

~~Unapproved~~ **Approved**
Candia Selectmen's Public Meeting Minutes
Monday August 27, 2012

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

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

The Board of Selectmen will hold a public hearing to accept grants in accordance with RSA 31:95-b, III (a). Chairman Duarte announced that the Town received a quarterly highway block grant from the State of New Hampshire in the amount of \$19,506.48. Selectman Kelley motioned to accept the quarterly highway block grant in the amount of \$19,506.48. Seconded by Selectman DePuy. All were in favor. Motion carried.

The Board to discuss request of the Planning Board to extend the Giles subdivision plan. Selectman Kelley motioned to extend the Giles subdivision application. Seconded by Selectman Soares. All were in favor. Motion carried.

The Board to discuss the Critchett and Pepper easements. Selectman Snow explained the subdivision has been done for the Critchett easement. There have been no changes to the language of the easements since the first sales agreement except for two small changes. RCCD wanted to get access to the easement area through the front and on the Critchett one the grantee wanted to be able to have access to where the excluded area was. These are the only changes and everything else is exactly the same. The plot plans and legal descriptions are done. He modified the signature page so all of the Selectmen can sign it. They expect the Board of Selectmen will sign it tonight and that opens the road for the Conservation Commission to sign. Then the grantees can sign and he can take it to our lawyer. The lawyer will work with RCCD and get everything recorded. Selectman Snow motioned that the Board concur with the decision of the Conservation Commission to pay for the Critchett and the Pepper easement on Critchett Road. Seconded by Selectman Kelley. All were in favor. Motion carried. Selectman Soares was opposed on the Critchett easement.

Selectman Soares to discuss the Old Smyth Library. Selectman Soares said the Heritage Commission has been meeting and they have been working on the process for the renovation of the Old Smyth Memorial Building. They have a contractor that they are working with to work on what the total cost would be and working on the specs of the building. She mentioned in years past the Selectmen had encumbered items that they deemed necessary. The Old Smyth Memorial building does not presently have a well or septic system. It does need to have both to be an up and running as a functional building. They have gotten quotes for the new well and septic system. The total cost of both would come to \$13,500. Heritage Commission Chair Diane Philbrick asked if the Board would

consider encumbering the funds, so the well and septic could be done this year. This would be taken off the total amount of the 2013 warrant article. They are still trying to work down the total cost. They are still working on getting all of the prices. The well and septic are not covered in the grant they are applying for. Chairman Duarte noted they have been trying to get this done for quite a few years and he thought it would be a good idea if they could wait to the next meeting to vote on it. This will give them more time to figure where they are going to move the money from. Selectman Snow thought they should wait until after they set tax rate. Selectman DePuy asked if there was any water. Selectman Kelley replied no and they get the water from the Congregational Church. Selectman Soares added there are pipes that run under South Road and they used to share, but it's just not feasible and functional as a public access building. Selectman Snow asked if Selectman Soares could bring in some quotes so the Board could take a look at them. Selectman Soares replied yes and they are all local contractors.

Selectman Soares to discuss replacing the water tank. Selectman Soares said last week she and Building Inspector Murray went around the building and made notes on items that needed repair. The two 330 gallon water tanks (for the sprinkler system) down stairs are rotting and water is slowly seeping out of the top. They measured the best way to get something into the basement. They could easily take the stairs out and drop something down but it's a 3 foot door way. The best idea is to go with something small and made of hard plastic. She found a 500 gallon doorway tank. Fire Chief Young said that 500 gallons is more than enough to be able to handle what they need. It will cost \$500 to \$750 and it's about 215 pounds. She will have to check with the company if they have an air pressure and water level gage. She assumed they could easily set this up to the system they already have. They don't have to worry about it rusting and it's very durable. This is one cost. She looked at some utility tanks that are flat and a little bit cheaper, but they need a spill containment tray just in case. Its only water but the computer system is in the basement. Selectman Kelley thought they should move the tank further away from the computer system. Selectman Soares said it something that needs to be replaced fairly soon. She didn't know how much rot is at the top of the tank. Chairman Duarte asked if the new tank would have a gage. Selectman Kelley said the new ones do and we need to find out how much water is in the tank. Selectman Snow thought they could bury it outside instead of putting it in the basement. If the tank was to rupture they would have 500 gallons of water in the basement and how high would that go. Selectman Kelley explained there should be some type of shut off valve on the tank. Selectman Snow noted 500 gallons of water could do a lot of damage. Chairman Duarte asked if there is any drainage down in the basement. Selectman Kelley replied right next to it. Chairman Duarte asked if it would drain if it were to rupture. Selectman Soares replied that it would. Selectman Soares mentioned if you bury the tank you have to worry about it freezing. Also, every time there is a problem you have to dig up that area. Selectman Snow said they really need a preventative maintenance program on all of this stuff in the building. Chairman Duarte asked if they have pricing on this. Selectman Soares replied the price of the doorway tank is \$706.95. There would be some shipping costs associated with that, but that's really the only costs. There would be labor to put it in, but they really have all of the plumbing there, so it would be a matter of if all the plumbing fit right. They can have Building Inspector Murray look at all of the plumbing

