

**Town of Auburn
Board of Selectmen
March 30, 2015**

Selectmen Present: James Headd, Richard Eaton & Dale Phillips

Also Present: Helen Hiltz, Parks & Rec. Commission; Erik Wallin, Kathy Sylvia, Joanne Linxweiler, Glenn Shaw, Patrick Kelly, Alan Villeneuve, Charles Worster, Dennis & Pauline Vieira, George Gagnon, Nancy Mayland, Michael Rolfe, Jill Dross, Kristen Dross, Armand Milette, Audrey Trickett, Mike DiPietro, Mike & Linda Dross, John & Mary Ann Rolfe, Scott & Karen Norris, Brad & Kim Sargent, David & Sue Jenkins, Dennis McCarthy, Francis McFarland, Ryan Maher, Jim Boisvert, Residents; Ray Pelton, Police Lieutenant; Kathryn Lafond, Recording Secretary

Mr. Headd called the meeting to order at 7:00 p.m.

Approval of Accounts Payable for Week of March 30th, 2015

Mr. Eaton moved to approve the Accounts Payable Manifest in the amount of \$144,706.23 for the week of March 30th, 2015; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Consent Agenda – Week of March 9th, 2015

Abatement Applications

- PSNH – Tax Map #2, Lot #47-OUTL & #47-1 – Denied

JMJ Properties, LLC – Tax Map #2, Lot #2-2,3,6,7,10 & Lot 12-31,33,34,36,40 – Assessment Reductions – Granted

- Notice of Intent to Cut Wood or Timber

- Eaton Hill Road (Tax Map #8, Lot #15)

- Notice of Property Lien

36 Rockwood Terrace (Tax Map # 4, Lot #24-8)

Contracts & Proposals

Amended Groundwater Monitoring Program – Stantec Consulting Services, Inc. – \$2,500.00

Report

NPDES P11 Small MS4 General Permit Annual Report No. 12 Mar. 14- Apr. 15

Mr. Eaton moved to approve the Consent Agenda for the week of March 30th, 2015; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

New Business

Parks and Recreation Program Manager Cell Phone Request

Mr. Headd indicated that the Parks and Recreation Commission has funds in their budget to move forward with setting up the Program Managers cell phone on the Town's Verizon Wireless account.

Priscilla Lane Recreation Field Stantec Consulting Proposed Scope & Fee

The Board reviewed the presented proposed scope and fee for engineering services for the Priscilla Lane Recreation Field Phase 1. Mrs. Hiltz indicated that Stantec has done work for this project for the Parks and Recreation Commission in the past but if the Board would like them to obtain other quotes they can. Mr. Eaton asked whose budget the funds would come from to pay for this. Mrs. Hiltz stated that the Parks and Recreation Commission budgeted \$38,000 towards this project. This proposal of \$6,167.00 plus \$900.00 is for the engineering and bid of the first phase. Mrs. Phillips asked what phase I entails. Mrs. Hiltz explained phase I includes electric, lamp bases; all infrastructure for the auxiliary field parking lot. Mr. Headd commented that the town does not have a binding contract with Stantec but rather than reinvent the wheel would suggest continuing on with them for this project. The other Board members agreed.

Old Business

Review of Tax Deed Properties

The Board agreed to table this matter to another evening.

2015 Groundwater Monitoring Program Approval - Amended

Ms. Lafond explained that the Groundwater Management Permit issued allows for once per year sampling now thus further reducing the cost from \$6,000.00 to \$2,500.00.

Other Business

Mr. Headd indicated that the Board has been working towards resolving the title matters for the former Police/Fire station property and a settlement in the amount of \$2,250.00 to the heirs is proposed.

Mrs. Phillips moved to expend a total sum of \$2,250.00 to settle the title matter for the former Fire/Police station property; Mr. Eaton seconded the motion; all in favor, the motion passed unanimously.

