

**Town of Auburn
Board of Selectmen
July 2, 2018
Town Hall
7:00 PM**

Selectmen Present: James Headd, Richard Eaton and Keith Leclair

Also Present: Police Lieutenant Ray Pelton, Edward Gannon, Alan Villeneuve, School Board Chair, Carrie Rouleau-Cote, Building Inspector, Dennis Viera and Pauline Viera, Dale Phillips, Mickey Rolfe, John Rolfe and Mary Ann Rolfe, Mike Dross, Road Agent, Linda Dross, Jill Dross, Russell Sullivan, Fred Larson, Christi McLaughlin, Sean Fichera, Michael Willinsky, Jamie Russin, Carlos Russin, Michael Sullivan, William Herman, Town Administrator and Nancy Hoijer, Recording Secretary and other persons unknown to the minute taker.

Call to Order – Pledge of Allegiance

Mr. Headd called the meeting to order at 7:00 pm and led with the Pledge of Allegiance.

Approval of Payroll for the Week of June 25, 2018 - \$49,713.75

Mr. Eaton motioned to approve the Payroll for the Week of June 25, 2018 in the amount of \$49,713.75. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Approval of Account Payable for the Week of July 2, 2018 - \$240,296.14

Mr. Eaton motioned to approve the Accounts Payable for the Week of July 2, 2018 in the amount of \$240,296.14. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Approval of Consent Agenda for the Week of July 2, 2018

Mr. Headd read the Consent Agenda items for the Week of July 2, 2018, some of which included: four (4) property tax abatement/refund requests; one (1) quitclaim deed; one (1) raffle permit; one (1) permit to dig/license agreement; one (1) animal warrant; four (4) correspondence/disposition of Skate Park donations; one (1) NH DOR annual notice; and three (3) pistol permits.

Mr. Eaton motioned to approve the Consent Agenda for the Week of July 2, 2018. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Appointment with the Board

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

Mr. Villeneuve, Chair of the Auburn School Board, advised he was present to request on behalf of the School Board that the Board of Selectmen authorize the waiver of \$16,500 in Building Permit fees for the Auburn Village School project.

Mr. Villeneuve advised it was a common practice for the Board to waive these fees for Town or School District projects as essentially the town would be paying itself.

Mr. Eaton advised despite that argument, the Building Inspector, who needed to be paid, still had to do those inspections and asked Mr. Villeneuve if funds had been allocated in the project's budget for this fee, and if so, whether and for what use, those funds would be re-directed toward.

Mr. Villeneuve stated he did not have that paperwork with him but was certain that when the budget was being put together the line item for the permits was likely dismissed as it is usually waived. Mr. Villeneuve represented that if he was mistaken than those funds would go back into the School Building project and not appropriated to any outside item.

Carrie Rouleau-Cote, the Building Inspector, explained there would be other permit fees associated with the project in addition to those Mr. Villeneuve is requesting to be waived such as those paid by electrical and plumbing contractors, third party reviews by Stantec, etc. and anything that came under review by the State Fire Marshall. Mrs. Rouleau-Cote added the plan for the project had not been presented to the Town for review.

Mr. Leclair advised that considering the Town was paying approximately 2.98% on that bond, over 15 years, the request made sense.

Mr. Headd motioned to waive the \$16,500 Building Permit fees for the Auburn Village School project. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Mr. Villeneuve updated the Board on the School project, reporting there were drawings and preliminary plans, with final plans to be rendered July 15, permits, DES visit and authorization by MWW (Manchester Water Works) for roadway structure. Once the addition is in place and the students move over to that in September 2019 so the portables can be removed before Winter commences.

Mr. Eaton discussed the area and drainage concerns and asked if anyone was familiar with what was out there. Road Agent Dross advised there was a "stump dump" by the entrance point near the basketball court at the Safety Complex property. Mr. Rolfe advised that the drainage lowers the water table and they had cleaned it out a few times. Mr. Eaton

recommended discussions with the Cemetery Trustees who were also interested in acquiring land in this area.

Mr. Gannon memorialized his earlier discussion with Mr. Villeneuve where he advised that an open area 365' around building would be required under NFPA standards.