and make sure they have all of the right holes associated with what we are going to get. Chairman Duarte said when he talked with Building Inspector Murray he was quite concerned that it's in pretty bad shape. He felt it was something they needed to replace. Selectman Soares replied they shouldn't put it off any more than a year or they will run into some serious problems. She noted they could get the tank within a week. Selectman Snow said they could do it this year if there is money left or they could put it in next year's budget. Selectman Kelley would like to get a plumber to look at this and give us a cost on the whole thing. Selectman Snow asked if there is anything else for maintenance. Selectman Soares replied they have some sills that have wood rot. Selectman Snow thought they could put up some fixed insulation and maybe they could save on some heat. Selectman Soares mentioned sometimes there are issues with the phone lines in the office. They don't have a phone maintenance person for the building and her father in-law who worked for Bell Atlantic for years took a look at it. He gave her a rough idea of what needs to be done. He suggested having someone come in and go through the lines to make sure they are set up ok. It's not an important thing right now but it's something they can take care later on. She noted there were no major items with the building. Chairman Duarte felt the water tank was a major priority. He asked Selectmen's Assistant Eastman about the phone lines and if we are having any problems. Selectmen's Assistant Eastman replied not in our office but the Tax Collector has a phone jack that doesn't work. Selectman Soares said it's not a major problem but it needs to be fixed. This isn't something that needs to be fixed right away. She felt at some point it would be good to have someone come in look at the phone lines. Chairman Duarte asked how soon they could get a price from the plumber. Selectman Soares replied she could have someone here tomorrow. Selectman Kelley noted they have to get a hold of a carpenter to take care of the rotted sills. Chairman Duarte thought they could do that. Selectman Kelley said the windows on the police department side have been done. Selectman Soares mentioned the roof on the backside of the building might have to be done in future. Selectman Snow said at some point they need to think about a lift. Selectman Kelley asked for what. Selectman Snow said they have a person working upstairs. Selectman Kelley replied one person. Selectman Soares said you have to ask the people for \$17,000, because that's the cost.

Old Home Day update: Selectman Kelley said it went well and got nothing but praise on the fireworks. He'll have a report for the next meeting.

The Board to discuss applying for a grant for Narrow Band radios for Police, Fire, & Emergency Management. Deputy Fire Chief Roger Davis explained they all have to go broad band. Most of them will need to be reprogrammed. He's not sure of the cost and the fire department's communication guy is working on it. Selectman Snow asked if they were looking for authorization to go out for a grant and does the Board have a problem with this. It was the consensus of the Board to authorize this. Selectmen's Assistant Eastman explained this was brought to them by Emergency Management Director Bob Panit and there's an application form the Board will need to sign off on. Selectman Snow moved to allow Emergency Management Director Bob Panit and/or the Candia Volunteer Fire Department to apply for the grant. Seconded by Selectman Kelley. All were in favor. Motion carried.

Approval of Previous Minutes: Public minutes of 8/13/12. Selectman Kelley motioned to approve the public meeting minutes of August 13th, 2012 as presented. Seconded by Selectman Soares. All were in favor. Motion carried.

Heritage Commission's application for the LCHIP Grant. Selectman Soares explained the Heritage Commission is applying for an LCHIP grant in the amount \$50,000 for the restoration of the Old Smyth Library. They have an acknowledgement grant that the governing body needs to sign. She will put the grant information in the folder so the Board can see it. The grant deadline is September 7th. Selectman Snow motioned to allow the Heritage Commission to submit application for the LCHIP grant for the renovation of the Old Smyth Library. Seconded by Selectman Duarte. All were in favor. Motion Carried.

