

**Town of Auburn
Board of Selectmen
April 10, 2017**

Selectmen Present: James Headd, Richard Eaton & Dale Phillips

Also Present: Carrie Rouleau-Cote, Building Inspector; Ed & Jayne Gannon, Bob Seling, Rick Dennis, Jr., James & Colleen Saulnier, Chris Szatynski, Jeremy Lavoie, Sage & Jessica Quimby, Mark Proulx, Patrick Glennon, Jay Coulter, Chris Ziemba, Doug & Kate Brown, Todd Dignard, Brain & Dawn Croteau, Jim Thompson, Matt Barsleau, Sean Fichera, Kevin Vail, Mike DiPietro, Fire Department members and families; John Seidner, Candia Fire Department; Ed Picard, Ray Pelton, Chip Chabot, Kevin Cashman, James Huard, Lil & Bill Deeb, Melissa Gates & Greg Santuccio, Police Department employees and families; Alan Cote, Matt Christian & English Shaw, Denise Royce & Eric Morgan, Mort Alling, Scott & Karen Norris, Tom Gonyea, Paula Marzloff, Susan Goodhue, Cecelia Eaton, Dennis & Pauline Vieira, Mickey Rolfe, Mike & Linda Dross, Kristin Dross, Russ Sullivan & Sue Jenkins, Residents; William Herman, Town Administrator; Kathryn Lafond, Recording Secretary

Mr. Headd called the public meeting to order at 7:00 p.m. and led the audience in the Pledge of Allegiance.

Approval of Payroll for Week of April 3rd, 2017

Mr. Eaton moved to approve the Payroll Manifest in the amount of \$44,147.76 for the week of April 3rd, 2017; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Approval of Accounts Payable for Week of April 10th, 2017

Mr. Eaton moved to approve the Accounts Payable Manifest in the amount of \$805,560.58 for the week of April 10th, 2017; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Consent Agenda – Week of April 10th 2017

Notice of Intent to Cut Wood or Timber

Chester Road (Tax Map #19, Lot #1) 15 acres
Hooksett Road (Tax Map #10, Lot #3) 20 acres

By-Pass 28 (Tax Map #3, Lot #7) 75 Acres

Application for Property Tax Credit

Veterans Credit – Jeffrey Hausler, 588 Chester Road

Pistol/Revolver License

One (1) License(s)

Mr. Eaton moved to approve the Consent Agenda as presented; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Appointments with the Board

Carrie Rouleau-Cote – Discussion of Building Permit Fee Schedule and Building Permit Refund Policy

Mr. Rouleau-Cote indicated that she was before the Board about six months ago for their authorization to move forward with the online building permits. At that time Mrs. Rouleau-Cote also proposed updating the building permit fees. Mrs. Rouleau-Cote stated that there has been no change in the fee structure in well over a decade. The Board was presented the proposed Building Permit Fee Schedule. Mrs. Rouleau-Cote noted that previously the fees were set by a town meeting vote. This was amended by town voters by a ballot vote, the Board of Selectmen is now allowed to change the building permit fees. Mrs. Rouleau-Cote stated that she would like the Board to review the proposal and provide any comments prior to scheduling a public hearing. Mrs. Rouleau-Cote went on to discuss how she determined the proposed fees, the new construction scale, and calculation, as well as the renewal and re-inspection fees. It was noted that some of the fees are remaining the same such as the Demolition Permit fee and Driveway Permit fees. Mrs. Rouleau-Cote informed the Board that the proposed fees are comparable to the town of Hooksett. The town of Chester's fees are higher. Mr. Eaton stated that he was okay with the proposed fees. Mrs. Rouleau-Cote explained that with the online permitting there is a \$5.00 fee on top of the current permit fees. She would like to encourage people to go online so the proposed building permit fees that she has proposed are inclusive of the online fee. Mrs. Phillips clarified that people online would be saved from paying the additional fee. Mrs. Rouleau-Cote indicated that was correct. Online permitting is more convenient for her and saves operational costs like printing and postage also. Mrs. Phillips indicated that she was ok with the proposal. The Board also reviewed the presented Building Permit Refund Policy. Mrs. Phillips stated that the policy sounds fair. Mrs.

Rouleau-Cote explained that this was a recent topic among building officials and was developed to limit excess refunds. Mrs. Rouleau-Cote continued that solar installation companies have been applying for permits before securing contracts with clients when they are unable to secure a contract they then request a refund from the town. Mr. Headd asked when the public hearing will be. Mr. Herman believed that there was enough time to meet the statutory posting requirements to hold the public hearing at the Boards next meeting, if not the hearing would be held the night of the following meeting. Mrs. Rouleau-Cote and the Board discussed effective dates and determined that the effective date for the changes should be 60 days after the adoption, this would provide time for advance notifications of the changes to builders, contractors, and the public.

New Business

State Budget Update – Auburn Impact

Mr. Herman informed the Board that the New Hampshire House of Representatives were unable to pass the proposed two-year operating. Had the budget passed the town would have received Municipal Aid for Property Tax Relief revenue in the amount of \$100,932 each year which could have reduced the tax rate by 15 cents. The town also would have received a one-time \$80,000 Highway Block Grant funds and the Municipal Bridget Aid funds would have pushed the Griffin Mill Bridge construction project to an earlier date than the 2022 fiscal year. Mr. Herman informed the Board that three of the Auburn State Representatives voted against the proposed budget, one voted to approve it and one did not vote. The responsibility of developing and passing the state budget now moves to the State Senate.

