Town of Auburn Board of Selectmen July 2, 2018 Town Hall

7:00 p.m.

() Call to Order – Pledge of Allegiance
Approval of Payroll for the Week of June 25, 2018 -- \$49,713.75
Approval of Accounts Payable for the Week of July 2, 2018
Approval of Consent Agenda – Week of July 2, 2018

() Appointments with the Board

Alan Villeneuve, School Board Chair - School Building Project Update & Building Permit Fees

() New Business

2017 Landfill Post-Closure Report
Consideration of Issues of Employee or Independent Contractors

() Old Business

Rates Charged for Special Police Details
Use of Police Detail Revolving Fund Balance
Federal Disaster Declaration for Severe Winter Storm (March 13th)
Audit by NH Retirement System
Letter of Intent – Multi-Use Trail Grant Application
Town Storage Building Project

- () Other Business
- () Minutes
 - June 18, 2018 Public Meeting
 - June 18, 2018 Non-Public Session
- () Non-Public Session pursuant to RSA 91-A: 3, II (a) Compensation of any public employee
- () Adjourn

Note: "Any person with a disability who wishes to attend this public meeting and needs to be provided reasonable accommodations in order to participate, please contact the Board of Selectmen's Secretary at (603) 483-5052 x100, so that arrangements can be made."



Auburn School District

AUBURN SCHOOL BOARD
SCHOOL ADMINISTRATIVE UNIT NO. 15
90 FARMER ROAD
HOOKSETT, NEW HAMPSHIRE 03106
TELEPHONE 603-622-3731

AUBURN VILLAGE SCHOOL

11 EATON HILL ROAD

AUBURN, NEW HAMPSHIRE 03032

TELEPHONE 603-483-2769

June 27, 2018

Dear Sirs;

The Auburn School Board respectfully requests that the Town of Auburn Selectmen waive any fees associated with permits and plan review for the school addition and renovation plan that was successfully passed by town voters this past March. Our team has had an initial meeting with Auburn code enforcement authorities and will continue to do so as needed and requested.

Thank you for your consideration.

Sincerely,

Alan Villeneuve,

Auburn School Board Chair



Mr. William G. Herman, Town Administrator Town of Auburn, N. H. P.O. Box 309 Auburn, N. H. 03032

Dear Bill,

Late yesterday afternoon when I was leaving the Auburn Village Cemetery, I encountered two surveyors looking for bounds of the cemetery. In asking why, they informed me the Town and School were planning on constructing a roadway behind the cemetery.

I am writing to remind you of our conversation over the years about the Cemetery Trustee's desire to square off the cemetery for the future by adding approximately two acres plus allowing us to protect and renew a drainage ditch that has deteriorated over the years. You said it would be kept in mind until the next time negotiations with the Manchester Water Works takes place.

This letter is only a formal reminder of our long range goals.

Thank you.

Respectfully,

Donald W. Dollard, Chairman Auburn Cemetery Trustees



Bill Herman

From:

Alan Villeneuve <alanv@sau15.net>

Sent:

Thursday, June 28, 2018 8:06 AM

To:

Bill Herman

Subject:

Fwd: Fw: Auburn Village School

Attachments:

Aubrun Village Cemetery.pdf

----- Forwarded message -----

From: <BHickey@hlturner.com>
Date: Wed, Jun 27, 2018, 2:48 PM
Subject: Fw: Auburn Village School
To: Alan Villenueve <alanv@sau15.net>

Cc: <DProctor@hlturner.com>

Alan, please see the information regarding the property lines at the cemetery. I have asked the surveyor to not spend any additional time on this research unless we hear differently from the Town.

Thanks, Bill

William D. Hickey
Principal || Senior Vice President

The H.L. Turner Group Inc.

Architects • Engineers • Building Scientists

27 Locke Road

Concord, New Hampshire 03301 Office: 603/228-1122, ext. 133

Fax: 603/228-1126 Cell: 603/340-0178 http://www.hlturner.com bhickey@hlturner.com



PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS E-MAIL.

CONFIDENTIALITY NOTICE: This email and any attachments thereto is intended only for use by the addressee(s) named herein and may be proprietary, confidential, and/or privileged, and the disclosure is governed by applicable law. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution, or copying this email and any attachments thereto, without the prior written permission of the sender, is strictly prohibited. If you received this email in error, immediately telephone or e-mail the sender, and permanently delete the original copy. Sender accepts no liability for any damage caused by any virus transmitted by this e-mail. Thank you.

---- Forwarded by Bill Hickey/TTG on 06/27/2018 02:45 PM ----

From:

"Michael Hammer" <MJHammer@meridianlandservices.com>

To: "B

"BHickey@hlturner.com" <BHickey@hlturner.com>

Date: 06/27/2018 12:25 PM

Subject: RE: Auburn Village School

Following on our conversation and referring to the attached sketch; the common line between the cemetery and Water Works land is poorly defined in the record, be it the deeds by which it was acquired by the town, the cemetery's own records, or by the deeds by which MWW acquired the land around the cemetery in 1935. The easterly and westerly lines are set today by the subdivision plans from MWW to Auburn that created the school and public safety lots. The cemetery is also bound to the south by the location of Eaton Hill Road. The definitions of these other sides does not however aid in the definition of the line between the cemetery and MWW.

I do have a couple of avenues of inquiry that I am following and expect answers back shortly however I do not expect them to bear fruit.

There is an existing chain link fence between the cemetery and MWW that likely represents where both entities believe the lot line is. The location could be made official through a Lot Line Agreement under NH RSA 472 or 473:2. Per RSA 472 whenever the boundary line between the land is uncertain, and the location of the same as described in the deeds of said owners or of their predecessors in title cannot be determined by the monuments and boundaries named in any of said deeds, the parties may establish said line by agreement. I believe we meet the this criteria. 473:2 also provides for lines to be defined by existing fences (usage and acquiescence). Both of these remedies would require an attorney who would be best qualified to advise you to the best course of action.

I'll keep you posted of the results of the last lines of my inquiry. *Michael J. Hammer, PLS Survey Project Manager*

Meridian Land Services, Inc.

PO Box 118, Milford, NH 03055-0118 31 Old Nashua Road, Amherst, NH 03031 P (603) 673-1441 F (603) 673-1584 C (603) 554-6426 MJHammer@MeridianLandServices.com www.MeridianLandServices.com

Civil Engineering - Land Surveying - Permitting - Wetland & Soil Mapping - Septic Design - Environmental

From: BHickey@hlturner.com <BHickey@hlturner.com>

Sent: Tuesday, June 26, 2018 3:36 PM

To: Michael Hammer < MJHammer@meridianlandservices.com >

Subject: RE: Auburn Village School

Mike, our accounting dept. just found your invoice. We should be all set.

Thanks, Bill

William D. Hickey Principal || Senior Vice President

The H.L. Turner Group Inc.

Architects • Engineers • Building Scientists

27 Locke Road Concord, New Hampshire 03301 Office: 603/228-1122, ext. 133

Fax: 603/228-1126 Cell: 603/340-0178 http://www.hlturner.com bhickey@hlturner.com



Stantec Consulting Services Inc.

5 Dartmouth Drive, Suite 101, Auburn, NH 03032-3984 Phone: (603) 669-8672, Fax: (603) 669-7636

June 28, 2018 File: 191711129

Attention: Ms. Linda Birmingham, CPM

Compliance Section Supervisor Solid Waste Management Bureau NHDES Waste Management Division 29 Hazen Drive Concord, NH 03302-0095

Reference: 2017 Landfill Post-Closure Report

Auburn Landfill, 273 Chester Turnpike, Auburn, NH

Solid Waste Permit #DES-SW-PFC 03-044

Dear Ms. Birmingham,

Please find the attached 2017 Landfill Post-Closure Report for the Auburn Landfill and supporting documentation. The site location is shown on Figure 1 (attached). In accordance with Section G of the attached Post Closure Report, a summary of the post-closure landfill monitoring activities is presented below.

Summary of 2017 Post-Closure Landfill Monitoring

- Landfill inspection was conducted during the groundwater quality sampling event completed in accordance with the site's Groundwater Management Permit on April 6, 2017. The inspection included walking the perimeter and entire cap of the landfill and inspecting the cap for issues of concern. No gas monitoring wells are present at the site, so monitoring landfill gas for parameters of concern (e.g. percent lower explosive limit (%LEL), %methane (CH₄), %oxygen (O₂), %carbon dioxide (CO₂), etc.) was not conducted.
- Access to the landfill is via a gated entrance off Chester Turnpike. The Auburn Department of Public Works garage is located on the site northeast of the landfill, while two salt sheds are located southwest of the landfill. The site is bounded by Raymond Road with residential properties beyond to the south, Chester Turnpike with undeveloped wooded land to the west, undeveloped wooded land to the north, and undeveloped wooded land with residences beyond to the northeast and east. A westerly-flowing unnamed brook is located just south of the landfill. No passive vents were installed when the landfill was closed. Various monitoring wells are located at the site and are sampled annually in accordance with Groundwater Management Permit (GMP) #GWP-199002015-A-003.
- Signage restricting access to the landfill is limited to the gated entrance to the site.



June 28, 2018 Ms. Linda Birmingham Page 2 of 2

Reference: 2017 Landfill Post-Closure Report

Auburn Landfill, 273 Chester Turnpike, Auburn, NH Solid WastePermit #DES-SW-PFC 03-044

- No evidence of unauthorized access to the landfill by trespassers (midnight dumpers, dirt bikes, all-terrain vehicles (ATVs), snow machines, etc.) was observed on the cap during the 2017 inspection.
- No evidence of burrowing animals on the cap was observed during the 2017 inspection.
- No areas of standing water were observed on the cap during the 2017 inspection.
- No evidence of sloughing, sink-holes, or depressions were noted on the cap during the 2017 inspection.
- All monitoring wells were observed to be in operable condition.
- Due to a lack of landfill gas (LFG) wells at the site, LFG monitoring was not conducted at the landfill during the 2017 inspection.