Selectman Kelley motioned to adjourn at 7:24 p.m. Citizen Carleton Robie stated there is a room full of people who have questions. Selectman Kelley retracted his motion to adjourn.

Closure update. Citizen Carleton Robie said he had a question on the closure of the old recycling center and how is it coming along. Chairman Duarte replied that it's in the attorney's hands and we'll probably discuss and vote on it at the next meeting. Citizen Carleton Robie said he read the RFP completely and it does state in the RFP that the Select Board has right to reject any and all bids. Chairman Duarte replied they are going by town counsel because there were a lot of discrepancies and everyone had a different idea. They are going by town counsel and that's who are referee is. There are a lot of disagreements on this and he isn't going to get into a middle of an argument. They are going to do what town counsel suggests. Citizen Kevin Whitmore of North Road said he read the article and it said they can do half of the job this year and half next year with the money that is available. He asked what happens if we do the first part now and then the second half gets voted down in March. He asked if the money they have now will be used to take care of the problem, so no other money has to be spent or will we need more money. Chairman Duarte replied we have \$35,000 and if it's spent and the town doesn't allocate the money in the budget or warrant article next year we can't do it. Mr. Whitmore said in the newspaper article DES would require the town to do something. He's assuming that if the town does something this year the dollars used would be sufficient to comply with DES. If this isn't correct how could the town go ahead and do this without having the funds next year. Chairman Duarte replied everything has been put up on the website. He explained one of the reasons this has been turned over to legal counsel is because it's not cut and dry. There are a lot of questions and a lot of people in town want to do one thing. When we decide on what legal counsel suggests then the decisions will be made. Chairman Duarte didn't think the newspaper article was very accurate. Mr. Whitmore said he would assume some of if it is true. Chairman Duarte replied that he's sure it was but he's asking questions and they could be discussing this all night long. Mr. Whitmore felt it was a fair question and what happens if it goes to a vote and its gets voted down. Chairman Duarte replied if DES tells us that we're going to have to do this, then it's an emergency and we'll have to go to the surplus fund to pay it.

We can come up with some solutions, but this is the lowest bid we had. There were 3 bids two for \$336,000 and one for \$129,000. He thought difference in price was because EnviroVantage was out of Epping. Mr. Whitmore referred to the newspaper article which said the job could be done for \$35,000(including ash removal). The rest of the site could be left as is and time would take care of it. Chairman Duarte replied that's not true. Mr. Whitmore stated this came from DES's Doug Kemp who has done 120 closings and that's not true. Chairman Duarte said this has nothing to do with the \$35,000. Mr. Whitmore replied whether we have \$35,000 or not this article says Mr. Kemp has done 120 closings with the DES and he would assume that he knows what he is talking about. Mr. Kemp is saying that it can be done and now your say it can't be done. He would go with the guy from the DES versus anyone in town unless they worked for DES and did 120 closings. Chairman Duarte asked Selectman Snow to explain what he put on the website. Selectman Snow said you have a number document's that are out there and the document he is talking about is based on the initial closure plan. It only talks about the ash that is in the berm area. There is incinerator ash that needs to be taken out of there. The incinerator ash has a significant cost with getting rid of it. He's had numerous discussions with Doug Kemp and he has consistently said we are not going to tell you what to do just tell us what you're going to do and then we'll decide whether we like it or not. Mr. Whitmore stated according to this article it says what can be done to take care of the problem and anything over or above that doesn't necessarily need to be done. Selectman Snow said if we didn't have to spend any money on that area he wouldn't be suggesting that we do. Doug Kemp has said you're going to have to get rid of that stuff and read the rules and regulations on how to.