Video Recording of Public Meeting for Online Broadcast

Mr. Herman informed the Board that he has sought general legal advice about whether the video recording of the Police Commission meetings, which are proposed to be recorded and posted online, are considered public records. In short, if the town possesses the file, it is a public record but not the office record of the meeting. There is no mandatory retention period. Mr. Herman suggested that the town's Municipal Records Retention Committee would with the Police Department to develop a policy for retention of the video files. Mr. Herman noted that the recording of the meeting is not a bad idea, it may lead to public interest in other meetings being taped.

Haven Drive, Phase I – Reclamation Surety Release

Ms. Lafond informed the Board that on Wednesday, April 5th the Planning Board voted to recommend the release of the Haven Drive Subdivision reclamation surety in the amount of \$79,112.00 plus interest.

Village at Mt. Miner – Reclamation Surety Release & Remaining Work Surety Reduction

Ms. Lafond continued that the Planning Board also voted to release the Mt. Miner Subdivision – Phase I reclamation surety in the amount of \$14,410.00 and reduce the Phase I & II work surety from \$406,646.90 to \$98,241.00.

Lovers Lane – Reclamation Surety Release

Ms. Lafond indicated that the final release recommended by the Planning Board is for the Lovers Lane II Subdivision. The Planning Board recommends the release of the current surety in the amount of \$97,526.00 once a new surety in the amount of \$198,137.50 is provided. Ms. Lafond stated that she is working with the developer and their bank to accomplish this.

Mrs. Phillips moved to approve the release of the Haven Drive Subdivision reclamation surety in the amount of \$79,112.00 plus interest, the release the Mt. Miner Subdivision – Phase I reclamation surety in the amount of \$14,410.00 and the reduction of the Phase I & II work surety from \$406,646.90 to \$98,241.00, and the release of the current surety for Lovers Lane II in the amount of \$97,526.00 once a new surety in the amount of \$198,137.50 is provided. Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Old Business

Fiscal Issues for Rockingham County

Mr. Herman updated the Board that the Rockingham County Finance Director is recommending that the additional six-month budget necessary for the transition year, as a result of changing the County's fiscal year, be funded by the County's' undesignated fund balance combined with raising the balance which approximates to 8 million dollars. This could be spread out over and up to a 10 year period. The Board was presented with a draft letter to consider sending to the Country. The Board reviewed the letter and were in agreement to send a final draft of it.

Other Business

Mr. Headd asked if there was any other business. Chief Ed Gannon indicated that he would like to address a few things with the Board. Mr. Headd stated that the issue that Chief Gannon would like to discuss is to be maintained non-public as it is personnel issues. This is the advice of the town's attorney. Mr. Eaton asked when the town contacted the town's attorney. Mr. Herman indicated that he did at the direction of the Chairman. Mr. Eaton stated that he sees no reason that this matter needs to be non-public, Chief Gannon has a right to discuss matters relating to his reputation in public session. Mr. Headd and Mrs. Phillips reiterated that they would like to meet in non-public session about the matter at the direction of the attorney. Mr. Eaton asked where the attorney's opinion letter is, why he was not notified of it prior to now and why the Chairman is directing such actions solely without discussing it with the Board as a whole. Mr. Eaton noted that he is the Vice Chairman after all. Mrs. Phillips noted that she asked Mr. Herman talk to the attorney too. Mr. Eaton stated that he is in favor of talking about the matter publicly. Mr. Herman informed Mr. Eaton that he has the attorney's correspondence to be presented in the Non-public session. Mr. Eaton responded that the correspondence could have been provided to the Board members prior to the meeting. Mr. Eaton also noted that when the Board of Selectmen had sought a change in administration, Mr. Herman requested that his meeting with the Board be held in public session and the Board honored that request. Mr. Herman suggested that this matter has to do with others besides Chief Gannon. Chief Gannon stated that he is fine with discussing other individuals in non-public session however he has some things to say publicly. Chief Gannon began by pointing out a showing of support for him in the audience. Mr. Headd indicated that this matter is not about his support, a complaint was received and the Board intends to address it in non-public session. Ms. Gates asked does the complaint say that it is confidential. Mr. Eaton stated that the complaint does not say it is confidential, we all know what this is about. Mr. Eaton continued that former Fire Chief, Bruce Phillips sent a letter of complaint about Chief Gannon's running of the fire department. Mr. Eaton stated that he takes issue with Mrs. Phillips not recusing herself from the matter due to her relation to Mr. Phillips. Mrs. Phillips stated that she does not have to recuse herself and she won't. Mr. Eaton read aloud from a document regarding recusal which described that recusal should occur when someone is, in general, biased and cannot act impartially and appropriate recusal is important to retain public trust.

Non-Public Session

Mr. Headd moved to enter into Non-Public Session at 7:33 PM pursuant to the provisions of RSA 91-A: 3, II (c) and (e) to discuss items in consideration of the reputation of someone other than a member of the Board and to discuss the status of a pending claim or litigation. Seconded by Mrs. Phillips. 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 were Mary and Robert Royer, Tax Collector Susan Jenkins and Town Administrator Herman.

Mary and Robert Royer left the meeting at 7:44 PM.

Tax Collector Jenkins left the meeting at 7:48 PM and Fire Chief Gannon joined the meeting.

Fire Chief Gannon left the meeting at 8:56 PM

Mr. Headd moved to come out of Non-Public Session at 9:05 PM. Seconded by Mrs. Phillips. A roll call vote was taken: Mr. Headd – yes; Mr. Eaton – yes; Mrs. Phillips – yes. The motion passed.

Mr. Headd moved to seal the minutes of the Non-Public Session. Seconded by Mrs. Phillips. A vote was taken, all were in favor, the motion carried unanimously.

Adjourn

Mrs. Phillips moved to adjourn; Mr. Headd seconded the motion. All were in favor, the meeting was adjourned at 9:06 PM.