For 2018, the annual landfill inspection was completed at the time of the GMP sampling event on April 10, 2018. The submittal of the 2018 Post-Closure Report is scheduled for no later than March 31, 2019.

Please let us know if you have any questions.

I a- allinne

Regards,

STANTEC CONSULTING SERVICES INC.

David A. Allwine, PG Senior Associate

Phone: (603) 206-7553 Cell: (603) 498-6135

David.allwine@stantec.com

Attachment: NHDES 2017 Annual Post-Closure Report Form

Figure 1 – Site Location Plan

Figure 2 – Site Plan

c. Bill Herman, Town of Auburn, NH

 $ad \ v: \ 1917\ active \ 191710504\ report\ 2017\ post-closure\ report\ auburn If_post-closure_report_2017. docx$



ANNUAL POST-CLOSURE REPORT INACTIVE SOLID WASTE LANDFILLS



Per Env-Sw 1105.07

For Reporting Year 2017

Instructions: Complete the form for calendar year (January 1-December 31). If you need more space to complete a section, attach additional pages and note at the bottom of the form that you have attached additional pages. The Annual Post-Closure Report (PCR) is due to the New Hampshire Department of Environmental Services (NHDES) each calendar year by March 31.

Facility Identification [Env-Sw 1105.14(a)]						
Facility Name						
Auburn Landfill						
Physical Street Address						
273 Chester Turnpike						
Town/City		d Waste Permit Number				
Auburn	DES	S-SW-PFC-03-044				
2. Permittee Information [Env-Sw 1105.14(b)]						
Permittee Town of Auburn						
Mailing Address 47 Chester Road						
Town/City		State	7in Codo			
Auburn		NH	Zip Code 03032			
Email Address (Optional)		Phone Number				
townadmin@townofauburnnh.com		(603) 483-5052 x111				
townadming townoradburnini.com		(003) 483-3032 XIII		_		
3. Contact Person [Env-Sw 1105.14(d)]						
Name	Job	Title				
Bill Herman	Tow	Town Administrator				
Affiliation						
Town of Auburn						
Email Address (Optional)	_	ne Number				
townadmin@townofauburnnh.com	(603	(603) 483-5052 x111				
4. Inspection(s) [Env-Sw 807.05(g)]						
Date of Inspection: 04/06/2017	Insp	ector: Jason Ward				
Date of Inspection: / /	Insp	ector:				
Date of Inspection: / /	Insp	ector:		_		
Date of Inspection: / /	Insp	ector:				

	A. General Site Condition	Yes	No	N/A	Describe Condition
1.	Is access to the landfill restricted by use of gates, fences or natural barriers? Ref Env-Sw 807.03(b)(11)	\boxtimes			A lockable gate blocks the entrance to the landfill.
2.	Are weather-resistant legible signs posted around the perimeter of the landfill in areas where fencing is not used? Ref Env-Sw 807.03(b)(11)		\boxtimes		There is a "No Trespassing" sign at the gate, but none around the LF perimeter.
3.	Is the access road(s) properly graded and drained? Ref Env-Sw 806.08(c)	\boxtimes			
4.	Is any portion of the site used for activities other than post- closure monitoring and maintenance? If you answered "yes," list these activities in Section H. For each activity, indicate if it is on or off cap/cover. Ref Env-Sw 807.05(o)				See Section H.
5.	Are all groundwater monitoring wells accessible and in good condition? Ref Env-Sw 807.03(b)(8)				Four wells including MW-1 to MW-4.
6.	Is the surface water monitoring system functioning and maintained? Ref Env-Sw 807.03(b)(8)				Two SW locations including SW-1 and SW-2.
	B. Stormwater System Condition [Ref Env-Sw 807.03(b)(5)]	Yes	No	N/A	Describe Condition
1.	Are the sedimentation/detention ponds maintained (e.g., sedimentation removed, no overgrown vegetation)?				No sedimentation/ detention ponds in use.
2.	Are culverts intact and free of obstructions?				No culverts in use.
3.	Are perimeter drainage swales/ditches well maintained, unobstructed, and free flowing?			\boxtimes	No perimeter ditches/swales in use.
4.	Do all drainage swales have positive drainage?			\boxtimes	
5.	Are the methods used to control surface water well maintained (e.g., berms, benches)?			\boxtimes	No berms/benches in use.
6.	Are runoff channels protected to prevent scour and erosion that creates sediment?				No runoff channels in use.
7.	Is there evidence of erosion (e.g., sedimentation in drainage ditches and ponds)?		\boxtimes		
8.	Are storm drains in good condition (e.g., frame, grate, wall joints, pumps, sumps, pipes, inlet and outlet stone)?			\boxtimes	No storm drains in use.
	C. Decomposition Gas Control System [Ref Env-Sw 807.03(b)(9)]	Yes	No	N/A	Describe Condition
1.	Is the gas management system Passive Active				
2.	If the facility has an active gas collection/extraction system, are all components of the system in good working order (e.g., blower, flare)? Date the system was last tested:				
3.	If the facility has a passive gas system, are all gas vents in good condition and functional (e.g., vent cap, riser pipe)?				No gas vents in use.
4.	Are all soil gas probes in good condition and functional?			\boxtimes	No soil gas probes in use.
5.	Are all indoor air quality monitors in good condition and functional?				No indoor air monitors in use.
6.	Are there any landfill odors?		\boxtimes		
7.	Is there evidence of stressed (e.g., damaged/weakened) vegetation?				

	C. Decomposition Gas Control System [Ref Env-Sw 807.03(b)(9)]	Yes	No	N/A	Describe Condition
8.	Is the permittee required to monitor methane generation from the landfill? If "no," provide an explanation in Section H of this form. If "yes," answer the following questions in this section and attach a summary table of all methane data collected; include indoor air quality data. Provide an evaluation of any trends in methane data and, if applicable, indoor air quality data in Section G.				See Section H.
	I. For this calendar reporting year, have methane levels exceeded 25% of the LEL inside any on or off-site structures? Ref Env-Sw 806.07(b)(1)			\boxtimes	Structures on-site and off- site not monitored.
	II. For this calendar reporting year, have methane levels exceeded 50% of the LEL at the property line within the soil? Ref Env-Sw 806.07(b)(2)			\boxtimes	Landfill gas monitoring not conducted.
	III. If you answered "yes" to question I. or II. above, did the permittee implement contingency procedures to ensure protection of public health & safety; and notify NHDES immediately?				
9.	For this calendar reporting year, have methane levels exceeded 10% of the LEL in ambient air at the property line?			\boxtimes	
	D. Cap (Cover) Condition [Ref Env-Sw 807.03(b)(4)]	Yes	No	N/A	Describe Condition
1.	Is cap settlement uniform? Visual evidence of settling includes depressions, water ponding, cracking, and sloughing.	\boxtimes			
2.	Is an instrument survey of the cap required? Ref Env-Sw 807.03(b)(10). If you answered "yes," attach a summary table of all survey data collected, and provide an evaluation of any trends in Section G. What was the date(s) of the survey this calendar reporting year:				
3.	Does cap slope promote runoff?	\boxtimes			
4.	Is the cap mowed on a regular basis? NHDES recommends that landfills be mowed twice per year. Date(s) the landfill was mowed for this reporting period? Summer	\boxtimes			Grass on cap 3-4" tall in April 2017.
5.	Is there evidence of erosion (e.g., erosion rills, exposed soil)?		\boxtimes		
6.	Is the vegetative layer in good condition?				
7.	Is there evidence of damage due to unauthorized access?				
8.	Is there evidence of damage due to burrowing animals?		\boxtimes		

	E. Leachate Collection and L [Ref Env-Sw 807.03(b)(6) &	•	Yes	No	N/A	Describe Condition	
1.	Are there any leachate breakout landfill property?	s or seeps, either on or off the		\boxtimes			
2.	Does the landfill have a leachate detection system? If "yes," ans						
	 Are leachate collection as appurtenances functioning 	ng properly?					
	II. Is leachate stored on-site answered "yes," what qu stored on-site?	prior to disposal? If you antity of leachate is currently					
	III. Is leachate properly removed and disposed of on a periodic basis? If you answered "yes," what is the frequency of disposal and the disposal destination?						
Ple	F. A	Action Items (Use additional shee			• •	entified as needina	
re _l sit	oair/maintenance and include rec e plan showing the locations of ite aintained, note the actions comple	ommendations to fix/repair or ot ems needing repair. If the item ha	herwis ıs alred	e maii ady be	ntain th en fixed	e item identified. Attach a d/repaired or otherwise	
	Item in Need of Repair/Maintenance	R	Recommendation				
Sig	nage	As the landfill is not fenced, install weather-resistant signage around landfill perimeter to restrict access to site.					

G. Summary and Assessment [Ref Env-Sw 807.05(i) & Env-Sw 1105.14(f)]

REQUIRED. Please attach additional pages providing an overall summary of the inspection, monitoring and maintenance activities that took place during the calendar year, and an assessment of the facility's status in accordance with Env-Sw 1105.14(f).

H. Additional Information. (Use additional sheets if necessary)	
A-4. The site includes areas for a DPW garage, two salt sheds, granular material storage, and equip storage. All uses are located off cap.	ment/materials
C-8. No soil probes (landfill gas wells) are present at the landfill, so no landfill gas monitoring condi-	ucted.
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C	0	22	 ire
-	-	ша	

By signing below, I affirm that the material and information submitted in this report is correct and complete to the best of my knowledge and belief, and that I am the permittee or a person duly authorized to sign for the permittee.