Ms. Lafond informed the Board that Mr. Erik Wallin of Cottage Ave was here this evening to speak with the Board regarding the water main. Mr. Wallin indicated that he and his wife are trying to apply for a loan on their own, the lender is requiring a cost estimate for the repairs. Ms. Lafond noted that a cost estimate is also a requirement if the Board chooses to move forward with applying for the Community Development Block Grant. Mr. Wallin spoke about the options as was presented to the residents of Cottage at the last meeting they had with the Board and Manchester Water Works. Ms. Lafond spoke to the grant application process noting if the Board

wants to move forward with applying for the grant they will need to formally resolve to do so as well as appointing a designee to move forward with the process. Ms. Lafond continued that the process would involve public hearings and compilation of documentation including a commitment to maintain the improvements, this may come from the homeowners or Manchester Water Works depending how things progress. Mr. Eaton suggested a cost estimate be sought from Manchester Water Works for the grant/loan purposes, likely the work may be done for cheaper if put out for bid. The Board was agreeable to moving forward with the grant and appointing a designee in a week or so. Mr. Eaton asked when the grant application was due by. Ms. Lafond stated the last Monday in July, so there was time to hold off a week or so to appoint a designee. Mr. McCarthy suggested betterment tax assessments may be a more palatable option for homeowners to repay the town.

Minutes

March 9th, 2015

Mr. Eaton moved to approve the minutes of the March 9th, 2015 public meeting; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Mr. Gonyea commented in follow up to the Boards Friday morning meeting, he read in the newspaper that a decision may be made tonight. Mr. Headd indicated that the Board intends to enter into non-public session to discuss the matter. Mr. Gonyea asked if Mrs. Phillips had reviewed the non-public minutes of the meetings that preceded Mr. Herman's resignation as she said she would. Mrs. Phillips stated no. Mr. Gonyea commented that in not doing so she is making a blind uninformed decision. Mrs. Phillips disagreed. Mr. Gonyea asked if Mr. Headd and Mrs. Phillips meet prior to last Monday to discuss Mr. Herman's return. Mr. Headd and Mrs. Phillips stated no. Mr. Gonyea asked Mr. Headd if he had conversations with Mr. Herman prior to last Monday. Mr. Headd stated that he has had several conversations with Mr. Herman in the last few weeks but they did not negotiate anything. Mr. Marzloff asked who approached who with regards to Mr. Herman coming back. Mrs. Phillips stated that last Monday she made a motion directing Chairman Headd to contact Mr. Herman. Mr. Marzloff commented that Mr. Herman had an employment contract prior to resigning, why is the town renegotiating the terms. Mr. Headd stated that there are no inducements. Mr. McCarthy commented that while the Board is still negotiating they should not talk about the specifics with Mr. Marzloff. Mr. Villeneuve stated that he apologizes for his emotional outburst last Monday. Mr. Patrick Kelly noted that he has tried to follow this matter and has heard all the different sides. Mr. Kelly continued that he gathers the resignation was sought and that was done in non-public session as it is potentially damaging to Mr. Herman's reputation. Mr. Headd clarified that all personnel matters are addressed in non-public session. Mr. Kelly noted that Mr. Herman had the Board hold one personnel meeting last year publicly. Mr. Kelly suggested that as part of the terms of hiring Mr. Herman back the seal be waived on the related non-public minutes. Mr. Kelly stated that the rancor in town is not good and sunlight is the best disinfectant. Mr. Headd stated that the Board could ask Mr. Herman if he is amenable. Mr. Kelly continued that the previous Board was split and so is this Board, perhaps Mr. Herman's reinstatement should have a probationary period. Mr. Headd indicated that the town's Personnel Policy is clear and there are contingencies in the employment contract as well. Mr. Gonyea asked that the Board offer Mr. Herman not amnesty for past infractions and the renegotiation does not cost the town more money. Mr. Headd noted that one Board cannot bind another. Mr. Maher noted that the motion last Monday was to speak with Mr. Herman to find out if he was agreeable to coming back, how did that turn into negotiating his return. Mrs. Phillips indicated that was the intent, to cut to the chase. Mr. Headd commented that he spoke with counsel and counsel put out some

information prior to him contacting Mr. Herman. Mrs. Phillips noted that the employment contract does bind the town to Mr. Herman should he for instance do something illegal, etc. Mrs. Norris asked if the new contract would be reviewed by the attorney. Mrs. Phillips stated yes the final contract will be drafted by the attorney.

Mr. McCarthy asked on a different note if the duty officer would still attend the meetings. The Board had no problems with a Police representative attending the Selectmen's meetings. Mr. Eaton indicated that it has been helpful when there are questions. Mr. McCarthy referenced the duty officer upstairs. Mr. Headd noted that having an officer present was at the request of the Town Clerk and Tax Collector after Mr. Herman's resignation, perhaps with the return of a male presence it won't be necessary anymore.