New Business

Boundary Line with School and Cemetery/Emergency Road Access

Mr. Villeneuve questioned the boundary lines between the School and Cemetery and the need for a permanent gated emergency access road.

Carrie Rouleau-Cote, the Building Inspector advised that an emergency access road would need to be maintained and reminded that she had not yet been shown a formal Site Plan.

Road Agent Dross asked if an access road would need to be plowed in the Winter. Mr. Villeneuve stated they would like to have access for an ambulance if someone got hurt participating in a sporting event on the ballfields.

2017 Landfill Post-Closure Report

Mr. Herman presented a copy of Stantec's report dated June 28, 2018 summarizing the 2017 Post-Closure Landfill Monitoring Report.

Mr. Eaton advised that it looked good and contained no surprises.

Consideration of Issues of Employee or Independent Contractors

Mr. Herman provided the Board information on the current statute and its impact on the Town's historic structure as it pertained to "employee" versus "independent contractor", and the requirement to obtain worker's compensation particularly with subcontractors of the highway department and some parks & recreation contractors was not favorable.

Road Agent Dross opined that this requirement could result in the loss of as many as five of his plow truck drivers only a few months before the season begins.

Mr. Headd added that incidental operations, such as Road Agent Dross expressed concerns, such as operating a chainsaw to remove a downed tree in a storm event while out plowing would be covered under incidental operation in their policy and would not have to be treated separately.

Mr. Dross opined that he did not believe police details benefitted the town and those details would pose more liability risk than the subcontractor who were driving the town vehicles in storms.

Mr. Eaton advised if the subs got hurt they would come after the town. The details which generate revenue to the town have the fees for worker's compensation built into the fee schedule charged to any other town requesting them.

Mr. Viera asked if the new requirement was due to the "Wolfeboro incident." Mr. Eaton indicated that no, they were not connected. Mr. Herman added that although, the incident has heightened things state-wide.

Old Business

Rates Charged for Special Police Details - *Tabled*

Mr. Herman presented the results of a recent review by the Town of their Special Police Detail Rates. Mr. Herman advised the rates going forward could reflect \$2.03 for administrative support added to the breakdown of fees, and a split in the difference of the published FEMA rates for the inclusion of a cruiser. Workers compensation would be two (2%) percent of the hourly rate paid to officers reflecting an incremental change from .15 cents per hour to .80 cents per hour which was the equivalent of \$63.03/hr. or \$63/hr. (up from \$57/hr.) Lieutenant Pelton advised that he was comfortable with that number.

Mr. Leclair asked Lt. Pelton if the use of a cruiser could be tracked so they would know whether a car was used or not used on a detail. Lt. Pelton said it would not be hard to include that on the detail assignment paperwork, but would likely add some time to the accounting side of things. Mr. Leclair felt things could change and cause the splitting of the cruiser rate to not be accurate going forward. He felt it would be better to charge full rate for those who use a cruiser and not charge those who don't.

Mr. Herman advised that they would consult with Finance Director, Mrs. Frisella prior to the next meeting. He asked if the administrative support and worker's comp figures were acceptable and the Board indicated stated that they were. – **Tabled**.

Use of Police Detail Revolving Fund Balance - *Tabled*

Mr. Herman presented a list of the policies utilized by other communities for their Special Police Detail Revolving Fund. Mr. Eaton advised he preferred the language in Alton's policy which specified what the funds could be used for. Mr. Leclair advised he preferred the simple language of Stratham's policy which stated that funds could be "expended only for police related purposes" stated in the RSA (31:95).

The Board agreed it preferred to propose language similar to that of the Stratham policy, but also adding that an annual cap should be established to prevent the fund from being depleted. Lieutenant Pelton felt that 10% of the fund balance would be an acceptable annual cap. Mr. Eaton clarified that the purpose of the fund is to offset unanticipated items to alleviate the burden to the tax-payers and should never be used for offsetting the budget.

Mr. Villeneuve recommended consulting the Police Commission since it was their budget. Mr. Leclair asked who had the responsibility for the fund, and Mr. Herman reported it is held by the Town Treasurer to be paid out under the direction of the Board of Selectmen.

Mr. Eaton asked if it needed a Warrant Article to go on the ballot for the annual town meeting in March, and Mr. Herman indicated it would.