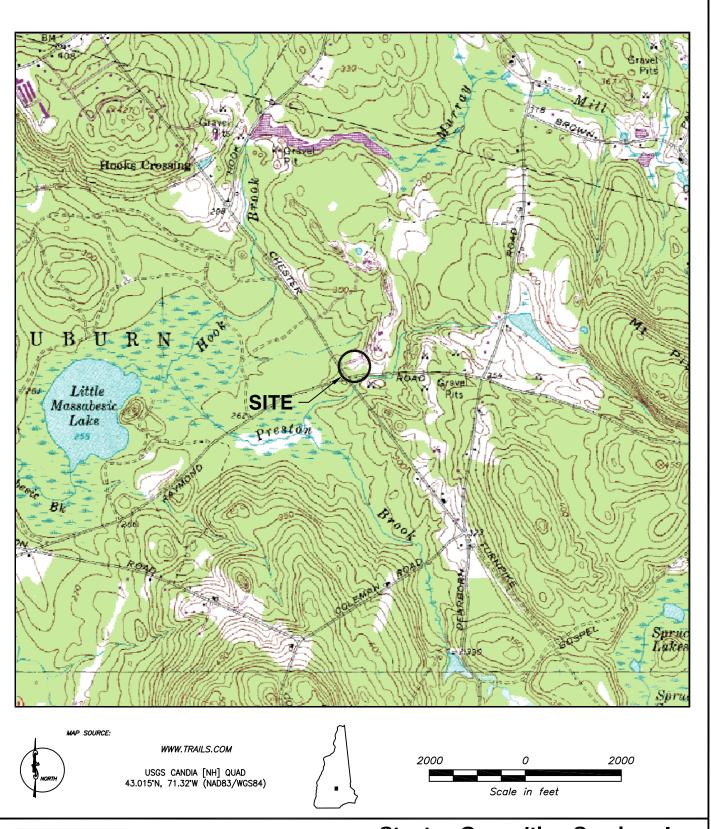
Mint S On	June 29, 2018			
Signature of the Permittee or Duly Authorized Representative	Date			
William G. Herman	Town Administrator			

Printed Name Title

This report contains 4 attached pages.

Complete and return this form by <u>MARCH 31</u> to:

NHDES, Waste Management Division, Solid Waste Management Bureau PO Box 95, 29 Hazen Drive, Concord, NH 03302-0095 FAX: (603) 271-2456 • Email: solidwasteinfo@des.nh.gov



Stantec Consulting Services Inc.



STANTEC LOCATION: AUBURN, NEW HAMPSHIRE							
DATE PREPARED:	DESIGNED BY:	DRAWN BY:	CHECKED BY:	REVIEWED BY:	l		
10-20-10	DAA	JJW	DAA	DAA			
REVISION DATE:	REVISION NO:	DRAWN BY:	CHECKED BY:	REVIEWED BY:	ĺ		
					l		
PROJECT NAME/FILE NAME: PROJECT NUMBER/PHASE: SCA							
AUBURN LF 191710504 1:24000							

SITE LOCATION PLAN

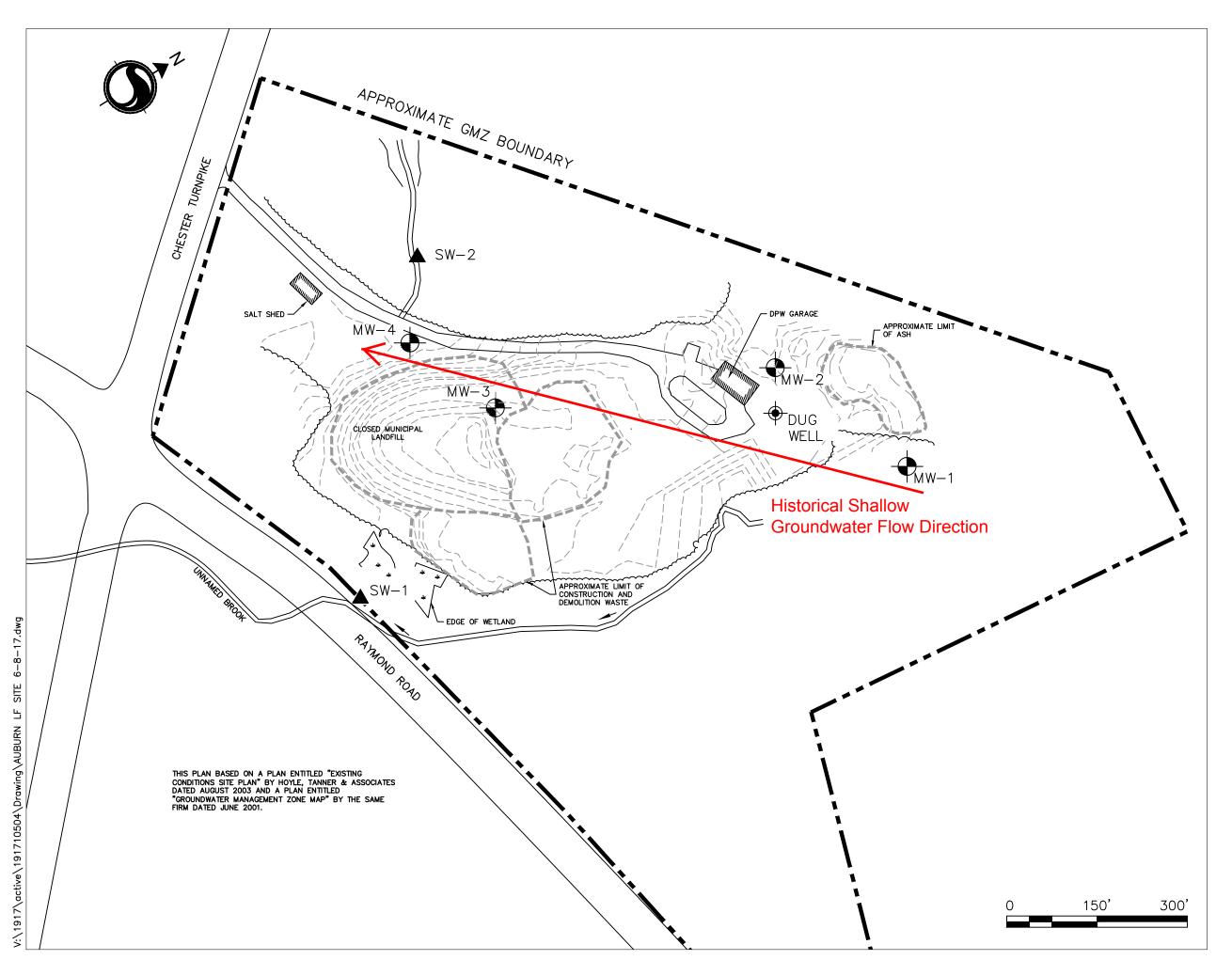
AUBURN LANDFILL CHESTER TURNPIKE AUBURN NH

CHESTER TOWNFIRE ADDORN NIT

SCALE: PREPARED FOR: FIGURE NO.

1:24000 TOWN OF AUBURN

1





Stantec Consulting Services Inc. 5 Dartmouth Drive, Suite 101 Auburn NH 03032 U.S.A. Tel. 603.669.8672 Fax. 603.669.7636 www.stantec.com

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Consultants

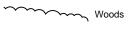
Approximate property boundary



Monitoring well location



▲ SW-2 Surface Water Sample location



WELL

Water supply well location ^PDUG

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Revision		By	Appd.	YY.MM.E
Issued		Ву	Appd.	YY.MM.E
File Name: AUBURN LF SITE 6-8-17.dwg	DJP			JUN, 20
D 10 1	Dwn.	Chkd.	Dagn.	YY.MM.E

Client/Project

TOWN OF AUBURN, NH

AUBURN LANDFILL POST-CLOSURE MONITORING 273 CHESTER TURNPIKE AUBURN, NEW HAMPSHIRE

SITE PLAN

Project No.

AS SHOWN 191710504 Drawing No. 0 1 of 1

Town of Auburn

Town Hall 47 Chester Road P.O. Box 309 Auburn, NH 03032



Town Administrator

William G. Herman, CPM Phone: (603) 483-5052 Ext. 111

Fax: (603) 483-0518

E-Mail:

townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: June 27, 2018

Re: Considerations for Employee or Independent Contractor

In follow-up to various conversations members of the Board have had with respect to "employees" versus "independent contractors", I was able to pursue this topic with Mike Ricker who serves as General Counsel of Primex.

This has been an area of a lot of attention over the years as various entities or individuals seek to gain a competitive edge perhaps in how they deal with a workforce needed for projects, particularly in the construction field. This was most recently highlighted last month as a result of a tragic truck accident in Wolfeboro which critically injured a truck driver and killed his six-year-old passenger. The trucking company is being reviewed by the NH Department of Labor for an "hour-and-wage" investigation to determine if the driver was an employee of the trucking company. An article appearing in the June 11th edition of The Union Leader is attached.

Generally speaking, it is permissible in New Hampshire for an individual to work as a contractor and not carry workers compensation coverage if the individual is the sole employee of the business. However, if there is a second individual or more working for the business, then by state statute, (RSA 281-A) the employer must provide workers compensation coverage for its employees. Often times, this standard will be avoided by the initial contractor reporting they have retained other independent contractors to perform work for them instead of directly hiring employees. That appears to be the heart of the review of the Wolfeboro situation.

