

**Town of Auburn
Board of Selectmen
January 7, 2019**

Selectmen Present: James Headd, Richard Eaton and Keith Leclair

Others Present: Elizabeth Robidoux, Eric Mitchell, Mike DiPietro, Todd Bedard, James Breault and Phyllis Breault, Alan Villeneuve, Michael Rolfe, Dale Phillips, Paula Marzloff, Susan Goodhue, Russell Sullivan, Christine McLaughlin, Marion Miller, Linda Dross, Conservation Commission Chair Jeff Porter, Cemetery Trustees Chair Don Dollard, Lieutenant Ray Pelton, William Herman, Town Administrator and Nancy Hoijer, Recording Secretary

Call to Order – Pledge of Allegiance

Mr. Headd called the meeting to order at 6:29 pm.

Non-Public Session pursuant to provisions of RSA 91-A: 3, II (c)

Reputation of someone other than a member of the Board.

Mr. Headd motioned to go into non-public session pursuant to RSA 91-A:3 II (c). 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 6:29 pm.

Mr. Leclair motioned to come out of non-public session at 6:55 PM, seconded by Mr. Eaton. A vote was taken, all were in favor, the motion carried unanimously.

Mr. Eaton moved to seal the minutes of the non-public session. Mr. Leclair seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

The meeting room was opened to the public at 6:55 pm and the meeting resumed at 7:00 pm, following a brief recess, Mr. Headd led the attendees with the Pledge of Allegiance.

Approval of Payroll for the Week of December 24, 2018 - \$49,085.90

Mr. Eaton motioned to approve the Payroll for the Week of December 24, 2018 in the amount of \$49,085.90. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Approval of Accounts Payable Item for the Week of December 31, 2018 - \$161,870.85

Mr. Eaton motioned to approve the Accounts Payable Item for the Week of December 31, 2018 in the amount of \$161,870.85. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Approval of Payroll for the Week of January 7, 2019 - \$50,802.74

Mr. Eaton motioned to approve the Payroll for the Week of January 7, 2019 in the amount of \$50,802.74. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Approval of Accounts Payable Item for the Week of January 7, 2019 - \$17,632.40

Mr. Eaton motioned to approve the Accounts Payable Item for the Week of January 7, 2019 in the amount of \$17,632.40. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Approval of Consent Agenda for the Week of January 7, 2019

Mr. Headd read out loud and offered for inspection a copy of the Consent Agenda for the Week of January 7, 2019 some of which included: two (2) Abatement Applications to Municipality, one (1) Abatement/Refund Requests, one (1) Notice of Property Lien Discharge; one (1) Tax Collector's Warrant/Yield Tax and one (1) pistol/revolver license.

Mr. Eaton motioned to approve the Consent Agenda for the Week of January 7, 2019. Mr. Leclair seconded his motion, with all in favor, the motion passed unanimously.

New Business

Restoration of Involuntarily Merged Lots – 11 Pinetree Road

Eric Mitchell appeared on behalf of James and Phyllis Breault of 11 Pinetree Road to request that Tax Map 17, Lot 3 and Former Lot 4 at the corner of Appletree and Pinetree Roads which were involuntarily merged as one lot be restored to the pre-merger status of the two lots.

Mr. Eaton asked if it was a buildable lot – yes, the owners live in the home situated on Lot 17-3.

Mr. Herman provided a memorandum dated December 27, 2018 concerning the status of the Breault's application with Zoning Determination from the Building Inspector/Code Enforcement Officer Carrie Rouleau-Cote as well as copies of relevant statutes, NH RSA 673:39-aa, a copy of a plan drawn by Eric C. Mitchell & Associates dated December 17, 2018 and Release Form for Protective Well Radius per RSA 485-A: 30-b. Mr. Herman advised the Board would need to sign the "Notice of Lot Restoration" that would formally be recorded at the Registry of Deeds to accomplish the restoration to two lots.

Building Inspector/Code Enforcement Officer Rouleau-Cote indicated four bulleted items as part of the Zoning Determination relative to this action, which were: the home at Lot 17-3 becoming a non-conforming structure with the 50' rear setback; the maximum building coverage may exceed the 5% zoning requirement in R-1 and require a variance; the protective well radius for the existing drilled well on Lot 17-3 will extend onto Lot 17-4 requiring the Release from Protective Well Radii under RSA 485-A:30b be filed; and the reduced lot size may restrict the existing two-bedroom home on Lot 17-3 from expansion due to septic loading requirements.

