

**Town of Auburn
Board of Selectmen
June 4, 2018
Town Hall
6:00 pm**

Selectmen Present: James Headd, Richard Eaton and Keith Leclair

Also Present: Michael Rolfe, Mike Dross, Road Agent, Linda Dross, Jill Dross, Dale Philips, Pauline Viera, Dennis Viera, Russell Sullivan, Doug Brown, Sean Fichera, Marion Miller, Christine McLaughlin, Mike DiPietro, Paula Marzloff, Deputy Fire Chief Robert Seling, Fire Captain James Saulnier, Fire Lieutenant Patrick Glennon, Fire Lieutenant Alex Philips, Fire Lieutenant Matt Barslow, Fire Lieutenant Christopher Szatynski, Fire Captain David Walters, AFD HR Officer, Rick Dennis, Ed Gannon, William Herman, Town Administrator and Nancy Hoijer, Recording Secretary

Call to Order – Pledge of Allegiance

Mr. Headd called the meeting to order at 6:00 pm and led with the Pledge of Allegiance.

Approval of Accounts Payable for the Week of June 4, 2018 - \$697,382.89

Mr. Eaton motioned to approve the Accounts Payable for the Week of June 4, 2018 in the amount of \$697,382.89. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Approval of Consent Agenda for the Week of June 4, 2018

Mr. Headd read the consent agenda, some of which included Lease Agreement for Rosenbauer Smartcab FX Rescue Vehicle, Raffle Permit, Correspondence NHMA, Tax Collectors Warrants, Property Tax Credit Applications, Notice of Property Lien and one voided check.

Mr. Leclair motioned to approve the Consent Agenda for the Week of June 4, 2018 as written. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Appointments with the Board

Officers of the Auburn Fire Department

Mr. Headd recognized the Officers of the Auburn Fire Department who were present to discuss the vacancy of the Fire Chief's position and asked if they had chosen a spokesperson from the group. Deputy Chief Seling indicated he would be the first to speak and presented a synopsis from the Department's Officer's May 28, 2018 Meeting that outlined what they were looking for in terms of the next Fire Chief in order to move the department forward. Chief Seling advised the Officers were interested in the Town hiring a candidate from outside town that possessed the listed skills and attributes which

included: a positive work history as a town fire administrator, strength building of personnel, communication, budget experience, town government experience, consistency and equality, works well with agencies both inside and outside town, experience with both full-time and call firefighters, progression and education. An Associate's degree or Bachelor's is preferred with five years in administration, in addition to EFO and NFPA qualifications

Chief Selinga requested there be oral boards consisting of outside personnel, possibly as many as 8-10 persons. He indicated Auburn Fire Department would not supply any members, but would like to have a silent observer to take notes.

Mr. Headd inquired about standard qualifications, such as NFPA #1021 "Standard for Fire Officer Professional Qualifications" which referenced Chapter 6 and 7 and Captain Saulnier handed out a copy of the 2014 Edition. Captain Saulnier added contact information for the New Hampshire Fire Chiefs Association Commission Vice Chair Robert Buxton and Chief Stephen M. Carrier (Gilford).

Mr. Leclair asked how the qualifications list had been developed. Captain Saulnier advised the officers had met and identified key strengths. Mr. Leclair polled the officers as to whether they were all in agreement and they all indicated that they were, 100%.

Lt. Glennon thanked the Board for communicating with the officers.

Captain Saulnier spoke to the importance of consistency, no flip-flopping and micromanaging.

Mr. Leclair asked about concerns with whether the candidate should be from town.

Mr. Eaton stated he would be concerned that someone from out of town would not be as invested in the community, in addition to being able to meet the required distance and response times. He added he was also concerned that until very recently there had been no complaints and then suddenly when the Chief is to be reappointed, they are flooded with complaints that were not addressed internally per SOG and SOP guidelines. The officers advised they traditionally try to address things internally and this was the third time the Chief had resigned from the department, only to change his mind twice before.

Mr. Dennis advised he was the HR Officer for the Fire Department. In the beginning, people came to him and then stopped for reasons unknown to him. Captain Saulnier identified another issue where the Deputy Chief had been gone for some time and he hadn't been told he was looking to retire. "It makes you wonder what else you aren't being told." The Chief had been taking on too many personnel issues on his own, rather than allowing the senior officers to address things and this was an important part of the experience officers were looking to have.

Lt. Barslow opined it would be hard to find a qualified candidate in town, and the Town shouldn't limit its options up front at the beginning of the search.

Captain Saulnier advised that nine out of 10 calls can be handled by the crew that is on duty at the station with the exception of hazmat situations, which the Town is in a mutual aid district for assistance. Captain Walters added there was nothing the crew couldn't do on the scene as EMT's in the five to seven minutes before the Derry ambulance arrives.