The NH Department of Labor is the state agency responsible for enforcing these laws and standards. The Department has a seven point test in statute to follow to determine when an individual is an employee or a true independent contractor. If even one of the seven identifiers are not met, then an individual is an employee and not an independent contractor. Attached is a copy of the NHDOL "Criteria to Establish an Employee or Independent Contractor".

In discussing this overall issue and standard with Mike Ricker, he advised that particularly when a municipality serves as its own general contractor, then it is more likely than not the Town could be tagged for the upward liability for subcontractors as employees under the NHDOL criteria. He indicated often times, sub-vendors who are engaged to work for independent contractors are actually found to be employees and not independent contractors themselves. When the main contractor has not provided workers compensation coverage, then overall liability will likely fall to the municipality if the workers are determined to be "defacto employees".

Considerations for Employee or Independent Contractor June 27, 2018
Page Two

One way to avoid this exposure according to Mike Ricker would be for the Town to require <u>all</u> contractors working for the Town to have to have workers compensation coverage for themselves and all individuals they engage. For some true one-person independent contractor entities, that will poise an expense that they legally don't have to have, but the Town could make it a requirement.

Another means of attempting to protect itself would be the Town requiring all contractors to disclose to the Town all employees and/or sub-contractors to be used in advanced of commencing work, and to prove upfront the actual status of these individuals.

Mr. Ricker also indicated another potential was to indicate that if any contractor hired by the Town is going to bring any other persons on to the job and bill for their services, they have to provide workers compensation coverage.

In general terms, he was pretty clear that when the Town serves as its own general contractor, then the NHDOL would likely determine that any person who is brought in to work and receives any value from the job is an employee and not an independent contractor.

This standard will affect a number of contractors the Town engages for various work efforts for both roads and parks & recreation at a minimum.

My belief is the Board needs to give consideration to this situation and have a conversation with the Road Agent and others to fully understand how it would affect Auburn, and the overall impact it could have moving forward. I have an initial impression we could lose as many as four or five plow trucks from those currently engaged in winter operations.

A couple of possible means to address this would be for the Town to hire the sub-contractors as Town laborers as has been historically done. Or the Town might consider raising hourly rates paid to contractors to provide them with funds to secure workers compensation coverage.

Particularly in the area of snowplowing and winter operations, I believe it has been difficult enough at times for contractors to find individuals to operate plow routes. This has been a growing issue for the NHDOT and many municipalities for the past three or four years to find contractors. Even though this is not your standard, adding an expense that has not been there before will likely have contractors avoid the work or not run the additional trucks.

Thank you for your consideration.

Attachments



State of New Hampshire Department of Labor

Criteria to Establish an Employee or Independent Contractor

"Employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, or any person who meets all of the following criteria:

- (a) The person possesses or has applied for a federal employer identification number or social security number, or in the alternative, has agreed in writing to carry out the responsibilities imposed on employers under this chapter.
- (b) The person has control and discretion over the means and manner of performance of the work, in that the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the employer.
- (c) The person has control over the time when the work is performed, and the time of performance is not dictated by the employer. However, this shall not prohibit the employer from reaching an agreement with the person as to completion schedule, range of work hours, and maximum number of work hours to be provided by the person, and in the case of entertainment, the time such entertainment is to be presented.
- (d) The person hires and pays the person's assistants, if any, and to the extent such assistants are employees, supervises the details of the assistants' work.
- (e) The person holds himself or herself out to be in business for himself or herself or is registered with the state as a business and the person has continuing or recurring business liabilities or obligations.
- (f) The person is responsible for satisfactory completion of work and may be held contractually responsible for failure to complete the work.
- (g) The person is not required to work exclusively for the employer.

INSPECTION DIVISION P O BOX 2076 CONCORD NH 03302-2076 (603) 271-1492 & 271-3176 Rudolph W. Ogden, III Deputy Commissioner Ken Merrifield Commissioner

THIS NOTICE MUST BE POSTED IN A CONSPICUOUS PLACE

Department of Labor investigation follows dump truck wreck that killed 6-year-old

Crash

■May

2 crash:

Company is now facing an hour and wage

By BEA LEWIS

investigation.

Union Leader Correspondent

WOLFEBORO — A Tuftonboro trucking company's employment practices are under investigation after a 6-year-old passenger in one of its trucks died last month.

Robert O'Blenes Sr., 67, of Ossipee, was driving a 1986 Mack dump truck May 2 when the right front tire blew sending the 33,000-pound vehicle into a tree. His grandson, Benjamin Baldwin, was killed and O'Blenes was airlifted and remains hospitalized.

Ken Merrifield, commissioner of the state Department of Labor, has confirmed that Middle Road Supply and Rental Inc. of Tuftonboro and Gerry Holmberg, the company's president, are now facing an hour-and-wage investigation. The department also is looking into Holmberg's

report to the N.H. Department of Employment Security that he didn't have any employees.

"The accident prompted a visit from us," the commissioner said.

The wrecked dump truck is reportedly registered to Holmberg's company and investigators want to determine whether O'Blenes was an employee of Middle Road Supply.

"As sad and unfortunate as this case is, I hope people doing business in New Hampshire realize the importance of having workers' compensation. It protects employees from lost wages and medical bills, and protects employers from civil litigation," Merrifield said. It is illegal for an employer to run a business without workers' compensation insurance. Failure to comply can result in steep fines, closure of a business and criminal charges and possible jail time for an employer.

>See Crash,

Department of Labor investigation follows dump truck wreck that killed 6-year-old

Crash

Sole-proprietors, partners and self-employed persons are not required to carry workers' compensation on themselves. There's also an exclusion for independent contractors, but there's a high bar to claim that classification, Merrifield said, a seven-point test outlined in the law.

that go along with that — can't compete with someone who isn't playing by the same rules. The incentives are huge for people to not do things properly."

Under state law, purposely failing to carry workers' compensation coverage is a felony punishable by 3.5 to 7 years in prison. Employers also can be fined up to \$2,500 plus an additional \$100 per employee for each day of noncompliance.

New Hampshire Department of Labor records show Middle Road Supply and Rental had workers' compensation coverage from May 2014 to May 2015 with Twin City Fire Insurance Company. Part of Hartford Insurance, Twin City notified the state when the company's policy expired.

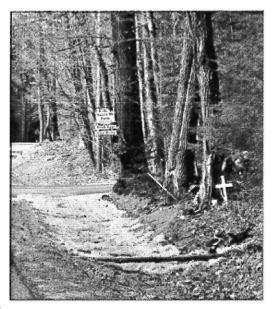
The Department of Labor automatically sends a questionnaire to employers five days before coverage expires if the state has not been notified of new coverage or reinstatement of existing coverage, Merrifield said.

Efforts to contact Holmberg were unsuccessful. Attorney Erland McLetchie of Ossipee, the company's registered agent, died in May 2016.

According to Merrifield, failure to secure workers' compensation coverage and misclassification of workers to avoid it are among the most prevalent labor law violations in the state.

"It's a tremendous problem," he said. "A lawabiding business owner who covers his workers with unemployment insurance and workers comp—and the tax implications

The Department of Labor also can petition the Superior Court to bar scofflaws from conducting business in the state until they comply.



A roadside memorial of flowers, balloons and hockey sticks marks the site of a May 2 crash on Route 28 in Wolfeboro that claimed the life of Benjamin Baldwin, 6. BEA LEWIS/UNION LEADER CORRESPONDENT

Monday, 06/11/2018 Pag.A01

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Town of Auburn

Town Hall 47 Chester Road P.O. Box 309 Auburn, NH 03032



Town Administrator

William G. Herman, CPM Phone: (603) 483-5052 Ext. 111

Fax: (603) 483-0518

E-Mail:

townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: June 25, 2018

Re: Police Detail Rates – Administration, Cruiser and Works Compensation

In follow-up to discussions the Board had at its June 18th meeting, we have worked with individuals at both the Auburn Police Department and Town Hall to look at the cost for administrative support, supplying cruisers and workers compensation expenses.

As a reminder, the current rate charged for police details if \$57.00 per hour, with \$40.00 per hour going to the police officer as established in the Collective Bargaining Agreement with the Auburn Police Union. The \$17.00 difference is to cover the cost of associated benefits and expenses, such as the provision of a cruiser.

For administrative support, we have calculated a cost of \$2.03 per hour would cover the time spent at the Police Department to schedule and fill the police details, and then cover the processing of payroll, invoicing of vendors and managing the revolving fund established for special details. Attached is a sheet outlining how this figure has been calculated.

For the cost of cruisers, there is currently \$4.50 per hour included in Auburn's \$57.00 per hour rate for police cruisers. This figure was based on a FEMA allowance for the cost of using police cruisers in disaster situations. The amount was set many years ago. As of September 1, 2017, FEMA formally established the hourly rate of reimbursement for police cruisers in a stationary use with engine running as \$15.69 per hour. We have found where neighboring communities use rates ranging from \$5.00 per hour to as high as \$15.69 per hour for the use of a cruiser.

We would encourage the Board to maintain a flat rate per hour for all details, inclusive of the cost for the use of a cruiser. It will be much easier for the accounting and invoicing of the service than to have to stop and verify whether a cruiser was involved or not. If the detail is performed in Auburn, there is usually always a cruiser involved and I would recommend that be the standard to use across the board. With approximately half of the details performed outside of Auburn without a cruiser, we would recommend the Board consider using \$7.85 per hour (just under one-half of the FEMA allowance) as a reasonable rate for cruisers.

For the cost of workers compensation, the Town currently assess a flat 15-cents per hour for this item. A more realistic amount would be two (2) percent of the hourly amount paid to the police officer. With that amount currently set at \$40.00 per hour, a workers compensation amount would be more appropriate at \$0.80 per hour (two percent of \$40.00).

