

**Town of Auburn
Board of Selectmen
June 21, 2021
Minutes
7:00 PM**

Selectmen Present: Keith Leclair, Todd Bedard and Michael Rolfe

Others Present: Road Agent Mike Dross, Library Director Kathryn Growney, Cynthia G. Berling, Parks & Recreation Coordinator Amy Lachance, Police Chief Ray Pelton, Michael DiPietro, Fire Chief Michael Williams, Steven Kimball, Daniel Busa, Marjorie Busa, Eric Mitchell, Attorney Patricia Panciocco, Tom Zapora, Town Administrator William Herman and Nancy Hoijer, Recording Secretary

Call to Order – Pledge of Allegiance

Mr. Leclair called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

Approval of Accounts Payable Manifest for the Week of May 31, 2021 - \$603,676.69

Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of May 31, 2021, in the amount of \$603,676.69. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Approval of Accounts Payable Manifest for the Week of May 31, 2021 - \$14,970.00

Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of May 31, 2021, in the amount of \$14,970. Mr. Leclair seconded the motion. A vote was taken, Mr. Rolfe abstained, Mr. Leclair voted aye, and Mr. Bedard voted aye. The motion passed 2-0-1.

Approval of Payroll Manifest for the Week of June 7, 2021 - \$59,680.48

Mr. Bedard motioned to approve the Payroll Manifest for the week of June 7, 2021, in the amount of \$59,680.48. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Approval of Accounts Payable Manifest for the Week of June 7, 2021 - \$3,633.46

Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of June 7, 2021, in the amount of \$3,633.46. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Approval of Accounts Payable Manifest for the Week of June 14, 2021 – \$48,103.36

Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of June 14, 2021, in the amount of \$48,103.36. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Approval of Accounts Payable Manifest for the Week of June 14, 2021 - \$25,029.99

Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of June 14, 2021, in the amount of \$25,029.99. Mr. Leclair seconded the motion. A vote was taken, Mr. Rolfe abstained, Mr. Leclair voted aye, and Mr. Bedard voted aye. The motion passed 2-0-1

Approval of Payroll Manifest for the Week of June 21, 2021 - \$52,564.70

Mr. Bedard motioned to approve the Payroll Manifest for the week of June 21, 2021, in the amount of \$52,564.70. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Approval of Consent Agenda for the Week of June 21, 2021

Mr. Leclair read out loud and provided for inspection a copy of the Consent Agenda for the week of June 21, 2021 some of which included a Notice of Intent to Cut Wood or Timber, two (2) Tax Collector's Warrant/Yield Tax, four (4) Abatement – Refund Requests, a Town Clerk's Warrant for Unlicensed Dogs, three (3) Cemetery Deeds, two Void Check Manifests, a NHDRA Survey, a FY 2020 Town Audit Governance Questionnaire and three (3) pistol/revolver licenses.

Mr. Bedard motioned to approve the Consent Agenda for the week of June 21, 2021. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Public Hearing – Acceptance of Unanticipated Revenues pursuant to RSA 31:95-b

Acceptance and expenditure of unanticipated revenues in the amount of approximately \$292,561.39 in funds from the American Rescue Plan Act (ARPA) of 2021 Assistance for Local Government

Mr. Leclair opened the public hearing at 7:02 PM.

Mr. Herman reported the first half of federal funds are ready to be distributed by the State to the Town of Auburn. The anticipated total for the first of two payments is \$292,561.39. The other half will be distributed 12 months later. A request for the funds is required to be submitted by the Town through an online process by August 18th. Mr. Herman noted the Board is being asked to vote to accept and expend the funds outside of the Town's budget process; to enter into an agreement with the U.S. Treasury for the funds, and to designate someone to sign the paperwork. There will be a report filed annually with the U.S. Treasury as to how the funds were spent. The Town has until December 31, 2024 to obligate the funds and until December 31, 2026 to expend the funds. Mr. Herman cited an example of obligating funds such as entering a lease, while the expenditures could be making the payments for up to five years through December 31, 2026.