Chairman Duarte motioned to adjourn to 7:31 p.m. Motion failed due to a lack of a second. Citizen Carla Penfield said you need to take questions from the audience and you are under obligation to answer the questions. Selectman Soares pointed out the attorney also said in instances like this it would be in the Boards best interest to take public comments. Chairman Duarte replied we don't want to hear the same comments over and over. Selectman Soares said you allow it for some people and not for others. You have to deal with it, its part of public service. Chairman Duarte stated right now what we are looking for is what legal wants us to do. He assumes they know what they are talking about. Chairman Duarte told the audience if they want to make a comment that's fine, but don't repeat what was said. Citizen Carleton Robie said the people of the community have voted twice to have the buildings taken down. The Board received a bid of \$129,000 and you knew it was too much money. You went back to the same bidder and asked them to separate the bid by taking out the buildings and removing the concrete. Some people think this is still too much money. At this point it only makes sense that we throw out these bids which the RFP says you can. You don't need legal counsel to tell you that you can do that because you wrote that in your RFP. There are bidders out there that will take down those buildings for \$5,000 or \$6,000. This will leave \$30,000 in the till and if there is some ash from the incinerator that needs to be removed there will be plenty of money to get the job done. A little common sense would get this resolved and you wouldn't have a room full of people every other Monday night irritating you. Chairman Duarte replied we have situations where you need to have a bid process in place and it's got to be fair and equitable to everybody. Mr. Robie stated the RFP says

you can reject the bids you need to rebid it. Chairman Duarte replied they didn't say they weren't going to, but it's very specific on the bid process that we had a cutoff date and any bids that come in after that weren't accepted. We specified that we wanted seven different things done which doesn't mean just knocking down the buildings. His concern is that the toxic ash is removed. They want to do what's best for the community and when they get all of their facts together they may reject all of the bids and redo it. There may be consequences to that to. If we rebid people already know what the prices are and we'll probably get charged more. We aren't saying that we're not going to do that. We can reject all bids, but with the three bids we did receive we went with the lowest one. It's a lot of money but the other ones were \$300,000. Everyone panics when you find out there was hazardous waste and material there. We're not saying we can't reject the bids and we may and then everyone can decide what they want to do at the SB2 meeting. We have to follow certain rules when it comes to bidding and we can't change that. Citizen Carla Penfield commented when you talk about toxic waste you make people afraid. There is nothing over there for anyone to be afraid of. Things have been said about hazardous waste and how it's hazardous to your health. There is nothing over there and unless you go over there and eat the dirt nothing is going to happen to you. She mentioned at town meeting the Selectmen were instructed to remove the buildings you did not have instruction to do anything other than remove the buildings. You have expanded what the people asked you to do. She asked exactly what is it that you have town counsel looking in to. Chairman Duarte replied we had some confrontations on people who bid late. The town attorney specifically said you can't do that. He noted we can cancel all of the bids but we haven't thrown them out. He's not saying they won't, but they haven't gotten to it. Mrs. Penfield said this is not reasonable the terms certain people in town have been using like "toxic waste" and "hazardous to your health". Those are exaggerated and inflammatory statements that should not be used in regards to the site. Chairman Duarte replied she is probably right and he wasn't sure what the correct terminology was, but it can't be good for you if DES is telling us to get it out of there. Mrs. Penfield stated they are suggesting that you do and they have not sent you a letter saying that it's hazardous and dangerous to your health or toxic. They haven't used those terms. Chairman Duarte said the letter is on the website. Selectman Kelley noted he hasn't seen the letter. Selectman Soares said it was never in the sign folder. She pointed out the Chairman Duarte said they're allowed to throw out the bids, but haven't yet. You had one of the bidders come in and you separated it into two contracts. You changed the bid process and the minute you did that you made it unfair to the other two bidders who followed the bid process and got their bids in on time. They had every legal right to sit down with the Board and separate their contracts into two. You have to make it fair for everyone and you did not, so you are not following the right process. Chairman Duarte replied we didn't go with the higher bidders. Selectman Soares said she didn't care if they didn't want to go with the higher bidders and she didn't want to go with the \$129,000. You broke EnviroVantage's contract into two contracts and you denied the other bidders the same opportunity. They didn't have the option. Selectman Snow noted the Board didn't make any formal vote or decisions on the responses. They have talked about options. Selectman Soares said they should take the options from the other two bidders. You had every right to be fair to the other bidders and give them options as well. They submitted their bids at the same time. **Selectman Kelley motioned to reject**

