

**Town of Auburn
Board of Selectmen
March 23, 2015**

Selectmen Present: James Headd, Richard Eaton & Dale Phillips

Also Present: Scott Eagan, Plodzik & Sanderson; Adele Frisella, Finance Director; Bruce Phillips, Fire Chief; Carrie Rouleau-Cote, Building Inspector; Kathy Sylvia, Tax Collector; Tim Therrien, Helen Hiltz, Dan Carpenter, Dennis & Pauline Vieira, Michael Rolfe, Armand Miclette, Joanne Linxweiler, Charles Worster, David Anderson, Sue & Dave Jenkins, Nancy Mayland, Tom Gonyea, Audrey Trickett, Mike DiPietro, Linda Dross, John & Mary Ann Rolfe, Greg Santuccio, Scott & Karen Norris, Kim & Brad Sargent, Jim Boisvert and Alan Villeneuve, Residents; Ray Pelton, Police Lieutenant; Kathryn Lafond, Recording Secretary

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

Election of Chair & Vice Chairperson

Mr. Eaton moved to elect Mr. James Headd as Selectmen Chairman; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Mrs. Phillips moved to elect Mr. Richard Eaton as Selectmen Vice Chairman; Mr. Headd seconded the motion; all were in favor, the motion passed unanimously.

Approval of Accounts Payable for Week of March 16th, 2015

Mr. Eaton moved to approve the Accounts Payable Manifest in the amount of \$270,830.21 for the week of March 16th, 2015; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Approval of Payroll for Week of March 23rd, 2015

Mr. Eaton moved to approve the Payroll Manifests in the amount of \$42,063.83 & \$330.00 for the week of March 23rd, 2015; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Consent Agenda – Week of March 23rd, 2015

Property Tax Abatements

Calef Lake Camping Area (Tax Map 5, Lot 65-WHI-6) – Camper moved Sept. 2014 - \$82.00

Calef Lake Camping Area (Tax Map 5, Lot 65-ORA-6) – Camper moved Mar. 2013 - \$54.00

Calef Lake Camping Area (Tax Map 5, Lot 65-YEL-27) – Camper moved - \$13.00

Notice of Intent to Cut Wood or Timber

Rattlesnake Hill Road (Tax Map 1, Lot 1)

Coleman Road (Tax Map 8, Lot 14)

Grant Applications

Join the New Hampshire Clique - \$1,976.36
DWI Patrol - \$8,580.00

Safety Complex Room Request

Private Birthday Party – March 28th, 2015 – 10:00 a.m. to 6:00 p.m.

Appointments

Michael DiPietro, Highway Safety Committee – Oath of Office
Daniel Carpenter, Highway Safety Committee – Oath of Office
Eva Komaridis, Highway Safety Committee – Oath of Office
Timothy Therrien, Parks & Rec. Commission – Oath of Office
Kim Luftkin, Parks & Rec. Commission – Oath of Office
Margie McEvoy, Parks & Rec. Commission Alternate – Oath of Office
James Lagana, Zoning Board of Adjustment – Oath of Office
Sharon Bluhm, Library Trustee Alternate – Oath of Office
Elizabeth Michaud, Library Trustee Alternate – Oath of Office
Linda Dross, Deputy Treasurer – Oath of Office

Permanent Application for Tax Credit/Exemption 154 Coleman Road (Tax Map 8, Lot 17-4)
Veterans Exemption – Granted

Contracts and Proposals

Mosquito Control – Municipal Pest Management Service, Inc. - \$6,740.00
Mosquito Control – Swamp, Inc. - \$27,935.00
Groundwater Monitoring Program – Stantec Consulting Services, Inc. – \$6,000.00
Fiscal Year (FY) 2014 Audit – Plodzik & Sanderson - \$13,500.00 - \$14,500.00

Correspondence from the Board

“Thank you” Letters w/ Certificates of Achievements – Town Report art submissions:
Lauren Sylvain – First Place
Sam McCusker – Finalist
Colin Algozzine – Finalist
Sarah Amato – Finalist

