thing to bale is card board. Road Agent Lewis noted that his point was if they buy a \$93,000 machine will they be in the same place they are now five years down the road. Chairman Kelley noted the machine they bought was really worn. There was discussion about doing extensive research the next time they purchase a baler. Selectman Soares motioned to find the \$9,580.00 out of the Solid Waste budget to fix the baler for immediate usage with the understanding this amount is not necessarily the amount that will be required to put it back into operation. Seconded by Chairman Kelley. All were in favor. Motion carried.

**Approval of Previous Minutes: Public meeting minutes of 6/28/10.** Selectman Soares motioned to accept the public meeting minutes of June 28<sup>th</sup>, 2010 as presented. Seconded by Chairman Kelley. All were in favor. Motion carried. \* Road Agent Lewis mentioned in the June 14<sup>th</sup> meeting minutes it was written that he "patched" Critchett Road for \$68,000 and it should have said "paved".

#### **Any Other Business**

**Old Recycling Center Closure:** Selectman Robie asked how the testing was going at the old recycling center. Selectman Soares replied the testing was done on July 8<sup>th</sup>. Someone from the Scott Lawson group took the samples of the incinerator. They will have the results in 10 days and they will go from there. She is almost finished with updating the closure plan that they have to bring to the state and have them approve. So far everything is going as it should. Once the plan is approved they can take down the stack. They have to see if the contact at UNH might take the incinerator. Selectman Robie asked if they plan on removing the old swap shop. Selectman Soares replied if they have to they will, otherwise it doesn't have to be removed.

**Mosquito control:** Selectman Soares noted she just signed a bill for \$6,250, so that brings up to about \$15,000 to \$18,000 so far. They are surveying all of the areas that they tested. She was just told that they have sent in all the samples and there were no signs of EEE found.

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Welfare DelRosso noted that she was speaking for the Garden Club and they would like to continue to beautify the front of the building. She didn't know if there are any wires or pipes and they didn't want to dig until they knew. Chairman Kelley thought there wasn't. Selectman Robie noted they should let the office know when they're gardening, because they will be painting the front of the building soon.

Selectman Snow motioned to seal the non public meeting minutes of July 12<sup>th</sup>, 2010. Seconded by Chairman Kelley. All were in favor. Motion carried.

Selectman Duarte moved to adjourn at 8:13 p.m. Seconded by Selectman Soares. All were in favor. Motion carried.

Respectfully submitted,  
Andria Hansen, Recording Secretary