Should these three adjustments be acceptable, Auburn's total rate for police details would be increased from \$57.00 per hour to \$63.00 per hour (rounded down from \$63.03).

Police Detail Rates June 25, 2018 Page Two

Should the Board make the determination that rates should be adjusted by some amount, it would be appropriate for the Board to consider the following motion:

Move to increase the hourly rate for Special Police Details to \$63.00 per hour including \$7.85 per hour for a police cruiser, \$0.80 per hour for workers compensation and \$2.00 per hour for administrative costs. The rate change shall be effective August 1st, 2018.

Thank you for your consideration.

Attachments

SPECIAL POLICE DETAILS ADMINISTRATIVE COST ANALYSIS

APD estimates 10 minutes per detail to schedule and fill by a position paid \$19.74 / hour

\$19.74 / hour = \$0.329 / minute 10 minutes = \$3.29 Each detail is a minimum of four (4) hours \$3.29 divided by 4 = \$0.8225 / hour

Town Hall estimates approximately two (2) hours per week for details for payroll processing and invoicing vendors for service, and recording payments by the Finance Assistant.

Finance Assistant - \$19.95 / hour

Town Hall estimates one (1) hour weekly for the accounting for the full expenses out and revenue in to the Revolving Fund and balancing the account for the year by the Finance Director.

Finance Director - \$30.52 / hour

In 2017 there was a total of 3,570 detail hours provided = average of 69 detail hours per week

\$19.95 / hour x Two hours per week = \$39.90

\$30.52 / hour x One hour per week = \$30.52

Combined equals an expense of \$70.42 per week

Cost for Medicare (1.45%), Social Security (6.2%) & NHRS (11.38%) = \$13.40

\$70.42 per week plus \$13.40 = \$83.82

\$83.82 divided by 69 detail hours per week = \$1.21 per hour

Combined, Administrative Cost totals \$2.03 / hour

Town of Auburn

Town Hall 47 Chester Road P.O. Box 309 Auburn, NH 03032



Town Administrator

William G. Herman, CPM Phone: (603) 483-5052 Ext. 111

Fax: (603) 483-0518

E-Mail:

townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: June 28, 2018

Re: Police Special Details Revolving Fund

As discussed at your June 18th meeting, Auburn voters in 2008 approved establishing a revolving fund for police special details in accordance with RSA 31:95-h. The purpose of the fund, as established by the voters, is for "the purpose of police special details".

Between the fund's establishment in 2008 and December 31, 2016 (the last audited fiscal year the Town has a report for), an unexpended fund balance of \$131,927 has accumulated with the amount likely to be closer to \$150,000 as of December 31, 2017.

The Board had discussed the potential of expanding the purpose of the revolving fund to potentially allow some of the balance to be used for other law enforcement purposes instead of continuing to build up with no effective use of the funds. To make such an adjustment, the Board would need to place a warrant article before the voters to make that change pursuant to RSA 31:95-h, III.

For the Board's information, here are some of the standards utilized by other communities for their Special Police Detail Revolving Fund:

Alton -- change the purpose of the existing Police Detail Revolving Fund, previously established in 2016, from being used for Police detail payroll and overhead, to being used for Police detail payroll, overhead, fleet maintenance, fleet equipment purchases, all fleet vehicle and boat purchases or lease/purchases.

Barrington – Our attorney indicated it could only be used for a cruiser or any other item if that cruiser/item was dedicated solely to outside detail. What we did was put a warrant article for the Town to lapse a portion of the Outside Detail accumulation to General Fund and then to vote to buy XXXX using the general fund.

Lee – We amended ours a few years ago to specifically allow purchase of cruisers and related equipment, since the original warrant article language did not support that use.

Stratham: Established with the expenditure purpose of "....expended only for police related purposes as stated in RSA 31:95-h..."

Tilton – Warrant article stipulated "Such funds may be expended only for the purpose of police special detail and any accumulated funds may be expended for the acquisition of general police equipment."

Police Special Details Revolving Fund June 28, 2018 Page Two

In general terms, it seems to me the approach the Town of Stratham has taken for the purpose of ".... expended only for police related purposes" would provide the greatest flexibility overall to the Town moving forward and could cover all items that had been mentioned during your June 18th meeting such as cruisers, lap top computers, radar trailer replacement, equipment or the like.

The Board had also discussed the potential of placing a limit on how much might be spent from the fund balance in any given year in order to ensure the fund was not drained of assets quickly.

As the fund balance should continue to grow from year to year as it has in the first eight years of existence, I would recommend the Board consider indicating that no more than a specific percentage such as 10%, 12% or 15% of the accumulated balance could be spent in any given year. The available balance would change year to year, but this type of structure should always result in not draining the fund.

Of the known December 31, 2016 balance of \$131,927, this type of limitation could result in the following amount being available for expenditure:

10% -- \$13,192.70

12% -- \$15,831.24

15% -- \$19,789.05

For a look at the following year, if one of these percentages was actually spent and an additional \$20,000 was added to the unexpended fund balance as appears to be the average, the following amounts could be available for expenditure the following year:

10% -- \$13,873.43

12% -- \$16,331.49

15% -- \$19,820.69

This type of pattern should continue moving forward.

Thank you for your consideration.

Attachments

ANNUAL TOWN MEETING AUBURN, NEW HAMPSHIRE 2008

The Annual Meeting for the Town of Auburn, New Hampshire, was called to order by the Assistant Moderator, Albert Samson, at 7:00am on Tuesday, March 11, 2008. Voting proceeded until 7:00pm.

The business meeting was adjourned to Saturday, March 15, 2008, at 1:00pm to take up Articles Five through Seventeen.

Articles One through Four were decided on the Official Ballot on Tuesday, March 11, with the following results: 881 (13 absentee) voted. 19 residents registered to vote on election day, making the total number of registered voters 3,777.

First:

Selectman for three (*denotes winner 5 Write-ins	Paul M. Raiche Harland Eaton	530* 318	
	Town Moderator for two years		
6 Write-ins			
Town Clerk for three	Joanne T. Linxweiler	809	
1 Write-in		6	
Tax Collector for thi	Kathleen A. Sylvia	793	
Town Treasurer for	Linda Zapora	786	
2 Write-ins			
Library Trustee for t	David S. Griffin	795	
1 Write-in			
Cemetery Trustee (A	Auburn Village) for three years		,
100 Write-ins:	David Griffin – 9	8*	
	John Karpinski – 8		
	Scott Norris – 6		
	A smattering of single votes		
Cemetery Trustee (L	ongmeadow) for three years	Lorraine P. Senechal	754
1 Write-in			
Trustee of the Trust	Howard Burgess	751	
Supervisor of the Ch	Susan N. Jenkins	762	
2 Write-ins			
Police Commission	for three years	Hubert J. Topliff	742
6 Write-ins			

responded to questions on the prioritizing of roads and bridges to be repaired. Vote was taken and Article Nine Passed.

Tenth: To see if the Town will vote to raise and appropriate the sum of Seventy-five thousand dollars (\$75,000) for a wastewater planning study to be conducted for the Town of Auburn; and to authorize the Board of Selectmen to accept and expend for this purpose grants of federal or state aid, or both, as may be available, including, but not limited to, \$15,000 to come from a Community Technical Assistance Program grant from the NH Department of Transportation; \$15,000 to come from a State Matching Grant through the NH Department of Environmental Services, with the balance of \$45,000 to be transferred from the unexpended fund balance (surplus) as of December 31, 2007. (Recommended by the Board of Selectmen) (Recommended by the Budget Committee)

Article Ten was moved by Harland Eaton and seconded by Russell Sullivan. Harland Eaton spoke to the article.

Everett Harriman made a motion to amend the article to read "not to exceed the sum of Seventy-five thousand dollars (\$75,000)." Seconded by Paula Marzloff. Discussion was held on the amendment. Vote taken on the amendment and **Amendment Failed.**

Vote was taken on Article Ten, as written. Article Ten Passed.

Eleventh: To see if the Town will vote to raise and appropriate the sum of \$75,000 to be placed into the Town Buildings Rehabilitation Capital Reserve Fund previously established. The \$75,000 will be transferred from the unexpended fund balance (surplus) as of December 31, 2007. (Recommended by the Board of Selectmen) (Recommended by the Budget Committee)

Article Eleven was moved by Harland Eaton, seconded by Jim Headd. Harland Eaton spoke to the article. Discussion was held on the balance of the unexpended fund. Vote was taken and **Article Eleven Passed**.

At this point in the meeting Selectmen Jim Headd and Russell Sullivan thanked Harland Eaton for his nine years of service to the town as Selectman. He was presented with a plaque in recognition of his service and received a standing ovation.

Twelfth: To see if the town will vote to establish a revolving fund pursuant to RSA 31:95-h, for the purpose of police special details. All revenues received for police special details will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general fund unreserved fund balance. The town treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created, and will have no impact on the tax rate. (Recommended by Board of Selectmen) (Recommended by the Budget Committee)

Article Twelve was moved by Edward Picard and seconded by David Flight. Chief Picard spoke to the article and addressed questions. Vote was taken and Article Twelve Passed.