all three bids and start over. Seconded by Selectman Soares. Chairman Duarte said hopefully they will do that at the next meeting. Selectman Kelley felt it was getting way out of hand and there are other bidders that are more reasonable than \$129,000. Chairman Duarte asked which bidder was that. Selectman Kelley said the guy down the street. Selectman Snow replied we don't have a bid from him and he's not doing the entire contract. He noted they have an unknown quantity of solid waste and possible hazardous waste that exists on that site. DES says you have to get rid of all of the solid waste and the way you get rid of that is DES's rules. He said \$9,000 is a great number from a bidder that says I will take the responsibility for getting rid of that stuff. They need to talk about it and discuss it. There has been no formal decision made by the Board. They will discuss it at the next meeting when they get the information back from EnviroVantage. He reiterated they have to get rid of the solid waste. The testing that was done for a specific purpose. He wanted to see if they could define the materials that existed behind the berms as being benign. If it was benign they could spread it in that area. The tests came back above level for arsenic and above level for lead with the suggestion from the testing firm that the levels were high enough to be classified as hazardous waste. We don't know how much it is and to find out we could hire someone for \$35,000 like the other two bidders did. They would go out there, test everything, dig bore holes, and tell us what we got there. Then we will not have gotten rid of the buildings. Politically he has sat there for two years saying they don't want to get rid of the buildings, the town voted to get rid of the buildings. He personally wants to get rid of the buildings and its part of the process. DES has consistently said you have to get rid of the material that is there according to the rules and this is going to cost you some money. Selectman Soares noted none of this is in the sign folder. Selectman Kelley mentioned that Selectman Snow is talking about a lot of things that he hasn't seen in the sign folder at all. He's talking about stuff from DES and the testing from Scott Lawson Group. He questioned if Doug Kemp was two facing the Board by telling some Selectmen one thing and the others something else. He mentioned the Union Leader reporter called him and got a totally different story. Selectman Soares said the test results were never put in the sign folder. Selectman Kelley added they went up on the website and the Selectmen never signed off on it. Selectman Soares said they are town documents, not Selectman Snow's personal documents. Selectman DePuy noted he hasn't seen it either and he hasn't seen any other bid in writing. He would like to extra time to consider this and put it off until the next meeting so we can all be better educated of what is on the website and what other alternatives we have. He understood one option was to reject all bids and start the process over and do it differently. Selectman Kelley said he made the motion to reject all three bids. He felt they should open it up to more than five companies they picked. They should open it up to everyone. Selectman Soares said she seconded Selectman Kelley's motion. **Chairman Duarte called for a vote on Selectman Kelley's motion. Selectman Kelley and Selectman Soares were in favor and Chairman Duarte, Selectman DePuy, Selectman Snow were opposed. Motion failed on a vote of 3 to 2.** Chairman Duarte said this is scheduled for the next meeting to make a decision on it. Selectman Soares asked how long they are going to keep rescheduling this. Chairman Duarte said they are not going to reschedule he made a statement they'll vote on it next meeting and if they want to reject all of the bids then they can. He felt they could go round and round on this and we're never going to get a perfect answer. There is stuff on

the website he hasn't ever seen. Selectman Kelley reiterated it shouldn't have gone on until the Board approved it. Citizen Frank Albert said he is very uncomfortable when the Board starts talking about getting attorneys to help make decisions and it's mudding the water. This Board was elected to handle problems like this. Deferring it to more consultations with attorneys is just stalling the inevitable. The inevitable is you have to make a decision. He said Selectman Snow makes it sound like they have a lot of toxic waste. He pointed out for years it was a dump. For years this town has done what is expected of us. We were supposed to cover what was taken out of the incinerator with a certain amount of material and we did. We put it at the required depth it was suppose to be with the similar material that was requested by the state. It's insane to him that now they're going in there and start rooting around looking for trouble and who is going to pay. Everyone in this room is going to pay, were all getting the shaft. We would like the Board to make the tough decisions and do what's right. If you go looking for trouble you're going to find it. We're all going to end up paying. You need to take the buildings down and we have people we know who will do it for a few thousand dollars. If we have to put a little more material on top then fine. He can't believe what Selectman Snow is saying. You are going out there and looking for trouble. Do you think this is what everyone in this town wants, who are the majority of the people. How many people are losing their homes because they can't afford their taxes? They can't even get a decent job and you want to go spend money like a drunken sailor. Selectman Snow said Mr. Albert was talking about two different things. One is the closed, capped, unlined ash land fill which is at a base line level of 100. We've been walking on top of it for years and that's not going to be touched. On top of that there is stuff that was put there after the cap was done. He doesn't know where it came from and he doesn't care, but it is incinerator ash and according to records we had the ash tested. There is more of it out there and he doesn't know how much is out there. This means the stuff that sits on top of the cap needs to get out of there. Doug Kemp is going to make us take it out. Mr. Albert said just bury it and do what needs to be done. Selectman Snow replied you can't bury that stuff. Mr. Robie thought the report came back and there was debris in the ash pile. He thought the term "debris" has been interpreted into "hazardous waste". If you read the report it says debris. You need to figure out what you are talking about, instead of saying hazardous waste say debris. The lead probably came from a couple of batteries that were melted down. Chairman Duarte replied we don't know what it is. Selectman Soares replied Selectman Snow just said it was incinerator ash. Chairman Duarte replied to Mr. Albert's previous question about town counsel. Town counsel represents the town, the individuals here. He didn't talk to him to muddy the waters he talked to him to make sure we had someone who is going to do the job pretty cheap to take down the buildings. The fact that he didn't allow that at the time was because it would have been illegal. We could have been sued by the other 3 bidders that got their bid in on time. This is reason he got a hold of town counsel. The Board can make decisions and they don't need lawyers, but town counsel represents this community and their job is to make sure we don't screw up to cost the town money. He noted rejecting all bids might be the right thing to do and start again. There are problems with that site. He doesn't specialize in finding out what's good for you and what's bad for you, but there is something in there that needs to be removed. This is his understanding and it must be removed. Citizen Janet Wilderman said at the last town election when the articles were voted on it was her

