

**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 Seling, 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