Pistol/Revolver License

Nine (9)

Mr. Eaton moved to approve the Consent Agenda for the week of March 23rd, 2015; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Appointments with the Board

Scott Eagan, Plodzik & Sanderson – Fiscal Year (FY) 2013 Audit Exit Interview

Mr. Eagan presented the Financial Audit Report for year ending December 31st, 2013 and reviewed the Independent Auditors Report on page 1 and 2. Mr. Eagan noted the only adverse opinion is that the town has not recorded the long-term costs of retirement health care costs and obligations for other postemployment benefits. Mr. Eagan went on to explain that towns are required to obtain an actuary to determine the implicit cost of postemployment benefits. Ms. Frisella stated that she can't see paying the cost for an actuary. Mr. Headd asked if there were

any fines associated with not complying with this requirement. Mr. Eagan stated no and also commented that he has not heard of any adverse bond ratings either at this point. Mr. Eagan added that Auburn is not alone, due to the cost to comply there are other small towns not getting the calculation. Ms. Frisella asked if this rule will be gotten rid of. Mr. Eagan stated no, GASB (Government Accounting Standards Board) leans more towards financial transparency. Ms. Frisella informed the Board if the Town was to go for bonding she would suggest having it the calculation done. Mr. Eagan went on to review the schedule of changes in the unassigned fund balance with the Board on page 36 of the report. Mr. Eagan commented that the revenues and unexpended balance of appropriations are represented in other schedules in the report, this schedule is used by NH Department of Revenue (DRA) for the tax rate setting. Mr. Eagan stated with regards to internal controls there are no significant concerns, noting very strong controls in tax collection and the Town Clerk as well as with Ms. Lafond and Ms. Frisella in finance. Mr. Eagan went on to inform the Board of GASB rule 68 which requires disclosure of net pension liability. Mr. Eagan commented that this is not necessarily a direct liability but an accountability measure.

Bruce Phillips, Fire Chief – Fire Department Matters

Chief Phillips updated the Board that Grappone Ford who has the State bid was not willing to honor the State bid pricing for the forestry vehicle, Londonderry Ford however did. The Board reviewed the purchase contract as well as a full breakdown of costs for equipment, the grand total amounting to \$54,292.96.

Chief Phillips stated that he is working on the lease for the command car and he would like director from the Board regarding whether to use the current Chevy Tahoe as a trade in or give it to the Building Inspector.

Mrs. Rouleau-Cote informed the Board that the current Crown Victoria that she uses went in for some recall work and a State Inspection, which it did not pass. Mrs. Rouleau-Cote stated that there is approximately \$2,800.00 worth of work to be done, mostly with the suspension, she can get a second quote if the Board would like. Mrs. Rouleau-Cote indicated that she spoke with Chief Phillips and needs to speak with the Police Department. Lt. Pelton believed that the Police Department would be getting rid of a 2010 Ford Taurus that has approximately 70,000 miles and passed inspection and is in pretty good shape. Mr. Eaton stated that he does not think that putting \$2,800.00 into the current Building Inspector Crown Victoria was the way to go and asked Mrs. Rouleau-Cote which she would prefer, the Tahoe or the Taurus. Mrs. Rouleau-Cote noted that she has not seen the Taurus but the Tahoe has some mechanical issues. Mrs. Rouleau-Cote added that 4-wheel drive is not imperative, in inclement weather she uses her personal truck rather than the town's vehicle. Mr. Eaton asked Lt. Pelton when the Police Department would be ready to get rid of their vehicle. Lt. Pelton thought less than two months perhaps, the new cruiser has been ordered. Mr. Eaton asked Chief Phillips what work needs to be done to the Tahoe. Chief Phillips indicated the transmission is slipping. Mr. Eaton suggested that the town get rid of the Crown Vic that Mrs. Rouleau-Cote currently uses and trade in the Tahoe and reimburse Mrs. Rouleau-Cote for mileage use of her personal vehicle until the Police Department turns over the Taurus. The Board was agreeable with this suggestion. Mr. Gonyea commented that there is a reason for replacing the Tahoe. Mr. Therrien asked if the Police Department really needed the Taurus and could they give that up to the Building Inspector earlier. Mr. Headd indicated that he would hate to put the Police Department in a potential dangerous situation of being short a vehicle. Mr. Vieira commented that depending what is offered for a trade-in price the town may get more by putting it out for sale as with the cruisers.