Mr. Leclair asked if Mr. Herman was comfortable with the guidance document provided and how the funds can be used. Mr. Herman noted there are three COVID related areas and the fourth

is loss of revenue provision. While the Town did not actually lose revenue, the provision of the federal law allows for revenue which was not gained at the forecasted rate of 4.1% can be considered a loss of revenue. Based on Auburn's actual 2019 and 2020 revenue numbers, there would be a revenue loss of \$660,000. The lost revenue becomes the Covid-19 connection and provides for the most flexible allowance for potential expenditures.

Mr. Leclair asked if there were any questions or comments from the public and being none closed the hearing to the public at 7:06 PM.

Mr. Bedard motioned for the Town of Auburn to accept and expend up to \$292,561.39 in American Rescue Plan Act (ARPA) grant funds in FY 2021 by acting under the provisions of RSA 31-95-b and subject to the terms and standards in the ARPA regulations and the U.S. Treasury Award Terms and Conditions Agreement. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Bedard motioned to approve the Town of Auburn's entering into a U.S. Treasury Awards Terms and Conditions Agreement for receipt of American Rescue Plan Act funding that is made available to the Town of Auburn. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Bedard motioned to designate the Town Administrator as the signing authority for the Town of Auburn for reimbursement submissions and other documentation required for the ARPA Fund Grant Program. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Appointments with the Board

Daniel Busa and Marjorie Busa, 180 Appletree Road (Tax Map #17, Lot #63) – Application for Restoration of Involuntarily Merged Lots pursuant to RSA 674:39-aa

Mr. Mitchell posted a copy of the plan dated April 26, 2021 showing the four lots owned by Daniel Busa and Marjorie Busa on Appletree Road. Attorney Panciocco presented the application and handed out photos of the lots which she stated were taken a few days ago. Attorney Panciocco noted the two middle lots were merged by conduct and the owners are seeking to unmerge the lots involuntarily merged at each end. The lots merged by conduct included the improvements, the dwelling and septic. The parcels are part of the Sun Valley subdivision from 1961. Attorney Panciocco provided a copy of the deed which she noted describes Lots #71, 72, 73 and 74. The parcel was surveyed by Mr. Mitchell. No trees have been cut on the untouched end parcels. Attorney Panciocco noted she did not agree with the statements made in response to Mr. and Mrs. Busa in the March 2019 letter that permits were issued as combined lots as this is not supported by the 1977 building permit, certificate of occupancy and septic permit. A tax lien was recorded at the Registry of Deeds in 1983 and listed all four lots, two years before the property was acquired by Mr. and Mrs. Busa.

Attorney Panciocco stated that Mr. and Mrs. Busa never requested to merge the lots and in 1990 the land appeared as a single parcel. Attorney Panciocco stated the Town of Auburn has never adopted an involuntary merger ordinance and there was no overt act or conduct of any of

the predecessors in title. Attorney Panciocco noted the lot lines were erased and there was no notice sent to the owners by the Town of Auburn.

Attorney Panciocco noted she lives in Town and opined that she was trouble by what appeared to be a dislike of the involuntarily merged lot restoration RSA and the cost to the taxpayers if the applicant needs to pursue redress in a higher forum.

Mr. Bedard responded that it bothers him to hear her say that the Town does not like involuntary mergers. Mr. Bedard noted the application mentions four lots throughout, but for the two lots where the house and septic are.

Mr. Leclair responded that he also takes exception to the statement made. Mr. Leclair noted it is the Selectmen's job as elected officials to judge the intent and in this case it is hard to judge the intent of something that happened 40-50 years ago. Mr. Leclair addressed the statement that the 2019 letter was inaccurate as there was a building application for a 600x150, 90,000 SF in totality of all lots. This showed one parcel of land. The builder depicted the entire four parcels as one. Attorney Panciocco stated all four lots were mentioned and the middle are merged. She did not know what happened after the tax lien and when divided by the Planning Board the lot lines do not just disappear.