understanding that the town gave the Selectmen the authority to remove the buildings at the dump. Selectman Snow replied the town didn't give us permission they directed us. Citizen Janet Wilderman reiterated the town directed the Selectmen to be responsible for the town to remove the buildings at the dump. Chairman Duarte replied that was correct. Citizen Janet Wilderman pointed out that its six months later and the buildings are still up. She didn't understand and the next election is coming and nothing has happened. Chairman Duarte said she had a good point but there are certain guidelines we need to follow before we can close the facility. Citizen Janet Wilderman replied to take the buildings down. Chairman Duarte explained when we take the buildings down we want to close the facility and you need a closure plan. Selectman Soares stated we have a closure plan that was approved by the Board of Selectmen and DES and the town voted after that to take the buildings down. Citizen Janet Wilderman thought there was a five year plan to get this closed down and the first step in the process was to take the buildings down. She also thought it was going to happen in phases (like the repaving of Patten Hill Road). She would like the Board to fill her in where she is confused on this whole closure. Selectman Snow thought she was talking about the capital improvement program. Citizen Rudy Cartier explained there is no budget for the closure of the landfill at this point in time. The \$35,000 in there was originally for the incinerator maintenance fund. At the 2010 Town Meeting he suggested to the Board that the incinerator should be closed at some point. They had built the new facility, so the decision was made to call it the incinerator closure fund. The money in there was just leftover money. It wasn't set up as a budget, in the Town Meeting minutes it says this will help offset the cost of the closure. This is where the \$35,000 came into play. When Selectman Soares put the closure plan together there was no budget in there to speak of. It says to be determined by the Board of Selectmen. The Board needs to come up with a cost based on what needs to be done. He noted back in April of 2011 there was a question brought to the Board and you said we are taking the berms down in that area. The vote was 3 to 2 that yes the berms need to come down. As part of the closure plan you have to remove any solid waste that's in there. He noted taking the berms out was an unknown factor, no one knew what was in the berms. Road Agent Lewis did the test pits and they took pictures. They found out that there was questionable material in there to say the least. They approached Doug Kemp and said this is what's there what should we do. Mr. Kemp told them that DES is not going to require testing, however you do need to remove that ash because its solid waste. If it was wood ash it wouldn't be a problem. At that point Selectman Snow asked the Board to authorize someone to go do some testing. The testing was done and there were eight composite samples which means they took samples from everywhere. The test came back with lead and up to 300 milligrams is ok; the results came back at 1,300 milligrams. This is roughly 4 times the safe level for lead. The arsenic level came back high. He noted because of the regulations saying its solid waste we need to get rid of it. We handle it as a solid waste. Mr. Kemp also said they are not going to require testing of the material; however anyone who accepts the material will probably require testing before they accept it. At the Town Meeting they said they wanted to take the buildings down, they didn't say that's all you can do. The Town Meeting vote was to take the buildings down instead of saving them. A lot of people have offered very good comments on the closure including the neighbors. They were never asked what they would like to do with the site. He felt this was appalling, because