Mr. Herman advised he would draft an initial article based on the Board's consensus for their review and Mr. Leclair agreed that the decision should be **tabled**.

Federal Disaster Declaration for Severe Winter Storm (March 13th)

Mr. Herman presented a brief update on the status of claims for the severe storm incident last March. Mr. Herman advised that 75% of a fixed 48-hour period, from March 13th to the 14th and a portion of the 15th would be covered and that filings were due in 90 days.

Mr. Leclair asked if labor would be covered and Mr. Herman advised that it was only overtime if they are employees, but 100% of the cost of contractors is covered.

Audit by NH Retirement System

Mr. Herman advised an audit had been done last week and verbally the Finance Director was advised there were no issues.

Letter of Intent – Multi-Use Trail Grant Application

Mr. Herman advised the Letter of Intent to the NH DOT Transportation Alternatives Program (TAP) fund, which was due on July 13th, went in on June 29th. The Town has received notification of its receipt.

The application letter (with trail map delineated reverse side) detailed the proposed \$946,159 cost of the proposed trail/walkway extending from NH Route 121 between Eaton Hill Road and Shore Drive, of which 80% would be matched with the TAP fund and the Town providing the \$189,232 balance, or 20%.

Mr. Herman advised he would like to have Dan Tatem from Stantec come in to provide a preliminary presentation because the project cost has gone up from two years ago now that the entire area has been surveyed and reviewed.

Town Storage Building

Mr. Herman advised the Planning Board is in the process of updating the CIP. He was seeking guidance from the Board about the potential inclusion of a garage / storage building. Mr. Leclair advised they needed to know what Parks & Rec was going to look like. He thought leaving Parks & Recreation out of this building project and focus on the needs of the Police Department was likely the way to go. Mr. Eaton agreed that was the sentiment from the meeting they had

recently with the Budget Committee. Mr. Eaton advised he understood a Community Center was discussed as a need at the facilitated community meeting held last month.

Mr. Leclair recommended forming a new committee to look at the APD building needs that might include a representative from Police Commission, the Police Department, the Board, Building and Planning. Mr. Herman agreed to provide a committee layout for the Board's next meeting.

Other Business

Dog Tags

Mr. Leclair after reviewed the 400% increase in the line item, reported that it was discovered to be a mistake in how the State's share of dog license fees are collected and paid to the State. The expense has been moved to the correct revenue line.

Change in Terms, Payments to Contractors

Mr. Eaton advised that the Board would like additional time to be spent reviewing invoices by both the Finance Department and the Board as they had found some discrepancies in items, such as labor hours charged etc. that would otherwise slip through the cracks. Mr. Leclair advised that he was in agreement, and they should be sympathetic to the impact the sudden change could have on some of the contractors. It was agreed that two-weeks would be an acceptable turnaround time and that letters should go out to inform them that the policy would be implemented on July 30th.

Mr. Eaton motioned to implement town policy that when contractors submit their bills, those invoices will be paid in two weeks, effective July 30, 2018. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Road Agent Report

Road Agent Dross reported Lover's Lane was going well and Rockwood Terrace was done. They would be overlaying Spofford Road from By-pass 28 to Wildwood Drive, Auburn Road and maybe Cohas Drive and Sandy Knoll if he was able.

Road Agent Dross added it had been 12 years since he had a raise and would like the Board to consider his request for an increase.

Public Comment

Sean Fichera stated he had handled IT for the Auburn Fire Department, but reported he was disappointed to have been terminated recently by Deputy Chief Selinga in such an unprofessional manner for no-cause. Mr. Fichera stated he was instructed to turn over the passcodes and leave. Mr. Gannon stated Mr. Fichera received a stipend of \$750 for his services annually, and that he had been a good worker and his services were a bargain when they got him from Derry and that he had an extensive background and was being vetted to go into the Police Dept.

Mr. Leclair stated he would like to call Deputy Chief Selinga in before the next meeting.

Jamie Russin stated her 17-year-old son, Taylor had been terminated recently in a similar manner by Captain Saulnier adding that numerous calls to both of his parents had been made harassing them to return equipment and that they had saved those text messages.