Old Business

Town Property Mowing Request for Proposal (RFP) – Final Review & Approval

- The Board reviewed the municipal property mowing and maintenance Request for Proposal. Ms. Lafond indicated that at the direction of the Board she sought input regarding the specifications of the bid from the Selectmen, the Parks and Recreation Commission and the Fire Chief and amended the document accordingly. Ms. Lafond point out that as written, bids will be accepted until 2:00 p.m. on April 10th and presented to the Board of Selectmen at their meeting on Monday, April 13th. Ms. Lafond stated that the contract start date is May 1st. The Board agreed that the document as amended was fine and the timeframe as set forth was appropriate. Ms. Lafond stated that she is prepared to direct mail the RFP to 5 companies and to advertise the RFP on the town's website.

New Business

Board & Committee Appointments

- The Board reviewed recommendations and requests to re-appoint Michael DiPietro, Daniel Carpenter and Eva Komaridis to the Highway Safety Committee for a one year term; Timothy Therrien, Kim Luftkin to the Parks and Recreation Commission for a three year term; Margie McEvoy as alternate to the Parks and Recreation Commission for a three year term; James Lagana to the Zoning Board of Adjustments for a three year term and Sharon Bluhm and Elizabeth Michaud as Library Trustee Alternates for a one year term.

Mrs. Phillips moved to appoint Michael DiPietro, Daniel Carpenter and Eva Komaridis as members of the Highway Safety Committee, terms to expire 2016;

Timothy Therrien and Kim Luftkin as members of the Parks and Recreation Commission and Margie McEvoy as alternate member of the Parks and Recreation Commission, terms to expire 2018;

James Lagana as member of the Zoning Board of Adjustments, term to expire 2018;

Sharon Bluhm and Elizabeth Michaud as alternate members of the Library Trustees, term to expire 2016;

Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Deputy Treasurer Appointment

- Ms. Lafond indicated it is the recommendation of the Treasurer to reappoint Mrs. Linda Dross as Deputy Treasurer, Mrs. Dross is also willing.

Mr. Eaton moved to appoint Mrs. Linda Dross as Deputy Treasurer, term to expire 2016;

Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Cost of Living Adjustment (COLA) Approval

- Ms. Lafond stated that with the passing of the budget she calculated the budgeted 1.45% COLA for each employee, with the Boards approval this evening the COLA would be issued as of April 1st.

Mrs. Phillips moved to approve the issuance of the budgeted 1.45% Cost of Living

Adjustment on April 1st, 2015; Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Fiscal Year (FY) 2014 Funds to be encumbered

- The Board reviewed a memorandum from Finance Director, Adele Frisella requesting the encumbrance of \$139,229.86 from Road Reconstruction that was designated for the Griffin Mill Bridge repair and \$126,176.50 for the Old Candia Road and Raymond Road Hazardous Mitigation.

Mr. Eaton moved to encumber the following 2014 funds:

\$139,229.86 from Road Reconstruction 01-4909-9-930-0

\$126,176.50 from Old Candia Road & Raymond Road Haz. Mitigation 01-4909-9-930-7;

Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

2015 Mosquito Control Program Contract Approval

- The Board reviewed two contracts; Swamp, Inc. for the administration and biological monitoring in the amount of \$27,935.00 and one from Municipal Pest Management Services, Inc. for larval mosquito control in the amount of \$6,740.00. Ms. Lafond indicated with the passing of the Warrant Article the funds for the mosquito control program as outlined in the contract are in the budget.