Concerns were discussed if the shed on the adjacent lot were moved, the percentage would increase from over 5% to greater than 6%. The owners were made aware of the potential issue were the shed to be moved.

Mr. Eaton stated he was ok with the separation of the lots. Mr. Headd agreed to unmerge the lots.

Mr. Leclair moved to approve the application to unmerge Lots 17-3 and 17-4 as requested. Mr. Eaton seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Proposed Amendment to Town of Auburn Credit Card Policy

Mr. Herman provided a memorandum dated December 19, 2018 concerning adjustment of the Town's Credit Card Policy to facilitate the request of Auburn Fire Chief Mike Williams to have a credit card assigned to the Fire Department for its use, which the Board members were unanimously in favor of providing. Mr. Herman advised the Finance Director has worked out the mechanics for this with Fire Chief Williams and recommended the Board amend the Town of Auburn Credit Card Policy to be inclusive of the Auburn Fire Department/Fire Chief. The present policy indicates credit cards would only be retained at the Town Hall or the Police Department. Mr. Herman provided the proposed adjustment to the policy for the Board's consideration which in two places noted that credit cards would be retained at the Town Hall/Selectmen's Office, Fire Chief's office and Police Department.

Mr. Leclair moved to amend the Town of Auburn Credit Card Policy to include the Town Hall/Selectmen's Office, Fire Chief's Office and Police Department as the holders of vendor specific credit cards issued to the Town of Auburn. Mr. Eaton seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Resignation – Conservation Commission

Alan Villeneuve submitted his letter of resignation from the Conservation Commission dated December 17, 2018.

Mr. Leclair motioned to accept the resignation of Alan Villeneuve, with regret and thanks for his service with the Conservation Commission. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Lawn Care and Maintenance Proposals

Mr. Herman provided a memorandum dated January 2, 2019 concerning the eight proposals received by the Town and School District for lawn care and maintenance service in 2019 as of the December 27, 2018 deadline for submission. Mr. Herman advised the Town placed a combined solicitation for all Town properties, the two cemeteries and the school district property.

The proposals ranged from the lowest of \$42,455 to the high of \$82,396. Mr. Herman provided a Bid Canvas Report which was shared with the Cemetery Trustees, the Parks & Recreation Commission, and Scott Dube, Maintenance Director for the Auburn School District.

Mr. Dollard spoke on behalf of the Cemetery Trustees concerning the work to be performed in the Auburn Village Cemetery and the Longmeadow Cemetery. Mr. Dollard stated that four bids were pretty close and included notes concerning mowing of walkways, play areas and weeding rock beds which they don't have. Mr. Leclair reminded there would be trimming work near the memorials. Mr. Dollard would like to make sure the mowing was done when necessary rather than weekly. Excess mowing in July and August damages the grass when it doesn't grow as much.

Concerns were expressed about the distance for the low bidder, who was out of Leominster, Massachusetts.

Mr. Eaton recommended the grounds should be in their best shape in the months leading up to Memorial Day.

Mr. Leclair recommended having a good understanding of what's expected of the vendor, and not leave things like how often mowing takes place to "as needed".

The Board agreed to follow-up on references with Bid Proposals #5 (\$47,370) and #7 (\$48,905).

Survey Reduction – 11 Rockingham Road

Mr. Herman presented a letter from Land Use Administrator Denise Royce dated January 3, 2019 which indicated the Planning Board voted to recommend the Board of Selectmen approve the reduction of surety currently held by the Town in the amount of \$41,761.50 for 11 Rockingham Road, Tax Map 31, Lot 19 be reduced to \$13,589.40 for remaining items listed in a letter from Stantec dated November 9, 2018. Stantec will revisit the site before recommending any further release. A copy of the unapproved Planning Board Minutes from December 19, 2018 were attached, together with a copy of Stantec's November 9, 2018 letter.

