

**Town of Auburn
Board of Selectmen
January 27, 2014**

Selectmen Present: Russell Sullivan, James Headd & Paul Raiche

Also Present: Mike Dross, Road Agent; Rick & Scott Eaton, Audrey Trickett, Scott & Karen Norris, Brad & Kim Sargent, Mike DiPietro, Frances McFarland, Paula Marzloff, Linda Dross, John H. & Mary Ann Rolfe, Mickey Rolfe, Dennis Vieira, Tom Gonyea, Jim Boisvert and Ryan Maher, Residents; William Herman, Town Administrator and Kathryn Skoglund, Recording Secretary

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

Approval of Payroll for Week of December January 27, 2014

Mr. Raiche moved to approve the Payroll Manifest in the amount of \$36,436.57 for the week of January 27, 2014; Mr. Headd seconded the motion; all were in favor, the motion passed unanimously.

Consent Agenda – Week of January 6, 2014

Town Meeting Warrant & Default Budget

February 1, 2014 Deliberative Session

March 11, 2014 Second Session (Balloting)

MS-DT Form – “Default Budget of the Town” - \$5,007,108

Pistol / Revolver License

Six (6) Licenses

Mr. Headd moved to approve the Consent Agenda for the week of January 27th, 2014; Mr. Raiche seconded the motion; all were in favor, the motion passed unanimously.

Old Business

Proposed Update to Town Purchasing Policy

Mr. Herman informed the Board that Town Counsel has reviewed the document per the Boards request, specifically the schedule of rates and the provision exempting winter highway maintenance and emergency operations from the \$25,000 limitation. Attorney Jennifer St. Hilaire has found them acceptable, the Board was provided email correspondence from Attorney Jennifer St. Hilaire.

Mr. Sullivan commented that page 4, Purchasing Levels, letter E) references NH RSA 231:62, however the verbiage is not complete. Mr. Sullivan continued that the complete RSA states “the Road Agent, *under the direction of the Board of Selectmen*”. The other Board members reviewed the complete RSA. Mr. Herman stated that the verbiage could be added in. Mr. Headd stated that he was ok with quoting the statute more directly.

Mr. Sullivan verified that rates included in the Policies Appendix A include equipment with an

operator. Mr. Herman stated that was correct. Mr. Santuccio asked regarding seasonal employees being paid an hourly wage using subcontractors' equipments. Mr. Herman stated that has historically been done. Mr. Sullivan suggested depicting rates without an operator in the Policy. Mr. Dross questioned what he should do when he rents equipment. Discussion ensued regarding reduced equipment rates when used by an hourly seasonal employee. Mr. Dross stated that this has never been done. Mr. Raiche suggested including a note in the policy allowing for an additional rate for seasonal employees. Mr. Sullivan thought that would put the rates above market value. Mr. Rick Eaton suggested listing two categories, bare rental cost and cost with operator. Mr. Boisvert asked if the rates included in this policy were comparable to the State rates. The Board of Selectmen did not know. Mr. Herman stated that they were comparable when they were set. Mr. Boisvert noted that if the rates already include a fee for an operator, a seasonal employee being paid additionally is double dipping. Mr. Mickey Rolfe noted that the Town employees one seasonal. Further discussion ensued regarding how the highway department functions and the rates. Mr. Vieira stated that he's been all down these roads and this is big city stuff and spoke to a situation in Methuen.

Mr. Santuccio noted that there is a petition warrant article for a purchasing policy on the ballot; if it is passed it will supersede this proposed policy. Mr. Raiche stated that he does not think that policy is better than this policy.

Mr. Santuccio asked when the rates in this policy were looked into. Mr. Herman approximated a year ago. Mr. Raiche commented that rates have likely not gone down.

Mr. Rick Eaton expressed that he was confused why the town would pay an additional rate for a seasonal employee for use of equipment if the cost of the equipment already includes an operator. Mr. Dross noted that the town had one seasonal employee who is no longer employed by the town. Ms. Skoglund suggested not hiring seasonal employees and maintain subcontractors solely, as the seasonal laborer positions were established to accommodate one or two individuals' financial situations. Mr. Herman noted that the prior Road Agent hired individuals to run his equipment and charged similarly. Ms. Skoglund confirmed that was correct. Mr. Vieira stated that the town needs to give the Road Agent leeway to get the work done.