Attorney Panciocco concluded the burden is on the municipality the owner asked them to be merged. She stated the Town published the 1990 tax map as one parcel and wants the lots restored as they were. Mr. Mitchell noted the applicant is simply trying to clean up something that was merged when they were not supposed to be.

Mr. Leclair opened the hearing to the public for questions and comments and asked if any abutters were present and noted there were none.

Mr. Bedard noted it is unclear to him that the Town merged the lots because no one knows what was done.

Mr. Leclair asked Mr. Herman if he had anything to add. Mr. Herman clarified that the applicants were not asking for restoration of the pre-1990 lots as there were three in totality, not four.

Mr. Leclair questioned whether the building permit would have been approved if the setbacks would have been met with the septic design. Mr. Rolfe agreed the septic at that time would likely have had 10' extensions on the beds which took up a lot of room.

Mr. Leclair noted the Board would investigate it further with Town Counsel and will issue a decision at their July 12th meeting. Attorney Panciocco reiterated the 1983 tax maps showed four lots and the 1990 tax maps did not indicating it demonstrated an action by the Town. Mr. Leclair noted the property owner in 1977 applied for a septic system permit and a building permit representing the lots as one with an approximate 90,000 square foot area.

Tom Zapora – Vandalism and other issues at Morgen Drive/Tower Hill parking area

Mr. Zapora noted he has been in contact with Mr. Bedard and the Police Department about vandalism and other issues on Morgen Drive. He felt the 'No Parking' signage has worked to some extent, but he described one instance where a vehicle was parked, not put in gear and rolled down onto a neighbor's property causing damage. The vehicle owner claimed someone else put the car into neutral. He said there have been hunters and fisherman in the early morning hours of Saturdays and Sundays at 5:15-6:15 AM. The Manchester Water Works (MWW) sign states the path should not be used before 8 AM. Mr. Zapora detailed his calls to the Police Department since May 9th. There was a smash and grab operation with cars parked in the cul-de-sac daily to receive the stolen property. On May 15th he was awoken to a canoe being dragged at 6 AM and again on May 22nd. On another occasion after hours at 9-9:30 PM. On June 6th four cars from Massachusetts parked in the cul-de-sac and got out and played football, rode bikes, snacked and recreated in the street. On Father's Day he was awoken at 6:45 AM to people talking outside his home.

Mr. Zapora asked that there be no parking at all on the cul-de-sac and the signs be replaced with "no parking" signs. Mr. Zapora asked if vehicle owners could be warned they would be towed. Chief Pelton will look at the towing statute.

Mr. Bedard asked Chief Pelton to weigh in. Chief Pelton noted the Town would have to pass an ordinance if they want parking tickets issued. While the visits are violating the MWW curfew, the street is a public way, and it is legal to park there. Chief Pelton noted he spoke with John O'Neill at MWW and noted the hours for the trail could be taken up with the MWW Commission. The Chief noted MWW has 54 locations and several gates and does not have the manpower to monitor all of them all the time. Chief Pelton noted Auburn has no noise ordinance but can use the disorderly conduct ordinance. However, a car running, or the dragging of a canoe, or even talking is not disorderly. Chief Pelton noted the Department has a suspect they are looking for regarding the thefts and warrants are out. There has been no theft activity in the area for the past three weeks. 75% of the Tower Hill property attracting the visitors is in Candia. The Department checks Morgen Drive every day. Mr. Dross did a fantastic job with the signs. The Department has only one officer on in the morning and it would be impractical for him to sit on Morgen Drive. There have been no repeat offenders on the curfew violations.