Mr. Leclair moved to reduce the surety for Tax Map 31, Lot 19 from \$41,761.50 to \$13,589.40. Mr. Eaton seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Review of 2019 Town Warrant

Mr. Herman provided an updated draft of the Warrant Articles to come before the Town at the first session of Town Meeting on Saturday, February 2, 2019 at 9:00 am at the Auburn Village School gymnasium.

The first article concerned the election of officers, while the second article is zoning amendments proposed by the Planning Board. The third article concerns the Collective Bargaining Agreement with the Auburn Police Union Local 216. The fourth article concerns an amendment of the existing Police Detail Revolving Fund. The Selectmen had previously acted to recommend Articles #3 and #4.

The fifth article concerns adding \$30,000 to the existing Town Buildings Rehabilitation Capital Reserve Fund previously established, to come from the unreserved fund balance (surplus) with no additional amount to be raised by taxation in 2019.

Mr. Leclair moved for the Board of Selectmen to recommend voter approval of Article #5. Seconded by Mr. Eaton. A vote was taken, all were in favor, the motion carried unanimously.

The sixth article concerns establishment of an Expendable Trust Fund pursuant to RSA 31:19-a for construction, reconstruction or improvements of town-owned lands and property to be known as the Town Property Rehabilitation Expendable Trust Fund, to be funded initially with \$50,000 to come from the unreserved fund balance (surplus).

Mr. DiPietro questioned whether article 6 could be interpreted to include types of infrastructure that were not town owned, such as to include projects partnered with non-town entities, such as with Water Works. The wording states town-owned. The Board stated they were comfortable with it the way it was written. Mr. Leclair added if that much money was needed for a project such as a water system, it would need to come before the Town in a Warrant Article anyway, so it is fine the way it is.

Mr. Leclair moved for the Board of Selectmen to recommend voter approval of Article #6. Seconded by Mr. Eaton. A vote was taken, all were in favor, the motion carried unanimously.

The seventh article concerns change of the percentage of Land Use Change Tax LUCT collected payments to the existing Conservation Fund (currently 100%).

Mr. Eaton stated he was opposed to having 100% go to Conservation due to the changes in cluster developments which had less large parcels coming out of current use and no revenue coming to the Town from being in current use. Mrs. Phillips questioned how many large parcels were left in Town and whether there was a way to find that out. Mr. Villeneuve added, and which are actually buildable.

Mr. Porter stated he was opposed to reducing the percentage given to Conservation from the LUCT fund. Mr. Porter spoke to the value of protecting the water and other non-renewable resources that comes from protecting lands through Conservation which is a big reason why residents purchase property in Auburn in his opinion.

Mr. Herman also advised the Board in 2003, voters approved a bond issue of \$2 million for the purchase of conservation land or easement, and that authority still stands and is accounted for in the Town's financial reports. Mr. Leclair stated he was surprised the Conservation Commission had the right to spend up to \$2 million dollars of the Town's money without further action through a Warrant Article as no other Board had that authority on that scale. Mr. Herman suggested the Board may want to look at rescinding that bond vote in a future year. Mr. Leclair noted he would like to have this conversation at Town Meeting.

Mr. Headd stated he was opposed to recommending the article at this time. Mr. Leclair agreed.

Mr. Villeneuve stated he would like to hear more facts and there should be joint communication between Conservation Commission and the Selectmen before proceeding.

Mrs. Marzloff expressed concern this would result in small monies going into the general fund, if it is not going to Conservation Fund, which would come in in bits and pieces and get lost. Mr. Eaton responded those small revenues would enable the Town to do something and take some of the burden off the taxpayers.

Mr. Sullivan stated he agreed with Mr. Porter about protection of the water quality and also saw the side where a lot of places purchased by other communities then realized they had purchased too much and couldn't afford their infrastructure. Its not getting developed to support more taxpayers. The Boards should get together and work on a Master Plan.

Mr. Headd moved to not place this article on the 2019 Town Meeting warrant. Mr. Leclair seconded the motion. A vote was taken with two (Headd and Leclair) in favor and one (Eaton) opposed. The motion carried.

The eighth article is to see if the Town will vote to discontinue subject to gates and bars, the upper portion of Dartmouth Drive at a point specified.

Lieutenant Pelton spoke to proposed article #8 with concerns about items being dumped on the property as well as people using drugs and believed that blocking access would be beneficial and allowing for snow removal.