Mr. Dross compared officers taking Auburn cruisers out of town for details. Mr. Sullivan stated that the topic of details is not on the table. Mr. Raiche agreed.

Mr. Santuccio asked how much it was going to cost to put the purchasing policy warrant article on the ballot. Mr. Herman stated approximately \$5,000. Mr. DiPietro verified that there were two separate purchasing policies being brought up tonight. Mr. Sullivan stated that was correct, the purchasing policy proposed by Petition Warrant Article was not up for discussion tonight and would be discussed at the Deliberative Session.

Mr. Santuccio referenced comments made by Mr. Headd at the Selectmen meeting a week prior and commented that it seems the Board does not want any constraints. Mr. Headd noted that the purpose of the policy is to establish more clear constraints; however he does not want to tie the Road Agents hands and inhibit the work that needs to be done. Mr. Santuccio stated that he thinks there should be checks and balances and asked Mr. Headd if he reviews the bills. Mr. Headd stated yes.

Mr. Scott Eaton asked if the Board was going to amend the rates to include two categories, one for equipment rates and one for equipment rates with an operator. Mr. Raiche stated that if extra labor is needed it should be allowed for. Mr. Eaton asked how paying for an operator twice was profitable to the town. Mr. Raiche commented that the town has always operated in way. Mr. Eaton stated that just because it has always been done it does not make it right. Others in the audience shared that sentiment. Mr. Maher asked what the Board is going to do about the town paying double for an operator. Mr. Dross suggested that the contractor reduce the rate charged to the Town by the seasonal workers rate. The Board was agreeable with an

inclusion as such. Mr. Rick Eaton and Mr. Vieira both shared personal experiences with rental equipment and sentiments regarding liability.

Mr. Raiche moved to adopt the Town of Auburn Purchasing Policy as discussed and amended; Mr. Headd seconded the motion; all were in favor, the motion passed unanimously.

New Business

Safety Complex Water Damage

The Board reviewed an email correspondence from the Police Department Office Manager regarding damaged/stained ceiling tiles and a quote from The Scott Lawson Group, Ltd to investigate mold concerns. Mr. Raiche commented as the Health Officer in Derry NH, leaks should be repaired and the area dried as quickly as possible to prevent mold. Mr. Herman noted that this damage is likely from HVAC condensation. It was the consensus of the Board to move forward with The Scott Lawson Group, Ltd's proposal of \$1920 for mold investigation.

Old Business (cont.)

PELRB Unfair Labor Practice Decision

Mr. Herman reported to the Board that on Thursday the Public Employee Labor Relations Board has issued a decision in the claim of an Unfair Labor Practice regarding the Traffic Control in Work Zone Ordinance. The PELRB ruled in favor of the Town and dismissed the complaint. Mr. Headd asked regarding the cost of this matter. Mr. Herman replied that the legal costs are approximately \$7,500.

January 28th ZBA Hearing

Mr. Herman reminded the Board that the Zoning Board of Adjustments will conduct a rehearing of the Ramos case at their regularly scheduled January 28th hearing; here at the Town Hall at 7:00 p.m. Mr. Sullivan and Mr. Raiche indicated that they would be in attendance.

Ms. Skoglund informed the Board that the Town is in receipt of the formal signed road Deed for Hawthorne Drive as well as a letter from the developer agreeing to complete remaining work no later than May 1, 2014, failing to do so the existing Letter of Credit may be used to complete the work.

Mr. Raiche moved to approve the minutes of the January 13th, 2014 public meeting as written; Mr. Headd seconded the motion; all were in favor, the motion passed unanimously.

Mr. Boisvert informed the Board that the first culvert on the right from Route 121 has collapsed. Mr. Sullivan asked Ms. Skoglund to have Stantec look into this.