Mr. Eaton moved to accept the contracts for mosquito control as presented with Swamp, Inc. in the amount of \$27,935.00 and Municipal Pest Management Services Inc. in the amount of \$6,740.00; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

2015 Groundwater Monitoring Program at the Former Landfill Site Approval

- The Board reviewed the contract from Stantec Consulting Services, Inc. for the 2015 groundwater monitoring at the former landfill site. The Board noted that the cost is reduced from last year. Ms. Lafond stated that is correct, the \$6,000.00 contract cost provides for 2 samplings still with reporting however the permit was paid for last year and the permit is good for 5 years. Mr. Michael Rolfe questioned contracting with Stantec. Mr. Headd indicated that Stantec may subcontract out the sampling but the town has contracted with Stantec for several years for this purpose.

Mr. Eaton moved to accept the contract with Stantec Consulting Services, Inc. in the amount of \$6,000.00 for the 2015 Groundwater Monitoring Program; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Fiscal Year (FY) 2014 Audit Contract Approval

- The Board reviewed the Contract from Plodzick and Sanderson. Ms. Lafond pointed out that the contract outlines that the auditors come in on April 13th, they are typically here for 3 days to a week. Ms. Lafond added that the contract cost of \$13,000.00 to \$14,000.00 has been budget for. Ms. Frisella stated that she would like to bid out next year. The Board was agreeable with doing so.

Review of Potential Tax Deed Properties

Mrs. Sylvia passed out packets of information to the Board of Selectmen and indicated that the deed date is May 23rd so the Board does not need to make any decisions tonight. Mrs. Sylvia stated that if the Board would like an environmental inspection done on any of the properties identified in the packets, 30 days' notice need to be giving to the property owner. The Board agreed to take some time to review the information provided.

Old Business

Oil Tank Removal Quotes

Ms. Lafond directed the Board back to old business by informing them that at their direction from the last meeting she solicited NHDES for a list of companies who remove oil tanks, she did this via email and did not receive any response from NHDES. Ms. Lafond went on to state that she for a second time tried to secure a quote from Safety Kleen with no avail, she did receive a verbal quote from Bill Spencer with Spencer Bros, LLC who specialize in oil tank installation and removal in the amount \$300.00. Ms. Lafond reiterated that Enpro who the town has used for with good result quoted \$918.00 to \$1,024.00 for removal of the 275 gallon tank at the former landfill property which was once used for waste oil collection, Ragman Oil Tank Removal provided a verbal quote for \$300.00. The Board discussed moving forward with Spencer Bros, LLC who on their website claim to be fully licensed and insured and who guarantee compliance with local and state laws. Mr. Gonyea asked the Board is entertaining non-written quotes. Ms. Lafond indicated that she could asked Spencer Bros, LLC to provide a written quote. Mr. Vieira cautioned the Board that the Town is the waste oil generator so they are liable. Ms. Lafond indicated that whichever company the Board decides to move forward with a copy of the insurance and licenses will be required.

Mr. Eaton moved to use Spencer Bros, LLC for the removal of the old 275 gallon oil tank at the former landfill property with the condition that a written proposal, copy of insurance listing the town as additional insured and appropriate licenses are provided; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Southern NH Planning Commission (SNHPC) – 2015 Traffic Count Program

Ms. Lafond stated that she had passed along to the Planning Board, Highway Safety Committee and Road Agent the request from SNHPC for a list of roads to be included in the 2015 Traffic Count Program as well as SNHPC's results from the 2014 Traffic Count Program. Ms. Lafond indicated that the Highway Safety Committee has provided recommend sites to the Board. The Board reviewed the recommendations, which include Steam Mill Road, Lovers Lane, Wilson's Crossing Road, Eaton Hill Road (near Hooksett Road) and the four corners, also construction will be taking place on Chester Turnpike, Hooksett Road, Raymond Road and Dearborn Road. Mr. DiPietro indicated that it has been proposed that Eaton Hill Road near the school be changed to a one way road, this would result in more traffic to the four corners intersection. Mr. Eaton commented that the four corners is dangerous enough as it is.