Mr. Bedard noted he sympathized with the situation personally and would not welcome being woken up at those hours on the weekend, but the Town is hesitant to set a precedent with no parking unless it is a safety issue such as it was with the Pitts, the School and Shea's Purchase. Mr. Bedard questioned whether resident parking with a dump sticker displayed would be practical.

Road Agent Dross recommended posting no parking from 8 PM to 8 AM. Mr. Zapora asked if vehicles would be ticketed, and Chief Pelton indicated yes. Mr. Zapora was pleased with this resolution. Mr. Dross will order signs which may take three-four weeks and the Board will put the ordinance on the agenda for a public hearing.

Fire Chief Mike Williams – Monthly Meeting

Chief Williams presented his monthly report for May 2021 noting calls for service were increased to 60, a busy month for the Department. There were four life/safety inspections and two oil burner inspections done. Chief Williams noted in addition to attending the NH Fire Chief's meeting on Zoom he met with the Sandown Fire Chief relative to policies and procedures for mutual aid partners. A rural water class was held with Candia and other towns. COVID vaccination sites run by the State will be done at the end of June with vaccinations now being done at pharmacies.

Chief Williams noted the new repeater frequency on radios is working but portables remain a problem.

Chief Williams noted a cistern on Steam Mill Road was vandalized and will need to be dived to retrieve the signs and other items stuffed into it. The lock was cut and the cover will have to be replaced.

Chief Williams reported Captain Glennon is finishing repairs and maintenance at Station 2 and coordinated hose testing and pump testing to be done in August. Captain Barsaleau is working on extraction training this Sunday. There was training with DART helicopter but due to lightning the helicopter could not come. Phones were damaged by lightning at the Safety Complex and the Fire Department's system was repaired. There was a problem with a rear wheel seal on fire apparatus.

Review Business

Potential Project Discussions for FY 2021 ARPA Funds

Mr. Herman provided a Memorandum dated June 18, 2021 with a list of potential projects to fund with the ARPA funds the Town expects to receive shortly and a copy of the Capital Improvement Plan (CIP). The Treasurer and Finance Director have set up a separate account for easier tracking and reporting ARPA expenditures. Mr. Herman noted he will ask the Board to vote on each expenditure when they come up to help with the tracking of expenses.

Mr. Leclair noted the Fire Department requested a Gear Extractor and Dryer with an estimated cost including installation of \$43,002 and has a request to replace portable radios for \$152,800. The Police Department is looking to replace two toilet/lavatory combo units at the Safety Complex for \$10,000. The materials overage for the Safety Complex garage is estimated to be under \$26,000. The insulation for the training room at the Safety Complex will need estimates and Chief Pelton indicated Lil Deeb will work on getting those. There is a potential five-year lease pending for the Severance School with the cost still to be determined. The Library has requested \$40,000 for expansion design, a generator for \$18,000 and an outdoor electric sign with an estimated cost of \$3,000. The Finance Director has requested office furniture, \$1,155.64. Parks & Recreation has requested an online registration system for \$16,150 (total of five-year expenditure) and repairs to the Eddows Recreational Field Clubhouse, \$2,680. The Replacement Telephone System for Fire, Police and Town Hall is estimated to be approximately \$12,000.

Mr. Herman broke down the costs for the telephone system for each of the departments. Both Fire & Police were impacted by a recent lightning strike. The Fire Department's system has been replaced, but the Police Department is still experiencing problems with two of its lines despite a recent repair. The system is outdated and should be upgraded to digital. The cost for the Fire Department was \$3,550 and repairs to the Police were \$700 which did not solve the problem. A replacement system for the Police Department is estimated to be \$4,475. Mr. Leclair noted he would like to see a presentation on different systems. Mr. Herman asked Chief Williams if he thought the vendor used by the Fire Department would come into a meeting. Mr. Leclair noted replacement may warrant change of the phone service plan as well and questioned the length and terms of the Town's current agreements. Chief Pelton reminded the Police Department was still not functioning properly and could not wait much longer. Chief Williams noted the Fire Department system was ordered and installed within a week. Mr. Leclair recommended Mr. Bedard call Vision Communications and have the final say on this because of his experience and expertise.