Thirteenth: To see if the Town will vote to authorize the Board of Selectmen to enter into a maximum seven (7) year lease/purchase agreement for the purpose of acquiring a new Class A 1500 GPM fire pumper truck valued at \$498,854 and equipment valued at \$36,500 to outfit the truck for the Town of Auburn to be used by the Auburn Volunteer Fire Department, and to raise and appropriate the sum of One-hundred-thirty-six thousand-five hundred dollars (\$136,500) for an initial payment towards this acquisition in fiscal year 2008. The lease/purchase agreement will contain a non-appropriation clause, and the \$136,500 will be transferred from the unexpended fund balance (surplus) as of December 31, 2007. (Majority vote required) (Recommended by Board of Selectmen) (Recommended by the Budget Committee)

Article Thirteen was moved by Bruce Phillips and seconded by Harland Eaton. Bruce Phillips spoke to the article. There was no discussion. Vote was taken and Article Thirteen Passed.

Fourteenth: To see if the Town will vote to request the Board of Selectmen work with appropriate officials to have the programming of the Manchester Community Access Media (MCAM) included in the cable television offerings for cable subscribers in the Town of Auburn. (By petition submitted and signed by at least twenty-five certified petitioners).

Article Fourteen was moved by Will Thomas and seconded by Russell Sullivan. Mr. Thomas spoke to the article and answered questions from the floor. After much discussion, Bruce Phillips made a motion to move the article, seconded by Michael Dann. Vote to end discussion was taken. Vote was in the affirmative to cease discussion. Vote was taken and Article Fourteen was Defeated.

Fifteenth: Resolved: We the citizens of Auburn, New Hampshire believe in a New Hampshire that is just and fair. The property tax has become unjust and unfair. State leaders who take a pledge for no new taxes perpetuate higher and higher property taxes. We call on our State Representatives, our State Senator and our Governor to reject the "Pledge", have an open discussion covering all options, and adopt a revenue system that lowers property taxes. (By petition submitted and signed by at least twenty-five certified petitioners).

Article Fifteen was moved by Will Thomas and seconded by Dan Carpenter. Mr. Thomas addressed the article. After lengthy discussion, Barbara Willenbucher made a motion to move the question, seconded by John Willenbucher. Vote to move the question was in the affirmative. Vote was taken and **Article Fifteen was defeated**.

TITLE III TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 31 POWERS AND DUTIES OF TOWNS

Miscellaneous

Section 31:95-h

31:95-h Revolving Funds. -

- I. A town may, by vote of the legislative body, establish a revolving fund. Each revolving fund shall be limited to one of the following purposes:
- (a) Facilitating, maintaining, or encouraging recycling as defined in RSA 149-M:4;
- (b) Providing ambulance services;
- (c) Providing public safety services by municipal employees or volunteers outside of the ordinary detail of such persons, including but not limited to public safety services in connection with special events, highway construction, and other construction projects, or for any other public safety purpose deemed appropriate by the municipality;
- (d) Creating affordable housing and facilitating transactions relative thereto;
- (e) Providing cable access for public, educational, or governmental use; or
- (f) Financing of energy conservation and efficiency and clean energy improvements by participating property owners in an energy efficiency and clean energy district established pursuant to RSA 53-F. II. If a town establishes a revolving fund for any of the purposes listed in paragraph I, it may deposit into the fund all or any part of the revenues from fees, charges, or other income derived from the activities or services supported by the fund, and any other revenues approved by the legislative body for deposit into the fund. The money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general surplus. The town treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the governing body, or other board or body designated by the local legislative body at the time the fund is created; provided, that no further approval of the legislative body, if different from the governing body, shall be required. Such funds may be expended only for the purposes for which the fund was created.
- III. The legislative body may, at the time it establishes a revolving fund or at any time thereafter, place limitations on expenditures from the fund including, but not limited to, restrictions on the types of items or services that may be purchased from the fund, limitations on the amount of any single expenditure, and limitations on the total amount of expenditures to be made in a year. No amount may be expended from a revolving fund established hereunder for any item or service for which an appropriation has been specifically rejected by the legislative body during the same year. IV. The provisions of this section shall not preclude the establishment of a revolving fund for any

IV. The provisions of this section shall not preclude the establishment of a revolving fund for any other purpose authorized by law.

Source. 2005, 79:1, eff. Aug. 6, 2005. 2008, 68:1, eff. July 20, 2008; 391:1, eff. Sept. 15, 2008. 2010, 215:3, eff. Aug. 27, 2010. 2013, 9:1, eff. July 6, 2013. 2017, 95:1, eff. Aug. 7, 2017.

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

REQUEST FOR PUBLIC ASSISTANCE

OMB Control Number 1660-0017 Expires December 31, 2019

Paperwork Burden Disclosure Notice

instructions, searching existing data instructions, searching existing data information is required to obtain or redisplayed in the upper right corner of burden to: Information Collections M Washington, DC 20472, Paperwork	sources, on etain bene f this form anageme	gathering and maintaining the fits. You are not required to . Send comments regarding nt, Department of Homeland	e data needed, and respond to this colle the accuracy of the Security, Federal En	com ection burd merg	pleting and submitting of information unless en estimate and any su ency Management Ag	this f a val ugge: ency	form. This collection of lid OMB control number is stions for reducing the r, 500 C Street, SW.,
Authority: FEMA is authorized to co 402-403, 406-407, 417, 423, and 42 Public Law No. 111-5, § 601; and "P	7, 42 U.S.	formation requested pursual C. 5170a-b, 5172-73, 5184,	5189a, 5189e; The	Ame	rican Recovery and Re		
APPLICANT (Political subdivision of TOWN OF AUBURN	or eligible	applicant)			1		E SUBMITTED e 25, 2018
COUNTY (Location of Damages. I ROCKINGHAM	f located i						
		APPLICANT PH	YSICAL LOCATION	N			
STREET ADDRESS 47 Chester Road							
CITY Auburn		COUNTY Rockingham		- 1	STATE New Hampshire		ZIP CODE 03032
		MAILING ADDRESS (If diff	erent from Physica	al Lo	cation)		
STREET ADDRESS							
POST OFFICE BOX P.O. Box 309	CITY Auburn			STA	TE Hampshire	100	ZIP CODE 03032
Primary Contact/Appli	cant's Au	thorized Agent			Alternate Conta	ct	
NAME William Herman			NAME Adele Frisella				
TITLE Town Administrator			TITLE Finance Director				
BUSINESS PHONE 603-483-5052			BUSINESS PHON 603-483-5052	NE			
FAX NUMBER 603-483-0518			FAX NUMBER 603-483-0518		na mai ana ai ana ai atao na annana ai finana an ai na anna		
HOME PHONE (Optional)			HOME PHONE (C	Optio	nal)		
CELL PHONE 603-396-3136			CELL PHONE				
E-MAIL ADDRESS townadmin@townofauburnnh.com			E-MAIL ADDRESS budgetfinance@to		fauburnnh.com		
PAGER & PIN NUMBER			PAGER & PIN NU	JMBE	ER .		
Did you participate in the Federal/St	ate Prelim		(PDA)? YES	S	⊠ NO		
Private Non-Profit Organization? If yes, which of the facilities identified	L helow be	YES X NO	n?				
Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: " any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety safety services of a governmental nature. All such facilities must be open to the general public."							
Private Non-Profit Organizations m organization is a school or educati	iust attac onal facil	h copies of their Tax Exem ity, please attach informat	ption Certificate a ion on accreditatio	nd C on or	rganization Charter of certification.	or By	-Laws. If your
OFFICIAL USE ONLY: FEMA -	0	DR	FIPS#		DATE	: RE	CEIVED

DEW HAMOSIRE STATE

TOWN OF AUBURN

June 29, 2018

Thomas Jameson, TAP Program Manager NH Department of Transportation Bureau of Planning and Community Assistance P.O. Box 483 Concord, NH 03302-0483

Dear Mr. Jameson:

On behalf of the Town of Auburn, I am pleased to write and express our interest in applying for Transportation Alternatives Program (TAP) funds in the recently announced application cycle.

The Town has an interest in building a designated, paved multi-use path on the west side of Hooksett Road and Chester Road (NH Route 121) between Eaton Hill Road and Shore Drive. The proposed path will allow young and older bicycle enthusiasts, walkers, and runners in good weather to safely travel from the center area of our community inclusive of the elementary school, recreational facilities, library and post office and be able to connect with an existing trail system that reaches through a significant portion of our municipality. In winter months, snowshoers and cross country skiers will have a trail they can utilize. The proposed project is approximately 5,200-feet in length and would be developed to appropriate safety standards. It is intended to be within the state's right-of-way on Route 121, but the Town has also entered into a formal agreement with the Manchester Water Works (MWW), who owns or controls the majority of the property abutting NH Route 121 in this area. The Town has worked with NHDOT, NHDES and MWW on initial plans for the multi-use path. See attached project map for general details.

Through the TAP funds, the Town is looking to finalize design, permit and construct the proposed project. The estimated cost for this project from permitting through construction is estimated to be \$946,159. The Town will be requesting 80% federal TAP Funds in the amount of \$756,927, with the Town providing the remaining 20% match of \$189,232.

The project meets TAP eligible activity: Construction, planning and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults and individuals with disabilities to access daily needs, while it will also connect to off-road trail facilities for pedestrians, bicyclists and other users of non-motorized forms.

The contact person for this application process will be:

William G. Herman, CPM, Town Administrator P.O. Box 309 Auburn, NH 03032

Telephone: 483-5052, Ext. 111

E-Mail: townadmin@townofauburnnh.com

Thank you for your consideration.