Captain Walters and the other officers advised most personnel issues are dealt with internally, handled by their senior officers. Things would be brought to the attention of the Selectmen only when someone feels they've been treated unfairly. Lt. Philips stated recently the call turnout has been amazing, they have had a full parking lot which they have not experienced for a long time.

Mr. Leclair thanked the officers for their service. He asked how many of the officers present lived in town and six indicated they did and two did not. Lt. Philips indicated he recently moved to Manchester, but maintains one of the highest turnout rates.

Mr. Eaton asked how the department monitors someone who is lax in showing up. Captain Saulnier advised it's like any other business model, there is a hierarchy, Deputy Chief, Captain, Lieutenants.

Captain Saulnier stated they would like to have a retired fire chief as the next Chief.

Mr. Eaton asked about the SOPs and SOGs and didn't the officers write those? Captain Saulnier stated some were just written, but the members did not have a hand in the development of the SOPs and SOGs. He also noted due to the volunteer nature of the department membership, if someone was having a problem or family issues, they would prefer to sit down and talk with them first to try and make accommodations as opposed to just letting them go.

Captain Saulnier added the department needs someone professional who isn't going to make us look like fools on social media.

Mr. Eaton addressed the request to have an observer in the hiring process as some of these meetings may be conducted in non-public session and he felt only the Selectmen were bound to keep that privacy. He was not saying it couldn't happen, just that they would have to inquire of legal counsel for the best way to proceed.

Captain Saulnier stated his door was always open if they have any questions or need more information.

Mr. Headd thanked the officers for their time. The officers departed the meeting at 6:42 pm.

New Business

Acceptance of Fire Chief Resignation

Mr. Headd announced they had received an email (*dated May 22, 2018*) from the Fire Chief stating he would be resigning effective immediately.

Mr. Gannon was present and indicated he would like to formally rescind his resignation.

Mr. Headd indicated he was not in favor of that request. He felt from the sound of things, there were problems festering within the department and it finally blew.

Mr. Eaton stated he was not in favor of accepting his resignation.

Mr. Leclair stated hearing from the eight officers cemented what he has been thinking and what he was about to say. He cited the qualifications for a Fire Chief included in RSA 154 and felt there was no question Chief Gannon exceeded the technical requirements in terms of a firefighter and EMT, but the problem lies in the ability to be a leader and command respect from the members of the department. He felt the message previously from the officers of the Fire Department confirmed this situation.

Mr. Leclair moved to accept the Fire Chief's resignation. Mr. Headd seconded the motion. A vote were taken with two in favor (Mr. Headd and Mr. Leclair) and one opposed (Mr. Eaton). The motion carried.

Mr. Leclair asked if there was any reason Mr. Gannon couldn't still be a firefighter, and Mr. Headd and Mr. Eaton agreed that would be up to the Department going forward.

Mr. Headd thanked Mr. Gannon for his contribution.

Mr. Gannon departed the meeting at 6:49 pm.

Sale of Surplus Cruiser

Mr. Herman advised of the sale of a cruiser at auction on May 19th. The sale was authorized by the Board. The general sales history of past surplus vehicles ranged from \$500 to \$2,000, although the last Crown Victoria sold for \$4,200. This SUV model sold for \$7,250. The auction house gets 10% and then it costs \$100 to tow it to the auction site, netting the town \$6,425. He suggested it was likely due to the low mileage and that it was an SUV. There is another State auction in October and Mr. Herman recommended placing the two remaining surplus vehicles be put in the auction for sale.

Mr. Leclair asked how many miles were on the cruiser and Mr. Herman advised there were approximately 58,500, where most of the other vehicles in the auction had had 100,000 to 200,000 miles.

Mr. Leclair indicated the vehicle's low mileage as a concern, stating he realizes the vehicles must be dependable while in service, but was there any way to stretch this out as 58,000 miles is not very much at all. Mr. Rolfe stated the Town pays \$23,000 - 35,000 for each of these vehicles.

Mr. Viera stated they could be used for undercover and details. He felt the old Crown Victoria's had little resale value, but these were SUVs and warrant more in resale. Mr. Eaton stated some had been repurposed in the past, used by the building inspector and the fire department.

Mr. Herman advised there would be no value to them sitting in the lot unused, but the Board may want to have a conversation with the Police Commission about having a longer period of use than the current three year rotation.

E-Waste Collection Day – Saturday, October 13th

Mr. Herman advised the E-Waste Collection Day has been reserved for Saturday, October 13th and the vendor has presented two options to consider, using tractor trailers or containers and their costs. Two tractor trailers would be \$3,900 and six containers with a box truck and helpers would be \$4,800. There is \$4,000 budgeted.