Mr. Leclair motioned to approve the new phone systems for the Fire & Police Departments to come from the ARPA funds not to exceed \$8,500 and give approval to Mr. Bedard to interview and approve the vendor. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Herman noted the initial invoice for the storage facility would be coming shortly for 50% of the project cost. The first expenses would be paid from the \$81,000 raised. He would ask the Board to approve the funds for the full project cost based on the contract the Board had approved. He also noted the Police Department Office Manager would like to put a down payment on the bathroom remodel so the work can be scheduled.

Mr. Leclair noted he felt the request for the Griffin Library for the \$40,000 expansion design should go through the Budget Committee so they are involved. Mr. Herman noted the Trustees and the Selectmen have a joint workshop meeting scheduled on this project on July 20th. Mr. Rolfe noted the generator seemed larger than necessary. Mr. DiPietro recommended considering a generator for the new library building. The Board will consider the request at a later date. Mr. Leclair noted replacement of mini splits were put off during last year's budget, only one was budgeted for replacement. Ms. Growney will get an updated estimate. Mr. Leclair noted the cost for the electric sign seemed low.

Mr. Leclair noted he met Mr. Villeneuve and Mrs. Lachance at the Severance School. The \$113,000 estimate seemed light as it does not include the roof and full HVAC. Mr. Villeneuve is reviewing and adjusting his numbers accordingly.

Mr. Leclair noted with the ongoing expense of the proposed Parks & Recreation registration system of \$16,150 annually and guidance only allowing the expenditure for five years, the Town would be left with an ongoing expense so he was not in favor of pursuing this item right now.

Mr. Leclair motioned to use the ARPA funds to repair the concession stand at Wayne Eddows at a cost not to exceed \$3,000. Mr. Bedard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Rolfe noted he did not see anything in the ARPA funding for education. Mr. Leclair reviewed the CIP items that were completed. Some of the lights at the parks were done two years ago but not softball and fence. Shingle repairs at Town Hall could be done from the

Building Fund. The multi-use path was pushed off. Chief Williams noted Tanker 2 replacement is estimated to be \$500,000 in two years.

Mr. Leclair noted \$100,000 in revenue would be approximately .12 cents on the tax rate.

Mr. Rolfe noted grants could be available for the radios and could hold off on that until the grant is awarded. Chief Williams noted the match is 95/5% and the Town could save \$50,000 by going with the Kenwood brand used by the Police Department.

Mr. Leclair noted he had no problem with voting on the Gear Extractor and Dryer for the Fire Department as they have unsuccessfully applied for grants the past four years.

Mr. Leclair motioned to expend an amount not to exceed \$45,000 to purchase the Gear Extractor and Dryer from ARPA funds. Mr. Bedard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Leclair motioned to expend an amount not to exceed \$11,000 to replace the two toilet/lavatory units in the booking room from ARPA funds. Mr. Bedard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Leclair motioned to expend \$25,840 for completion of the Storage Garage building to cover the increase in COVID related expenses from the ARPA funds. Mr. Bedard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Leclair motioned to authorize the Town Administrator to sign the contract with Pidcor for the Storage Facility Building. Mr. Bedard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Leclair motioned to use ARPA funds to purchase the desk and chair for the Finance Director's office at an amount not to exceed \$1,200. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Resignation of Citizens Broadband Committee Member

Mr. Herman provided a copy of an email received from Jan Gonsalves resigning from the Broadband Advisory Committee.

Mr. Bedard motioned to accept with regret the resignation of Jan Gonsalves from the Citizen's Fiber Broadband Advisory Committee. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Appointment of Alternate Library Trustee

The Board welcomed Cynthia Berling who was recommended for appointment by the Library Trustees to be an Alternate Library Trustee. Library Director Kathryn Growney noted the Library would be happy to have her. There are three elected trustees and up to three additional individuals can be appointed as alternates, so they could have two more appointed alternates.