they are the people who should be asked what to do with the site. Selectman Soares replied that's a lie, because she and former Selectman Carleton Robie asked Mrs. Sarra to submit her comments. Citizen Rudy Cartier noted Selectman Snow asked anyone that wanted to be involved with this issue please come forward and help. There were over a dozen of people who tried to figure out the best way to do this for the town, so we weren't faced with a liability. The town didn't create this liability someone created this liability and we're stuck with it. He said that he structured the RFP based on the input that people gave. He mentioned there is a section in the RFP that says the Town of Candia reserves the right to request additional information from any responder prior to awarding any contracts. He mentioned that one of the questions asked to the contractor was what happens if you find more than you think is in there. The contract said it was their responsibility. This is also in the RFP – there will be no change orders for unknown site problems. He and Selectman Snow personally talked with Danley Demolition in the first part of this process. This was before the whole berm issue came up and the price came in really low. He noted because what the closure plan had in it and what was on the site more needed to be done. This is when they realized they had an issue with the berms. The Selectmen wanted the berms leveled and they could have if it was nice clean ash. He noted that people throw around the word toxic and hazardous but the bottom line is it exceeds the levels that are considered to be solid waste. This puts it into a characteristic of being a hazardous waste. His understanding was the EnviroVantage came through with a very low price. They are actually taking care of the solid waste portion of it which is extremely low. The biggest portion of it was to bring that area back to its natural state which is the site work for \$91,000. Selectman Soares replied it's not worth \$91,000. Citizen Rudy Cartier replied you can't correct me, because it doesn't say \$91,000. Selectman Soares said she wasn't correcting him. Citizen Rudy Cartier stated he has been through this before and has seen contractors do this to other people. It's grossly unfair and unethical to have people go through a bid process and then circumvent that bid process by saying their bid is too high and they are going to give it to someone else. This is the Board's decision and the biggest thing right now is there is a lot of misinformation. He read the article in the Union Leader and was surprised. He has an email from Doug Kemp that specifically says its solid waste and you need to dispose of it properly. Selectman Snow said they are not going to spend a lot of money if they don't have to, but he is concerned that there is a significant amount of material there. The cost of which is more than what is in the bid. He's not personally saying that \$9,000 to get rid of solid waste is a great number. If you throw out that contract we could end up with something more expensive. Selectman Soares said she had a licensed engineer that does that type of work for a living come down to the site and \$91,000 is a ridiculous amount. It could easily be done for well under \$25,000. Selectman Snow replied they could use the example that it costs \$175,000 to reconstruct Patten Hill Road. Selectman Soares stated she was given a quote for \$25,000 and \$91,000 is totally ridiculous. Selectman Snow replied that he trusted EnviroVantage and they would be bringing a lot of material from Epping and it costs a lot of money to truck. The stuff they are going to be putting in there will be giving us a second cap. He mentioned the first thing you will see on the website (regarding the closure) is our temporary permits for the incinerator site and recycling center in 1986. It specifically says you have to close it back to what it is now with your closure plan. We are trying to get rid of the stuff behind the old burn pile. It

wasn't just wood being burned it was a lot of other stuff. Doug Kemp told them they have to get rid of that stuff. Selectman Snow's personal opinion is they got a great deal with EnviroVantage. If they let it go they will be spending a lot more money then what they've got. Selectman Soares replied so you're going to squander away taxpayer's money at \$91,000. Citizen Carleton Robie noted almost every community in the State of New Hampshire has a closed land fill. After they closed they either incinerated or hauled away. He noted that they found some boots and batteries and that's debris to him. Once you sift through all of this you'll find that it's considered ash. He thought Mr. Kemp has tried to work with both sides of this. If you read the article in the paper he thought that he's still trying to work with us, but I bet you he's up in Concord laughing like heck. This isn't rocket science and Mr. Cartier's right that it's not fair to award the bid to someone else after you bid it. He thought they should throw out all of the bids. The Board said last meeting they were going to make a decision on this tonight.

Old Smyth Library question. It was asked from a member of the audience what the future use of the Old Smyth Library would be once the septic and well is done. Selectman Soares explained they are renovating the building so there is public access. They haven't determined the exact use for it yet. It needs to be ADA compliant, with running water and septic system to be that way.