Mr. Eaton moved to accept the recommendations of the Highway Safety Committee for the 2015 SNHPC Traffic Count Program; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

New Business

Ex-Officio Board/Committee Member Appointments

Ms. Lafond noted that the only other business she has for the Board to address this evening besides approval of the minutes if the ex-officio appointments. Mr. Headd stated that he would stick with the Budget Committee and the Parks and Recreation Commission. Mr. Eaton indicated that he would continue to sit on the Highway Safety Committee. Mrs. Phillips will sit on the Planning Board.

Minutes

March 9th, 2015

Mr. Eaton moved to approve the minutes of the March 9th, 2015 public meeting; Mr. Headd seconded the motion; Mrs. Phillips abstained, the motion passed.

March 9th, 2015 Non-Public

Mr. Eaton moved to approve the minutes of the March 9th, 2015 Non-public meeting; Mr. Headd seconded the motion; Mrs. Phillips abstained, the motion passed.

Other Business

Mrs. Phillips indicated that she would like Ms. Lafond to provide her with the results and recommendations from the company that the Board had contracted with who met with the Department heads. Ms. Lafond indicated that she had little involvement but believed there may be some non-public minutes that the Board could schedule to review. Mrs. Phillips commented that there must be something in writing such as a proposal or recommendations from MKS. Ms. Lafond noted that she could look.

Mrs. Phillips stated that she would like the Board's Chairman to contact Mr. Herman to be re-instated as Town Administrator. Mrs. Phillips continued that she knows this is not going to please everyone but would like to have contact to renegotiate Mr. Herman's contract. Mr. Therrien expressed support for Mrs. Phillips request. Mrs. Phillips stated that she thinks she speaks for the majority, she estimates 98% are in favor of hiring Mr. Herman back. Mr. Gonyea asked if Mrs. Phillips went back and reviewed the non-public minutes where the Board met with Mr. Herman and discussed his resignation. Mrs. Phillips stated no. Mr. Gonyea commented that Mrs. Phillips is making decisions without having all the information, similar to what was accused of Mr. Eaton last year when he was elected Selectmen. Mrs. Phillips stated that she will review the meetings with Mr. Herman but still wishes to see him back in Auburn. Mr. Gonyea suggested the Board speak with legal counsel before making any decisions as well. Mr. David Anderson stated that he was on the Board when Mr. Herman was hired and at the time he seemed to be the outstanding candidate and he did an excellent job by adding a layer of expertise to the position. Mrs. Norris stated that there are articles out there regarding issues that the Town of Milton and the Town of New Durham had with Mr. Herman. Mrs. Mayland asked if Mrs. Phillips was even privy to review the sealed minutes. Ms. Lafond stated that the Board can meet in non-public session to review previously sealed minutes. Mr. Vieira thought that the election of Mrs. Phillips was a direct result of the Board letting Mr. Herman go. Mrs. Phillips indicated that the Town Administrator position is supposed to be a long arm of the