Mr. Bedard motioned to appoint Cynthia G. Berling to the position of Alternate Library Trustee for a term to expire in March 2022. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Old Business

Stop Signs at Steam Mill Road and Wellesley Circle

Mr. Leclair noted he asked Mr. Herman to contact the Wethersfield HOA concerning the request to remove the stop sign. Mr. Herman sent a letter on May 26, 2021 and the Town has received no response.

Mr. Bedard noted the stop sign was installed on a trial basis and that trial is now done. Mr. Leclair noted there had been a similar request received earlier to remove the sign. Mr. Rolfe also noted Mr. Dandrade had also commented when he was meeting with the Board that he felt there was a better solution than the stop signs.

Mr. Bedard motioned to remove the stop sign at the intersection of Steam Mill Road and Wellesley Circle. Mr. Rolfe seconded the motion. With all in favor, the motion passed unanimously.

State Budget Update

Mr. Herman provided a report on the State Budget. HB1 is the biennial state operating budget. There is a 35% increase anticipated in Rooms and Meals tax revenue for municipalities which, for the Town of Auburn, would represent approximately an additional \$100,000. In addition, the state education property tax will be reduced by \$100 million statewide which is reported to result in a reduction of .50 cents per thousand. This reduction is budget for one year only in the two-year state budget.

Report/Comments of Ex-Officio Board Representative

Mr. Bedard reported Highway Safety met and reviewed the Police and Road Agent reports.

Mr. Rolfe reported the Planning Board met and accepted the Auburn Heights application. They could get conditional approval on July 7th.

Other Business

Agreement with NH Bobcats Organization

Mr. Leclair noted the NH Bobcats of which he is a coach with Zach Eaton, has had an agreement to use Wayne Eddows Fields for youth baseball and softball for the last three years, skipping last year due to COVID. The Organization barter with training and donations with Little League, such as batting cages, bases for the majors and maintenance, a lot of which is done by Mr. Eaton saving \$20-30,000 worth of work expense every year. The Organization gets the left-over field time and is frequently bumped for schedule conflicts. Mr. Leclair noted the Memorandum of Understanding is in perpetuity so either side can end the agreement. The Organization is making a \$500 donation this year.

Next Meeting/Events

Monday, July 12, 2021 – Board of Selectmen's Meeting – 7:00 PM

Monday, July 26, 2021 – Board of Selectmen's Meeting – 7:00 PM

Minutes

May 24, 2021 Public Meeting

Mr. Bedard motioned to approve the May 24, 2021 Public Meeting Minutes as written. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

May 24, 2021 Non-Public Sessions (x2)

Mr. Bedard motioned to approve the May 24, 2021 Non-Public Meeting Minutes (x2) as written. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Non-Public Session per RSA 91-A:3, II (b) & (I) - Hiring of a public employee & consideration of legal advice provided by Town Counsel.

Mr. Leclair motioned to go into non-public session pursuant to RSA 91-A:3, II (b) & (I) hiring of a public employee & consideration of legal advice provided by Town Counsel. Mr. Bedard seconded the motion. A roll call vote was taken Leclair – aye, Bedard – aye and Rolfe – aye. The motion passed unanimously.

The meeting room was closed to the public at 9:50 PM.

Mr. Rolfe motioned to come out of non-public session. Mr. Bedard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

The meeting room was reopened to the public at 10:02 PM.

Mr. Leclair motioned to seal the minutes of the non-public sessions. Mr. Bedard seconded the motion. A roll call vote was taken, all were in favor, the motion passed unanimously.

Adjourn

Mr. Leclair motioned to adjourn at 10:02 PM. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Respectfully submitted,

Nancy Hoijer
Recording Secretary