Mr. Mickey Rolfe asked who pays for the legal costs for the Unfair Labor Practice claim. Mr. Herman stated that the funds are paid out of the Labor Relations budget line. Mr. Rolfe asked why the funds did not come out of the Police Department budget. Mr. Herman clarified that the Police Union legal fees were not paid out of the town budget. Mr. Rolfe noted that the Town

pays the Police Union employees so essential the Town did.

Minutes

January 13th, 2014 Public Meeting

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Mr. Raiche moved to approve the minutes of the January 13th, 2014 public meeting as written; Mr. Headd seconded the motion; all were in favor, the motion passed unanimously.

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January 13th, 2014 Non-Public Meeting

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Mr. Raiche moved to approve the minutes of the January 13th, 2014 Non- public meeting as written; Mr. Headd seconded the motion; all were in favor, the motion passed unanimously.

Mrs. Trickett asked if the Board would hold their meeting earlier next Monday due to the School Deliberative Session. The Board agreed to not hold a meeting next Monday.

Mrs. Trickett noted that back in November the Board had discussed putting a survey in the Auburn Village Crier regarding mailing Town Reports to households. Ms. Skoglund recalled the Board discussing it but received no further direction. Mr. Sullivan noted that funds have not been budgeted for additional print costs and mailing. Mr. Herman stated that it could be planned to put forth in the Crier in August. Ms. Skoglund asked if the Board would like a poll on the website as well. The Board agreed they did.

Mrs. Trickett asked regarding the Warrant Article layout in the Deliberative Session Flier, 9 and 10 being switched. Mr. Herman clarified for the Board that it was suggested at the Budget Committee meeting, due to the length of the petition warrant article, that the placement be switched so that the proposed budget would not be lost. Mrs. Trickett asked who did this. Mr. Herman stated that he prepared the Deliberative Session Flier file.

Mr. Santuccio asked what the Town charges for Police Details. Ms. Skoglund stated that she could not recall at the moment but would look it up after the meeting.

Mr. Santuccio asked regarding road side trash disposal. Mr. Herman noted that ABI had provided a quote of \$50 per hour, the same as what the Road Agents rate is. Mr. Herman does not believe ABI's price included disposal. Mr. Dross noted that he is willing to do it provided there is a policy in place.

Mr. Santuccio noted that he thought the Town's insurance carrier was going to come in to discuss equipment parked on town property. Mr. Herman stated to the Board that he can schedule this if the Board would like. Mr. Sullivan stated yes.

Mr. Santuccio asked if minutes were taken of the joint board meetings to discuss the Personnel Policy. Mr. Herman stated yes and informed Mr. Santuccio that the public records are kept by the Town Clerk. Minutes can also be found on the Town website, under all three Boards (Selectmen, Police Commission & Library Trustees)

Mr. Santuccio verified that Mr. Raiche was dead set against the Petition Warrant Article. Mr.

Raiche commented he does not believe the Board has an obligation to adopt it. Mr. Santuccio asked Mr. Headd his opinion. Mr. Headd thought it was poorly written for a small town. Mr. Headd continued on that one sentence was incoherent; there are many other issues too.

Non-Public Session

Mr. Raiche moved to enter into non-public session pursuant to RSA 91-A 3, II (c) Review of Non-Public Meeting Minutes; Mr. Headd seconded the motion; all were in favor, the motion passed unanimously.

Meeting in Non-Public Session with the Selectmen were Town Administrator Herman and Secretary Skoglund.

Mr. Raiche moved to exit Non-Public Session; Mr. Headd seconded the motion; all were in favor, the motion passed unanimously.

Mr. Raiche moved to keep sealed the minutes of the November 1st, 1999 Non-Public meeting, the minutes of the November 8th, 1999 Non-Public meeting, the minutes of the January 31st, 2000 Non-Public meeting, the minutes of the March 6th, 2000 Non-Public meeting, the minutes of the March 13th, 2000 Non-Public meeting and to release the memo from the May 13th, 2000 Non-Public meeting; Mr. Headd moved to second the motion; All were in favor, the motion passed unanimously.

Mr. Headd moved to adjourn; Mr. Raiche seconded the motion; all were in favor, the public meeting ended at 8:19 p.m.