Carlos Russin of Hooksett stated he had been insulted by Captain Saulnier, his military service called into question and been referred to disparagingly as a "Para-God" after what he considered to be 26 years of exemplary service. Mr. Russin stated decisions were being made without due process and the Fire Department was crumbling.

Mrs. Phillips stated she was uncomfortable with discussing these matters so unprofessionally and they should be discussed in non-public session, rather than throwing out accusations in public.

New Hire – Police Dept.

Mr. Herman advised on June 29th the Police Commission had hired full-time Officer Carl Hanson from Pembroke who will start on July 16th with ten years' experience. He advised the department will now have ten full-time officers including the Chief and Lieutenant, with eight part-timers on the roster, six of whom are currently serving.

Road Reconstruction Budget

Mr. Eaton asked if the Road Reconstruction financial report Mr. Herman has usually provided to the Board had been prepared yet this year. Mr. Herman advised that he did not believe Mrs. Frisella had an opportunity to do her base work yet due to the change in the finance office, but he would check on it.

Minutes

- **June 18, 2018 Public Meeting**
- **June 18, 2018 Non-Public Meeting**

Mr. Leclair motioned to approve the June 18, 2018 meeting minutes as written. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Non-Public Session Pursuant to RSA 91-A:3, II (a) (Compensation of any public employee)

Mr. Headd motioned to go into Non-Public Session under RSA 91-A:3, II (a) compensation of any public employee. Mr. Eaton seconded the motion. A roll call vote was taken: Mr. Headd – yes; Mr. Eaton – yes; Mr. Leclair – yes. The motion passed unanimously.

The meeting was closed to the public at 8:22 pm.

The meeting was reopened to the public at 8:39 pm.

Mr. Leclair motioned to approve a step increase for Town Clerk Kathleen Sylvia from a Labor Grade 12, Step 7 to a Labor Grade 12, Step 8 effective April 1, 2018. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Mr. Leclair motioned to approve a step increase for Tax Collector Susan Jenkins from a Labor Grade 8, Step 9 to a Labor Grade 8, Step 10 effective April 1, 2018. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Adjourn

Adjourn

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

The meeting was adjourned at 8:39 pm.

Respectfully submitted,

Nancy J. Hoijer
Recording Secretary

**Town of Auburn
Board of Selectmen
July 2, 2018
Town Hall
7:00 PM
Non-Public Session #1 of 1
(unsealed)**

Selectmen Present: James Headd, Richard Eaton and Keith Leclair

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

**Non-Public Session Pursuant to RSA 91-A:3, II (a)
(Compensation of any public employee)**

Mr. Headd motioned to go into Non-Public Session under RSA 91-A:3, II (a) compensation of any public employee. Mr. Eaton seconded the motion. A roll call vote was taken: Mr. Headd – yes; Mr. Eaton – yes; Mr. Leclair – yes. The motion passed unanimously.

Mr. Herman advised the Board he had received requests for step increases from Town Clerk Kathleen Sylvia and Tax Collector Susan Jenkins.

Mr. Herman advised as these were elected positions, the annual performance review which typically triggers Step increases, is not done. Both have received their COLA increases, which all position are automatically provided when budgeted.

Mr. Herman advised that unfortunately as it had not been brought up last year, there was no money in the budget to do an increase retroactively for 2017, but Mrs. Frisella had budgeted for such increases for this year.

Mr. Eaton noted Mrs. Sylvia had negotiated her salary in 2016 to something higher than the prior Town Clerk had received, and Mrs. Jenkins had actually reduced her hours voluntarily as she felt the position didn't require 40 hours each week, except for the two to three very busy times per year.

All were in favor of granting Mrs. Sylvia and Mrs. Jenkins one Step/Labor Grade increase.

The meeting was closed to the public at 8:22 pm.

The meeting was reopened to the public at 8:39 pm.

Note – In Public Session

Mr. Leclair motioned to approve a step increase for Town Clerk Kathleen Sylvia from a Labor Grade 12, Step 7 to a Labor Grade 12, Step 8 effective April 1, 2018. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Mr. Leclair motioned to approve a step increase for Tax Collector Susan Jenkins from a Labor Grade 8, Step 9 to a Labor Grade 8, Step 10 effective April 1, 2018. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Respectfully submitted,

Nancy J. Hoijer
Recording Secretary