Mrs. Sargent noted that Mrs. Phillips has not yet reviewed the non-public minutes relating to Mr. Herman's resignation and asked if Mr. Headd has. Mr. Headd stated yes. Mr. Maher stated his concern that Mrs. Phillips may not have enough information about whatever was discussed in the non-public meetings. Mrs. Phillips stated that she will but she is still comfortable with her decision, this is the reason that she ran for office. Mrs. Sargent asked again that the Board review the minutes again before making a final decision. Mr. Vieira stated that the people of this town spoke and voted for Dale and Mike Dross too. Mr. Vieira added that he has asked Mr. Eaton why he wanted Mr. Herman gone and he will ask again why specifically. Mrs. Sargent noted that no one is getting an answer either way since the discussions were had in non-public session. Mr. Kelly reiterated his request to clear the air by unsealing those minutes. Mrs. Jenkins noted that in April 2014 the Board held a meeting at 9:00 a.m. on a Thursday to get rid of Mr. Herman, Mr. Herman did request that the meeting be held publicly. Mrs. Jenkins continued that Mr. Eaton did not have any reason to fire Mr. Herman other than he wanted a fresh start. Mr. Gonyea noted that last April Mr. Eaton wanted to fire Mr. Herman and this year Mr. Herman resigned. Mrs. Phillips commented that the previous Board wanted to get rid of Mr. Herman, then Mr. Dross, then Mr. Rolfe; she would like to get the train back on track. Mr. Eaton stated that last April he did ask for a change in administration, people keep saying he is out for Mr. Dross and that is incorrect. Mr. Eaton stated that he thought the Board and the Road Agent worked very well together this past year. Mr. Michael Rolfe stated that when Mr. Eaton campaigned he did so with the intent to get rid of Mr. Dross, Mr. Herman and Mr. Phillips. Mr. Eaton denied that.

Mr. Worster asked the status of Griffin Mill Bridge. Mr. Headd informed Mr. Worster of the ongoing State budget issues.

A woman from the audience noted that Mr. Eaton had stated at the last meeting that he wanted to assess the Town Administrator position and asked if the Board is moving forward with that. Mr. Eaton stated no but he is still not 100% sure that the position is a full-time position and he wanted to speak with employees town wide to find out the town's needs.

Mr. Dross informed the Board the President declared the January snow storm. Mr. Worster noted that the February storm is pending.

Mrs. Mayland followed up on the Griffin Mill Bridge. Mr. Headd reiterated the State budget issues. Mrs. Mayland noted that safety concerns were discussed last year. Mr. Eaton explained that the town constructed the temporary access off Manchester Road to provide a safe access to the properties. Mrs. Sargent noted that the Fusco's do not use the access.

Mrs. Norris mentioned again the non-public minutes regarding Mr. Herman's resignation. Mr. Eaton stated that he was ok with the Board of Selectmen reviewing the minutes to look at unsealing them.

Non-Public Session

Mrs. Phillips moved to enter into non-public session pursuant to RSA 91-A 3, II (b)

Personnel Matter and (c) Reputation of another; Mr. Headd seconded the motion; A roll call vote was taken; Mr. Headd – yes, Mr. Eaton – yes, Mrs. Phillips– yes. The motion passed.

Meeting in Non-Public Session with the Selectmen was Secretary Lafond.

Meeting in Non-Public Session with the Selectmen was Secretary Lafond and Lieutenant Pelton.

Mrs. Phillips moved to exit Non-Public Session; Mr. Headd seconded the motion; A roll call vote was taken; Mr. Headd – yes, Mr. Eaton – yes, Mrs. Phillips– yes. The motion passed.

Mrs. Phillips moved to seal the Non-Public meeting minutes; Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Mrs. Phillips moved to accept the changes made to Mr. William Herman's employment contract; Mr. Headd seconded the motion.

Mr. Headd indicated that he would contact Mr. Herman and the effective start date of the contract will be April 19th. Mr. Gonyea asked what the changes to the contract are. Mr. Headd stated that he is not at liberty to discuss them. Mr. Boisvert asked if the changes resulted in more money. Mr. Headd stated No, Mr. Herman will be brought back at the same pay rate as before.

Mrs. Phillips moved to adjourn; Mr. Headd seconded the motion; all were in favor, the public meeting ended at 8:31 P.M.