Mr. Eaton advised that last year went smoothly with the containers, which Mr. Headd concurred. After discussion, everyone agreed to use the containers.

Mr. Leclair moved to authorize Mr. Herman to secure the use of the six containers for \$4,800 for the e-waste collection event. Mr. Headd seconded the motion, with all in favor, the motion passed unanimously.

Sealed Bids – Hooksett Road Property Offered for Sale

Mr. Herman advised the Town had received two sealed bids from the abutters to this small parcel as a result of the Public Notice of Sale posted on May 2, 2018, one for \$151 and the other for \$2,450. The 0.4-acre parcel is identified as Tax Map #9, Lot #39, on Hooksett Road.

Mr. Leclair motioned to accept the \$2,450.00 high bid of Mr. Todd van der Heyden. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Old Business

Town Hall Front Entrance Renovation

Mr. Herman advised he had received the quote from Target New England the Board requested to paint the town hall for \$18,760.00. This is to paint the remaining three sides of the exterior. The exterior was last painted in 2008 at a cost of \$15,754.00.

Mr. Herman advised he has followed up on their references and provided copies from Pembroke, Bow and New Durham; but was unable to connect with the Facilities Director in Peterborough in time for this meeting. Target New England has done more than quarter million dollars of work for Pembroke over a period of years. All indicated they had done good and timely work consistent with their approved budgets.

Mr. Leclair stated the front entrance renovation and the painting would bring the total of the project to \$51,000.

Mr. Herman advised there was \$100,000 in the building maintenance fund, and the Board would need a public hearing to draw from that.

Mr. Leclair asked if they had to get more bids for the painting. Mr. Eaton advised that this would be a change order.

Mr. Eaton motioned to accept the proposal of Target New England, Historical Renovation dated May 9, 2018 for the renovation of the front entrance of the Auburn Town Hall for the price of \$32,460.00. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Mr. Eaton motioned to accept the proposal of Target New England, Historical Renovation of Alton Bay dated May 29, 2018 for the painting of three side, (Change Order #1) not including the front, of the Auburn Town Hall for the price of \$18,760.00. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Transportation Alternatives Program (TAP) Grant Schedule

Mr. Herman advised he has received notice there is grant money available in a new round of Transportation Alternatives Program funds that could apply to the multi-use trail project. The letters of interest are due by July 13th at 4:00 pm with the actual grant application due in early September. Mr. Herman was verifying the Board wanted to apply for funding in this grant cycle.

The Board members indicated they approve Mr. Herman to submit the application.

Public Hearing to Accept/Expend Unanticipated Revenues (*Noticed May 15, 2018*)

Mr. Headd convened a public hearing at 7:03 PM to consider the receipt of \$1,650 from multiple donations, and to authorize the expenditure of \$1,770 for twelve (12) 24'x48' full color "Welcome to Auburn" banners featuring artwork from Auburn Village School students and hardware to hang the banners on parking lot lamp posts and other poles at several Town property locations.

Mr. Herman advised the project has moved forward following the Board's previous approval for the creation of (12) 24'x48' "Welcome to Auburn" banners. The Fire Department began hanging the banners on May 31st on town properties around town.

Mr. Herman advised he required the Board's approval to accept and expend the donations, the total cost of the project was \$1,770 and \$1,650 was received in donations, leaving a balance of \$120 that can be covered through the Miscellaneous Expense account in the Board's General Government expenses budget.

Mr. Eaton motioned to accept and expend \$1,650 in donations for the design, development and purchase of (12) 24'x48' "Welcome to Auburn" lamp post banners featuring artwork by Auburn Village School students and associated hardware for hanging the banners, with the final \$120 to come from the General Government Miscellaneous Expense account. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Other Business

Mr. Herman presented a copy of an email he received concerning the just completed bond sale handled by the New Hampshire Municipal Bond Bank which indicated a total of \$55,475,000 in bonds were issued for a pool of 18 community projects, including Auburn School District's school fund renovation project. The rate for 15 year bonds appears to have been set at 2.93%.

Public Comment

Mrs. Phillips wanted to commend the Officers of the Auburn Fire Department that came in earlier in the meeting with their ideas. This is the first time such a cooperation has taken place in the Town of Auburn and they behaved professionally and thoughtfully for the benefit of the Town.

Minutes

May 21, 2018 Public Meeting

Mr. Leclair motioned to accept the May 21, 2018 minutes, as written. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

May 21, 2018 Non-Public Session

Mr. Leclair motioned to accept the May 21, 2018 non-public minutes, as written. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

May 29, 2018 Public Meeting

Mr. Leclair motioned to accept the May 29, 2018 minutes, as written. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Non-Public Session

Chairman Headd motioned to go into non-public session at 7:07 pm pursuant to the provisions of RSA 91-A: 3, II (I) - consideration of legal advice provided by 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.