Mr. Eaton agreed. Mr. Leclair stated he was ok with it. Mr. Headd stated he would recommend.

Mr. Leclair moved for the Board of Selectmen to recommend voter approval of Article #8. Seconded by Mr. Eaton. A vote was taken, all were in favor, the motion carried unanimously.

The ninth article is to raise and appropriate the Town's Operating Budget \$5,553,360 or take up the default budget of \$5,432,651. The Board of Selectmen already has approved and recommends the proposed budget through their work on the budget.

2018 Assessment – Conduit & Easement Rights Value – AT&T and US Sprint

Mr. Herman provided a copy of a Letter to the Town of Auburn from Gary Roberge of Avitar Associates of New England, Inc. dated January 3, 2019 which provided an Assessment Report for the AT&T and US Sprint conduit that goes through Town. Mr. Roberge advises the Town will need to process a supplemental bill to both AT&T and US Sprint as soon as possible, but before March 31, 2019. The assessed value of the conduit and easement with AT&T was assessed at \$2,242,700 and the assessed value of the conduit and easement with US Sprint was assessed at \$2,242,700 which should work out to approximately \$37,000 each.

Old Business

Update of Town Hall Porch and Painting Project

Mr. Leclair asked Mr. Herman for an update as to how much the Town owes the contractor, Target New England, for the Town Hall Porch and Painting Project. Mr. Herman provided a breakdown which included \$1,800 from Change Order #2 approved at last meeting, plus the remaining painting and unfinished items. Mr. Herman advised the Town is currently holding \$10,540 from the original work together with the \$1,800 added, totaling \$12,340. Mr. Herman advised he received a request dated January 2, 2019 from Target New England for payment of \$6,340 for work completed to date with the balance of \$6,000 to be held by the Town and paid in Spring when the work is completed. Mr. Gonyea of Target New England indicated the work to be done included a second coat of paint and replacement of the siding behind the air compressors in the rear of the building with a 4'x8' sheet of white poly and trim of the same material.

Mr. Leclair stated the original payment terms were 1/3 up front, 1/3 half way through and 1/3 upon completion. The Town has more than lived up to that agreement, and in fact have pre-paid a portion of the final third already, even though the work is not yet completed. Mr. Eaton and Mr. Headd stated to pay when finished. Mr. Leclair added he would be willing to make payment for the hand railings, as they were added work since the original contract, and they have been completed. Mr. Headd and Mr. Eaton agreed.

Other Business

Next Meeting – Tuesday, January 22nd, 2019 at 7:00 PM

Minutes

- December 13, 2018 Workshop Meeting
- December 17, 2018 Public and Non-Public Meeting

Mr. Leclair motioned to approve the December 13, 2018 Workshop Meeting Minutes, as written. Mr. Eaton seconded his motion, with all in favor, the motion passed unanimously.

Mr. Leclair motioned to approve the December 17, 2018 Public and Non-Meeting Minutes, as written. Mr. Eaton seconded his motion, with all in favor, the motion passed unanimously.

Non-Public Session pursuant to provision of RSA 91-A:3, II (a) and (c).

Consideration of compensation of any public employee and reputation of someone other than a member of the Board.

Mr. Headd motioned to go into non-public session pursuant to RSA 91-A:3, II (a) and (c). 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 8:19 pm.

Mr. Leclair motioned to come out of non-public session at 8:26 pm, seconded by Mr. Eaton. A vote was taken, all were in favor, the motion carried unanimously.

Mr. Leclair moved to seal the minutes of the non-public session. Mr. Eaton seconded the motion. All were in favor, the motion passed unanimously.

The meeting room was opened to the public at 8:26 pm.

Mr. Eaton moved to approve a step increase for the Town Administrator from a Labor Grade 20, Step 14 to a Labor Grade 20, Step 15 based on a positive performance evaluation. Mr. Leclair seconded the motion. A vote was taken, all were in favor, the motion carried unanimously.

Adjourn

Mr. Headd motioned to adjourn the meeting at 8:26 pm. Mr. Eaton seconded the motion, with all in favor, the motion passed unanimously.

Respectfully submitted,

Nancy J. Hoijer,
Recording Secretary