Sincerely,

TOWN OF AUBURN

William G. Herman, CPM Town Administrator

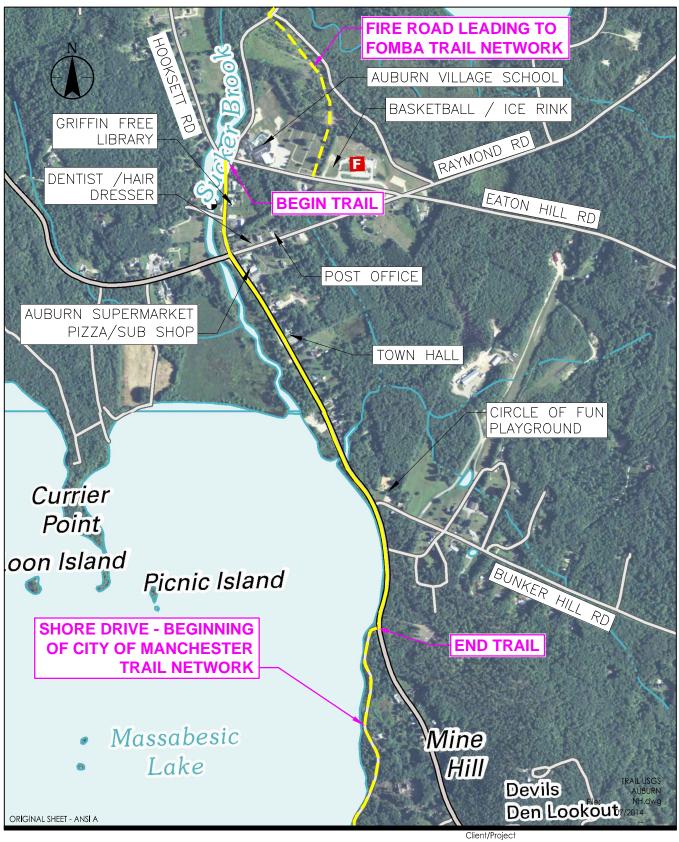
Enclosure

Cc: Board of Selectmen

Alan Villeneuve, School Board Chair

PO Box 309 • Auburn, NH 03032-0309

SELECTMEN: (603) 483-5052 • TOWN CLERK/TAX COLLECTOR: (603) 483-2281 BUILDING/ZONING: (603) 483-0516 • PLANNING: (603) 483-0799 • FAX: (603) 483-0518





0 1000' 2000'

Figure No.

TOWN OF AUBURN

Tel. 603.669.8672 Fax. 603.669.7636 www.stantec.com

Stantec Consulting Services Inc. 5 Dartmouth Drive, Suite 101 Auburn NH 03032 U.S.A.

ROUTE 121 MULTI-USE PATH

Town of Auburn Board of Selectmen June 18, 2018 Town Hall 7:00 PM

Selectmen Present: James Headd, Richard Eaton and Keith Leclair

Also Present: Mike DiPietro, Fire Chief Bob Selinga, Captain James Saulnier, Police Lieutenant. Ray Pelton, Dennis and Pauline Viera, Paula Marzloff, Edward Gannon, Susan Goodhue, Russell Sullivan, Town Administrator William Herman and Recording Secretary, Nancy J. Hoijer

Call to Order – Pledge of Allegiance

Mr. Headd called the meeting to order at 7:01 pm and led with the Pledge of Allegiance.

Approval of Payroll for the Week of June 11, 2018 - \$46,515.38

Mr. Eaton motioned to approve the Payroll for the Week of June 11, 2018 in the amount of \$46,515.38. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Approval of Accounts Payable for the Week of June 18, 2018 - \$124,214.36

Mr. Eaton motioned to approve the Accounts Payable for the Week of June 18, 2018 in the amount of \$124,214.36. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Approval of Consent Agenda – Week of June 18, 2018

Mr. Headd read the Consent Agenda for the Week of June 18, 2018, some of which included: one Quitclaim Deed, one Raffle Permit, one Request for a Tax Abatement/Refund, one Notice of Lien, three Check Register Items, one Animal Warrant, one Communication to Boards and six Pistol/Revolver Licenses.

Mr. Eaton motioned to approve the Consent Agenda for the Week of June 18, 2018. Mr. Leclair seconded the motion, with all in favor, the motion carried unanimously.

Public Hearing/Expend from Town Buildings Rehabilitation Fund

Upon Notice duly posted on June 5, 2018 pursuant to RSA 35 and Article 4 of the 2006 Town Meeting the Board of Selectmen asked for public comments concerning the withdrawal and expenditure of \$32,460.00 for the renovation of the front entrance of the Auburn Town Hall and \$18,760.00 for the painting of the exterior of the Auburn Town Hall, in accordance with the written proposals which were attached to the Notice, to come from the Town Building Rehabilitation Capital Reserve Fund.

Mr. Headd read the Public Hearing Notice and advised that three proposals had been received and out of those three proposals the one submitted by Target New England was decided by the Board to be the best. Mr. Eaton explained they would withdraw the sums of \$32,460.00 for the

renovation and \$18,760.00 for the painting of Town Hall described in the proposals of Target New England, from the Town Building Rehabilitation Capital Reserve Fund.

There being no public comment on the proposals or expenditure,

Mr. Eaton motioned to withdraw \$32,460.00 for the renovation of the front entrance of Town Hall and to withdraw \$18,760.00 for the painting of Town Hall, from the Town Building Rehabilitation Capital Reserve Fund. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Appointments with the Board - None

New Business

Federal Disaster Declarations for Flooding (March 2 – 8) and Severe Winter Storm (March 13)

Mr. Herman presented an email from Fallon C. Reed, Planning Chief of the New Hampshire Department of Safety Homeland Security and Emergency Management dated June 11, 2018 concerning the March 2-8, 2018 and March 13, 2018 storms which President Trump declared a disaster on Friday, June 8, 2018.

Mr. Herman advised that in addition to regular briefings there would be a meeting on June 25, 2018 in Derry which he will attend to start Auburn's process. There is a 90-Day process for submitting application for reimbursement and the federal government would reimburse 75% of the cost of those storms.

Bond Reduction – Access Ambulatory Surgery Center

Mr. Headd read the letter provided by Denise Royce, Land Use Administrator dated June 11, 2018 concerning Access Ambulatory Surgery Center, LLC, M/L 6-18-4, 45 Dartmouth Drive. Copies of advice of Stantec were attached. The Planning Board, as evidenced by the attached meeting minutes, voted to recommend release of \$91,819 of the \$99,319 held by the Town, leaving \$7,500 for completion of road patch, vegetation and removal of silt fence.

Mr. Eaton motioned to reduce the bond of Access Ambulatory Surgery Center, LLC from \$99,319.00 leaving \$7,500.00. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Bond Release - Wethersfield Phase III

Mr. Headd read the letter provided by Denise Royce, Land Use Administrator dated June 11, 2018 concerning Wethersfield Phase III. Copies of advice of Stantec were attached. The Planning Board, as evidenced by the attached meeting minutes, voted to recommend release of the two-year maintenance surety that was provided to the Town in May, 2016 in the amount of \$33,502.00.

Mr. Eaton recused himself from this discussion.

Mr. Leclair motioned to approve the release of the two-year maintenance surety of Wethersfield Phase III. Mr. Headd seconded the motion. The vote was two in favor and none opposed, the motion passed by a majority vote in its favor.

Mr. Eaton resumed his participation in the meeting.

Rates Charged for Special Police Details

Mr. Herman presented a report concerning Police Detail Rates which included attached recommendations from MRI, a spreadsheet of rates for comparison, allocated by the Towns of Auburn, Bow, Derry, Hooksett and Londonderry, which reflected a breakdown of the Total Detail Costs into components of Hourly Rate, Medicare, NH Retirement, Worker's Comp, Admin, and Cruiser; and a Schedule of Equipment Charges of FEMA for Major Disasters & Emergencies declared by the President on or after September 1, 2017.

Mr. Herman advised Auburn may be getting more requests for details because of its low rate in relation to those other towns, which may not be adequate to cover all expenses incurred by the Town, and whether a cruiser should be part of a flat-rate charged as a separate add-on fee. A stationary police cruiser with its engine running, per the FEMA schedule, has increased to \$15.69 per hour as of 2017 which is also the rate used by the Town of Derry, which Lieutenant Pelton advised is pretty good with its numbers.

The current rate established by the Board of Selectmen in 2014 has not been reviewed since.

In addition, Mr. Herman advised the flat rate would make accounting and invoicing much easier, and is what the Finance Director encourages. Mr. Herman advised that it takes time from two individuals at the police department to process the requests for details and schedule the officers and two others at the Town Hall who are involved in processing payroll, invoicing for the service and managing the revolving fund. He indicated the Town has never included these costs in its billable rate for the service.

Mr. Herman did not offer any specific recommendation, but indicated the Board may want to consider increasing the hourly rate for a police cruiser and the hourly rate for the special police details to help cover administrative costs effective August 1, 2018.

Mr. Leclair stated the Worker's Comp. number seemed low and perhaps Mrs. Frisella could look into a more accurate number. Mr. Leclair was in favor of raising the cruiser rate in accordance with FEMA's schedule.

Mr. Leclair asked Lieutenant Pelton how much administrative work was involved. Lieutenant Pelton responded work on the Police Department has gotten easier in recent years as a lot of the contact is done electronically, but he believed the work at the Town Hall particularly for invoicing for the service is significant.

Mr. Leclair asked how much time and Mr. Herman indicated they could work up a reasonable estimate of time between the four positions involved and estimate an average hourly rate accordingly.

Lieutenant Pelton suggested \$8.50 may be a middle of the road approach to a rate for a cruiser, whether the cruiser was supplied or not. He felt this would make billing easier.

Mr. Leclair asked what percent didn't involve cruisers. Lieutenant Pelton advised that of 3,757 details performed in 2017, there were 1,755 done in Manchester alone and none of them involved cruisers.

Mr. Leclair felt they were not there yet and needed to discuss the numbers further. He requested Mr. Herman bring back more information on administration, cruisers and workers compensation rates for consideration.