Mr. Eaton motioned to come out of non-public session at 7:20 pm. Seconded by Mr. Leclair. A vote was taken, all were in favor, the motion passed unanimously.

The meeting room was reopened to the public at 7:20 pm.

Mr. Leclair motioned to unseal the April 2, 2018 non-public minutes. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Mr. Leclair motioned to unseal the April 16, 2018 non-public minutes. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Mr. Leclair motioned to unseal non-public session #3 of May 14, 2018. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Mr. Leclair motioned to unseal a portion of the non-public session #2 of May 14, 2018 as recommended by the Town Attorney. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Mr. Leclair motioned to unseal a portion of the non-public minutes of May 21, 2018 as recommended by the Town Attorney. Mr. Eaton seconded the motion, with all in favor the motion passed unanimously.

Adjourn

Mr. Headd motioned to adjourn the meeting at 7:25 pm. Mr. Leclair seconded his motion, with all in favor, so moved.

Respectfully submitted,

Nancy J. Hoijer
Recording Secretary

**Town of Auburn
Board of Selectmen
June 4, 2018
Town Hall
Non-Public Session #1 of 2**

Selectmen Present: James Headd, Richard Eaton and Keith Leclair

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

Non-Public Session

Chairman Headd motioned to go into non-public session at 7:07 pm pursuant to the provisions of RSA 91-A: 3, II (I) - consideration of legal advice provided by 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.

Town of Auburn v. Varrato, Jr., 218-2016-CV-1322

Mr. Herman advised the case involved an illegal driveway constructed at Mr. Varrato's property. The Court ordered Mr. Varrato to pay the Town of Auburn civil penalties on or before April 15, 2018.

Mr. Herman indicated they had worked with his attorney and received a \$4,000 check which bounced. While they could have filed criminal action because of the amount, but no one is suggesting that should happen.

Mr. Varrato's attorney indicated he needed more time and offered another arrangement with \$2,000 down on May 29th, but Mr. Varrato came in with \$500 and the promise of \$500 per week.

Mr. Herman advised this is already in violation of the court order and Town Counsel placed a lien on the property from the original court order, but is now also filing a motion for contempt of court to allow a judge to handle the default.

Mr. Leclair asked if interest was being charged, and Mr. Herman advised there was not, but the Town was adding \$1,000 from the suspended fines to the amount that needed to be paid in order to cover lost time and added costs.

Mr. Leclair stated he was in violation of the settlement terms. Mr. Leclair asked if the town had accepted the \$500 payment and Mr. Herman advised the Finance Director accepted the payment when Mr. Varrato came in to the Town Hall.

Mr. Headd motioned to come out of non-public session at 7:25 pm. Mr. Leclair seconded his motion, with all in favor, so moved.

Respectfully submitted,

Nancy J. Hoijer
Recording Secretary

**Town of Auburn
Board of Selectmen
June 4, 2018
Town Hall**

Non-Public Session #2 of 2

Selectmen Present: James Headd, Richard Eaton and Keith Leclair

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

Non-Public Session

Chairman Headd motioned to go into non-public session at 7:07 pm pursuant to the provisions of RSA 91-A: 3, II (I) - consideration of legal advice provided by 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.

Unsealing Minutes of Select Board Non-Public Sessions of April 2, April 16, May 14 and May 21, 2018

Mr. Herman advised he received a Memorandum from Town Counsel concerning the Board's request to unseal and make public the non-public sessions, which he shared with the Board. Attorney Bennett advised the minutes of April 2, 2018 may be unsealed in their entirety. Attorney Bennett advised the minutes of April 16, 2018 may be unsealed in their entirety. Attorney Bennett advised the minutes of first session of May 14, 2018 may be unsealed in their entirety. Attorney Bennett advised the minutes of the second session of May 14, 2018 relating to the termination of named call firefighters should remain sealed and the portion relating to the fire department's SOPs should be unsealed. Attorney Bennett advised the May 21, 2018 minutes relative to the termination of specific firefighters should remain sealed and the portion relating to the fire department's SOPs, On-Call Calculations, Hiring, the Town's Road Closure Policy and appointment of a new Fire Chief should be unsealed.

The Board members read the Memorandum.

Mr. Herman advised the May 14th and May 21st minutes could be cut-up as directed by the attorney so the sensitive portions remain sealed.

Mr. Eaton recommended in future sessions spending more time and detail to whether the minutes should be sealed once the session has ended and they are aware of what the content is.

Mr. Eaton motioned to come out of non-public session at 7:20 pm. Mr. Leclair seconded his motion, with all in favor, the motion passed unanimously.

Respectfully submitted,

Nancy J. Hoijer
Recording Secretary