Selectmen, one who works at the direction of the Board, she believes that Mr. Herman was the fall guy. Mr. Villeneuve suggested that before the Board brings back Mr. Herman he would like to see the Board have a discussion regarding what the Board expects from the position. Mr. Villeneuve went on to say that the position has value and the town has gained a lot from the position, Mr. Herman is well respected and has a lot of expertise. Mr. Villeneuve believed the election to be a result of the Boards mishandling however Mrs. Phillips did not win by a landslide, Mrs. Phillips campaigned to bring the town together and asked where is that now; Mr. Herman is a lightning rod. Mrs. Linxweiler disagree with Mr. Villeneuve and noted that too many towns have Town Administrators that are hell on wheels, the voters spoke and that's the way it is. Mrs. Phillips commented that she would like to see the suggestions that MKS had. Mrs. Sargent stated then is it unreasonable for the Board to table the matter and take the week to review the information, it seems that Mrs. Phillips is making her decision based on feelings not fact. Mrs. Phillips reiterated that she will review the information but still wants to move forward as she suggested. Mrs. Mayland noted that while she and Mrs. Sargent don't always agree perhaps the Boards vote tonight should be to discuss the matter further. Mr. Headd stated that he would contact Mr. Herman, he is unsure if he is interested in coming back, if he is he will need to have a meeting with the Board. Mr. Headd indicated that there are things that Mr. Herman would like to talk about with regards to his contract that will need to be approved by town counsel. Mr. Therrien stated that Mr. Herman was always 100% supportive of Parks and Recreation, he can't find fault with him. Mrs. Trickett urged Mrs. Phillips to review the information and informed the Board that she was given a copy of an email between a town employee and Mr. Herman where the town employee says something negative about her and Mr. Herman did nothing about it. Mr. Gonyea again asked the Board to speak with legal counsel as the town has already accepted Mr. Herman's resignation and are providing severance, how will this affect the town. Mr. Eaton stated that a lot of people don't care for how the Board has been run in the past, he believes that everyone that runs is trying to do good for the town with that said the election was very close and the previous Board made the decision to accept Mr. Herman's resignation he believes that if the Board wants to hire a Town Administrator it should be put out for hire. Mr. Eaton stated let's move forward, not backward. Mr. Eaton commented that he would like to see the Board show some leadership and assess the Town Administrator position and perhaps see who else is available to fill the position, perhaps it's a part-time position the town isn't doing too bad right now. Mr. Eaton added that he was in favor of speaking to legal counsel before initiating communications with Mr. Herman. Mrs. Mayland commented that she refers to the majority in Auburn as fat, dumb and happy only a small percentage of people are in the know, of those she believes Dales estimated 98% are in favor of rehiring Mr. Herman is true. Mrs. Mayland pointed out that at a previous meeting Mr. Eaton stated that the Board would be hiring a Town Administrator, now he is saying if. Mrs. Jenkins noted that there are 3800 registered voters in Auburn and approximately 1100 came out to vote in the last election, many people will vote for a name this has nothing to do with the issues. Mr. DiPietro agreed that he thought the Board should speak with the lawyers first, from a financial point Mr. Herman has probably saved the town his salary in grants. Mr. Anderson noted that the town passed the warrant article to establish the position he doesn't think the Board should now make it a part-time position. Mrs. Mayland suggested that the Board speak with town employees about their opinions, they all worked with Mr. Herman for a number of years. Mr. Vieira commented the devil we know is better than the devil we don't, Mr. Herman was the answer man who had a work ethic next to none. Mr. Vieira stated that he doesn't like the way Mr. Herman was let go, the Board had no reason to force his resignation and comment that the full Board was not even involved. Mr. Eaton stated that he has had it with people suggesting that Mr. Headd was not involved, Mr. Headd was present at all the meetings except the final meeting on February 9th where he chose not to attend due to weather. Mr. Headd acknowledge

that he was aware of the meeting on the 9th. Mr. Vieira stated that the Board at that time made a decision with no plan in place. Mr. Santuccio stated that things have not fallen apart since Mr. Herman's resignation, people come and go and things still move along. Mr. Rolfe disagreed and noted that residents on Cottage Avenue were without water for longer than they needed to be because the Board had to wait to post a meeting to decide what to do.

Mrs. Phillips moved to authorize Mr. Headd to speak with legal counsel and Mr. William Herman regarding potential reinstatement of Mr. Herman as Town Administrator; Mr. Headd seconded the motion; Mr. Eaton opposed, the motion passed.

Mrs. Phillips moved to adjourn; Mr. Headd seconded the motion; all were in favor, the public meeting ended at 8:36 P.M.