Use of Police Detail Revolving Fund Balance

Mr. Herman presented a report concerning the Police Special Details Revolving Fund which was established in 2008 by the voters in accordance with RSA 31:95-h and can only be used for special details as established. He reported the fund had accumulated an unused balance of approximately \$132,000.00 as of December 31, 2016 after all special detail expenses had been paid. Minutes of the 2008 Town Meeting were attached together with Finance Statements ending December 31, 2015-2016.

Mr. Herman advised other communities have broadened the use of the revolving fund to include "police related equipment", "purchase of cruisers and related equipment", "fleet maintenance", "general police equipment" or other items that were law enforcement related. He indicated any proposed change in the purpose of the revolving fund would have to be approved by the voters in the form of a Warrant Article at Annual Town Meeting.

Mr. Eaton wasn't fully comfortable with that, but suggested if there was to be a broader purpose there should perhaps also have cap so that the whole fund would not be depleted in a short-time, perhaps \$20,000 or \$10,000 annually.

Lieutenant Pelton advised that it could alleviate the tax burden for expenses such as vehicles, uniforms, pistols, radios, in-cruiser computers which they purchased with a grant in 2010-2011 and were expensive.

Mr. Leclair agreed that it was a shame to let it sit there unused and it should be done.

Mr. Eaton agreed there should be some clarification in the Warrant Article, but thought if you purchased a new cruiser at \$50,000 each year, in three years the fund would be gone.

Audit by NH Retirement System

Mr. Herman advised the Town is being audited by the NH Retirement System this month. Mrs. Frisella was responding to a random audit of the 2017 payroll, which for the NHRS is the period of July 1, 2016 to June 30, 2017. The Town doesn't anticipate any problems. The NHRS will be verifying the overall numbers, while also documenting all participating employees are full-time employees and that any retirees who are working do not exceed 32 hours/week.

Status of FY 2018 Budget

Mr. Herman advised Mrs. Frisella provided a report dated today, that concerns the first half through the payroll of June 11th. He noted the budget report indicates 45% of the total budget has been expended, which is on track. Mr. Herman advised Mrs. Frisella offered to come in and meet with the Board if they would like her to do so.

Mr. Headd noticed that they had fully spent the voter guides account. Mr. Herman indicated the voter guides were for Town Meeting and elections only, which has passed. Mr. Leclair questioned the over spending by 600% in dog tags and wondered what precipitated that. Mr. Herman indicated he would have to verify the reason.

Old Business

Recruitment for the Fire Chief's Position

Mr. Herman presented his recommendations for recruitment of the Fire Chief's position, adjusted accordingly with the conversations had by the Board with the members of the Auburn Fire Department at the last Board of Selectmen's meeting.

Mr. Leclair asked Fire Chief Selinga and Captain Saulnier if they were consulted with and were comfortable with the description provided by Mr. Herman and they responded that they were.

Mr. Herman indicated the Board determine or confirm the position is part-time and how it would be paid on either a salary basis or the combined stipend and hourly rate previously utilized. Mr. Herman recommended the Board move to establish the position as a part-time exempt salaried position and to approve the proposed recruitment process outlined above.

Mr. Herman also provided a copy of the proposed job notice/advertisement which he proposed be placed in the Union Leader, the Town webpage and NH Municipal Association web site, at a minimum.

Once applications are received, Mr. Herman recommended establishing a review panel to include local fire and/or EMS professionals, one representative from Auburn Fire Department and the Town Administrator. The panel would cull the applicants to four to six candidates then invite applicants to participate in an assessment center process.

The Assessment Centre would include two or three interview panels meeting simultaneously and the applicants would rotate between them for a maximum one-hour block with each panel

Once the candidates were narrowed down to the final two or three, they would be invited for a final interview with the Board of Selectmen who would make the final determination and offer of employment.

Mr. Herman advised the posting should be immediate, with applications taken through a closing date of July 6th, reviewed and submitted to the Assessment Center the week of July 23-27. If final interviews can be conducted by the Board of Selectmen the week ending July 30th, they should be able to make an offer the first week of August.

Mr. Eaton expressed concerns that with hiring someone from out of Town, which he previously stated he was not in favor of, paying by salary to someone, for example travelling from Concord, might not be enticed to show up since he or she is already getting paid if they don't.

Mr. Herman advised the position typically has paid an average of \$25-30,000 per year to the last two Fire Chief under the combined payment process. Mr. Eaton added that could be \$500 per week, by the hour or salary.

Mr. Leclair motioned to approve the proposed recruitment process to fill the vacant Fire Chief position including the posting of the position; application review panel; hosting of assessment center; and final interviews to be conducted by the Board of Selectmen. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Mr. Leclair asked Mr. Herman to bring back the other changes under Old Business at the next meeting.

Other Business

Mr. Gannon asked the Board if they had received his 91-A request and Mr. Headd indicated affirmatively.

Parks & Recreation Facilitated Discussion – June 19, 2018 at 6 PM

Mr. Headd advised Ms. Lachance from Parks & Recreation had conducted a town-wide survey and some small focus group discussions on the future of parks & recreation, the results of which would be presented tomorrow at 6 pm at a facilitated meeting.

Minutes

June 4, 2018 – Public Meeting

Mr. Leclair motioned to approve the Minutes of the June 4, 2018 Meeting. Mr. Eaton seconded his motion, with all in favor, the motion passed unanimously.

June 4, 2018 - Non-Public Sessions (x2)

Mr. Leclair motioned to approve the Minutes of the two Non-Public Sessions on June 4, 2018. Mr. Eaton seconded his motion, with all in favor, the motion passed unanimously.

Non-Public Session pursuant to RSA 91-A: 3, II (I) Consideration of Advice of Legal Counsel

Mr. Headd motioned to go into Non-Public Session at 7:30 pm under RSA 91-A:3, II (I) consideration of advice of legal counsel. Mr. Leclair seconded the motion. A roll call vote was taken: Mr. Headd – yes; Mr. Eaton – yes; Mr. Leclair – yes. The motion passed unanimously.

The Meeting Room was closed to the public at 7:30 pm with Mr. Headd, Mr. Eaton, Mr. Leclair, Mr. Herman and Ms. Hoijer remaining.

The Meeting Room was reopened to the public at 7:38 pm.

Mr. Headd motioned to come out of non-public session at 7:38 pm. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Adjourn

Mr. Headd motioned to adjourn the meeting. Mr. Leclair seconded his motion, with all in favor, the motion passed unanimously.

The meeting was adjourned at 7:38 pm.

Respectfully submitted,

Nancy J. Hoijer, Recording Secretary Town of Auburn
Board of Selectmen
June 18, 2018
Town Hall
7:00 PM
Non-Public Session #1 of 1
(unsealed)

Selectmen Present: James Headd, Richard Eaton and Keith Leclair

Also Present: Town Administrator William Herman and Recording Secretary, Nancy J. Hoijer

Mr. Headd motioned to go into Non-Public Session at 7:30 pm under RSA 91-A:3, II (I) consideration of advice of legal counsel. Mr. Leclair seconded the motion. A roll call vote was taken: Mr. Headd – yes; Mr. Eaton – yes; Mr. Leclair – yes. The motion passed unanimously.

The meeting room was closed to the Public at 7:30 pm.

Mr. Herman presented legal advice from Town Counsel concerning the use of notes used to prepare the meeting minutes, as a public record.

Ms. Hoijer, who provides the minute taking service for the Board of Selectman's meetings, in accordance with a Right to Know Request by former Fire Chief Ed Gannon provided to Mr. Herman on June 5, 2018, turned over copies and invoice for copies for the notes used to prepare the draft minutes of the June 4, 2018 meeting.

Ms. Hoijer expressed concerns that she takes notes in partial Gregg shorthand and that they will likely make an unsuitable public record. Ms. Hoijer would like to know if any adjustments to her note retention policy should be made going forward, whether to destroy those notes once the minutes are transcribed and provided or to retain them for a longer period of time. Currently notes are destroyed upon acceptance of the prior meetings minutes which is typically in one to two weeks, with non-public notes destroyed immediately following the meeting.

Ms. Hoijer added that in her experience some people confuse meeting minutes with a transcript, which are different.

Ms. Hoijer asked Mr. Herman if the Town would like any changes to her existing note retention policy going forward, which she provided a copy of to Mr. Herman, to let her know.

Mr. Headd motioned to come out of non-public session at 7:38 pm. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

The meeting room was reopened to the Pubic at 7:38 pm.

Respectfully submitted,

Nancy J. Hoijer, Recording Secretary

Town of Auburn

Town Hall 47 Chester Road P.O. Box 309 Auburn, NH 03032



Town Administrator

William G. Herman, CPM Phone: (603) 483-5052 Ext. 111

Fax: (603) 483-0518

E-Mail:

townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: June 25, 2018

Re: FY 2018 Budget Report - Dog Tags

At your meeting on June 18th, in reviewing the current year budget report for FY 2018, a question was asked concerning the budget account line for "Dog Tags".

The budget line is \$500, and it is the account from which the Town purchases the annual supply of dog tags.

The budget report indicated \$3,296.00 was spent from this line, leaving an over expenditure of \$2,796.00. The payment that was shown had been coded to the wrong account. The \$3,296.00 payment was to the NH Department of Agriculture and represents the State's portion of the dog license fee collected by the Town Clerk. This expense should not have been paid from the budget line item, but rather against the revenue line accounting for the State's income that was brought in and then passed over to them.

Finance Director Adele Frisella caught the item and has processed a journal entry to move the payment against the right account in the general ledger.

Thank you for your consideration.