Closure update continued. Citizen Janette Miller commented on the \$9,000 for the waste removal and \$91,000 for the site work. She felt \$9,000 was a good price, but she didn't know about the \$91,000. Chairman Duarte said the \$91,000 was to restore the site to look like it should. They would be crushing the concrete and leveling it out. They would put a layer of clay and spread some grass seed. Mrs. Miller thought the concrete was being removed for \$3,000. Chairman Duarte replied the \$3,000 was to remove the two buildings and the stack. Selectman Soares said it included the removal of the concrete. Mrs. Miller pointed out you may want to squash all of the bids and could they break up the bids next time. Citizen Rudy Cartier said there was another suggested option to bid process which is to have the town be their own general contractor. Then you can go out and get specific bids to do specific things. The only problem with that is who is going to take the responsibility as project manager which has a lot of liability to it. The other issue is will they be doing it properly and will you have an issue with the solid waste. The feeling was in order to get the project done quickly, efficiently, safely, and at a reasonable cost it needed to be done by one contractor. Chairman Duarte felt they should look at other options and starting from scratch wasn't a bad idea either. Former Selectman Gary York said he was familiar with the site and the rules had changed considerably regarding landfills, disposal of ash, and burn piles. The town has done a good job doing what DES has recommended. The Solid Waste Committee in the late eighties did a good job on getting the closure of that landfill capped and approved so that it would limit the town's liability environmentally and otherwise. He asked does the town know where the capped landfill has ended versus where the burn pile berms are located and has the cap been disturbed causing discussion on what needs to come out and what needs to stay. Has the cap landfill been reviewed by engineers so they know where we stop because you don't want to pierce the cap. Do we know where the cap really is? Selectman Snow replied we have the 2004 Stantec drawing which is a pretty good site

plan. It has the baseline which is where the cap was. The cap itself is 12 inches of clay on top of 12 inches of gravel. They gained some area back behind the berms. The elevation is up 3 or 4 feet where they did the glass breaking. They have test holes that obviously have incinerator ash. Mr. York replied you're not sure that its incinerator ash or not, because knowing what was potentially burned was kind of lax. The berms that were built up with the wood pile ash were painted boards with lead paint which could have contributed to these elevate levels. Selectman Snow thought he was suggesting that stuff up there might have came out of the incinerator. It wasn't stuff that was sitting in the berm pile. The ash should have been tested and sent off to Bethlehem or Rochester. Mr. York replied that he understood that because there was a long time where there wasn't any incinerator ash shipped out. This is a tough call for any of the Selectmen to know where that line is, but the town should do their effort to find out where that line is. He is familiar with what happened in Auburn when they closed their incinerator and the cost escalated considerably. So whether DES determines where that line is or engineering firm that's what needs to be presented. Selectman Snow said they had the option of going with the process where we hired somebody to figure out exactly what was out there. The others agreed that we would spend the full \$35,000 and we will have a better idea of what is out there. It seems to make sense to him to get the buildings out of there and break up the concrete. Then we do what EnviroVantage suggested which is go through the piles a little at a time; screen it, test the incinerator ash and the rest of it can be used on the site. This is the plan. Mrs. Miller commented they have \$35,000 they don't have \$129,000, so why trying to figure out how to spend \$129,000 that we don't have. Selectman Snow said they are going to take the buildings down, break up the concrete and leave it there. This will take care of the \$27,700 of it. This will eliminate the political problem of the building. Selectman Soares said he would rather squander the money than think about things economically. Citizen Diane Philbrick asked if the \$91,000 was the conflicted problem with this and would it be possible to go back to the bidder and say this is irresolvable at this time and can we go with a minimal amount of site work. This would bring it down sizably. Selectman Snow said they can't ask them to do a little bit of it. It doesn't make sense. Citizen Janet Wilderman asked if a decision will be made at the next Selectmen's meeting. Chairman Duarte replied yes a decision will be made. Selectman Soares said Severino will do the work for a third of the cost and save the town money. Selectman Snow replied he should have submitted a bid. Selectman Kelley stated you sent out bids to only five companies. You didn't send them out to everyone. You didn't want to break up the bid that's why people didn't bid. Chairman Duarte thought it may be a good idea to reject all of the bids. There is a difference in opinion on what should go in the RFP. He could see how the bids could range from \$129,000 to \$330,000.

Selectman Kelley motioned to adjourned 9:28 p.m. Seconded by Selectman DePuy. All were in favor.