

**Town of Auburn
Board of Selectmen
December 18, 2014**

Selectmen Present: Russell Sullivan, James Headd & Richard Eaton

Also Present: Gerald & Verna Nye, George Gagnon, Dan Carpenter, Emerson Heald, Mike & Linda Dross, John Rolfe, Michael & Deb Rolfe, Bruce Rolfe, Scott Rolfe, Chris Rolfe, Dennis Vieira, Frances McFarland, Audrey Trickett, Greg Santuccio, Dennis McCarthy, Brad & Kim Sargent, Joanne Linxweiler, Kathy Sylvia, Sue Jenkins, Richard & Elizabeth Sell, Julie Sell, Residents; Karyn Forbes, Attorney; Jennifer St. Hilaire, Wadleigh, Starr & Peters Attorney; Ray Pelton, Auburn Police Lieutenant; William Herman, Town Administrator; Kathryn Lafond, Recording Secretary

Mr. Sullivan called the meeting to order at 9:00 a.m.

Mr. Eaton moved to recess the meeting to meet with town counsel; Mr. Headd seconded the motion; all were in favor, the public meeting was recessed.

Mr. Sullivan reconvened the meeting at 9:34 a.m.

Mr. Sullivan indicated that he is unsure what is privileged information from the meeting with town counsel. Mrs. St. Hilaire clarified and noted that the Board does not have to convey the discussion that was had or the advice from counsel; simply conduct the business that the Board wishes to conduct. Atty. Forbes asked if this was a public meeting and if the Board would be talking public comment. Mr. Sullivan confirmed that the Board would take public comment. Mr. Eaton stated that the Board called this meeting to discuss the recent indictments from the Rockingham County Attorney against John Rolfe and whether the town will continue to use J.H. Rolfe as a subcontractor.

Mr. Headd stated that it is the suggestion of Mr. Sullivan and Mr. Eaton that Mr. Dross not continue to hire J.H. Rolfe. Mr. Headd continued that he does not share this opinion; an indictment is not a conviction and Mr. Rolfe may come out exonerated. Mr. Headd commented that this is a rerun of the same issues that started with the issue of flaggers in 2011 and he is concerned that the Board members are making judgment based on emotion not logic.

Mr. Eaton indicated that he is not taking sides; he has given this matter a lot of thought. Mr. Eaton continued that somewhere the Board needs to draw the line; yes, Mr. Rolfe is innocent until proven guilty but J.H. Rolfe should step aside until the matter is resolved.

Attorney Forbes addressed the Board by informing them of the underlying allegations against Mr. Rolfe; the trespass being approximately 38 feet onto someone else's property in 2012. Atty. Forbes continued that the property owner, Mrs. Silva knew of the trespass in 2012 and the town of Auburn, including the Board of Selectmen, Planning Board and Building Inspector have been aware since approximately the summer of 2013. Atty. Forbes commented that Mr. Sullivan himself even went out to the property for a site walk. Atty. Forbes noted that now all of sudden the Board calls an emergency meeting at special time rather than at a regularly scheduled Board of Selectmen meeting when the only difference in information is the indictment. Atty. Forbes went on to explain to the Board how easily indictments are obtained and indicated that Mr. Rolfe intends to defend himself. Atty. Forbes stated that in her opinion this is a civil matter between Mr. Rolfe and Mrs. Silva, who has filed a civil suit which like the indictment has nothing to do with the town and will be resolved in an appropriate matter.

Mr. McCarthy stated that it is know that there is turmoil in town and factions have formed, a lot of issues are related. Mr. McCarthy asked why the Board would want to take action prematurely and open themselves up for yet another lawsuit. Mr. McCarthy added that the goal should be getting the parties together, resolving issues and ending it all.

Mr. Chris Rolfe commented that there have been issues between with the Police Department, J.H. Rolfe and Road Agent Dross since 2011 and with this decision of the Board it seems that the Board is getting pressure from the Police Department.

Mr. Eaton stated that he is neutral and reiterated that he spent a lot of time thinking about this situation and he thinks the manly thing for J.H. Rolfe to do is step aside until this is done.

Mrs. Elizabeth Sell asked if the town received notification of the indictments or was it just something they heard. Mr. Eaton replied that copies of the indictments were provided to the Board on Monday evening by Mr. Herman. Mr. Herman indicated that the copies were initially provided to him by Mr. John Rolfe himself.

Mr. Vieira noted that he's been watching this unfold for 15 months and has seen that as soon as you oppose the Police Department you get pressure. Mr. Vieira stated that Mr. McCarthy is the only Commissioner that makes since. Mr. Vieira added he doesn't care what the indictment says, the Rolfe's are stand up people and the Board of Selectmen is wrong about this.

Mrs. Linxweiler asked the Board to think long and hard about this; adding that Mr. Rolfe has done a lot for this town; the Board is ruining a man with a decision like this. Mrs. Linxweiler continued that an indictment is an allegation not a conviction and the claim itself is a pittance. Mrs. Linxweiler asked if the Board was going to sit in at the Town Hall to deal with residents calls; indicating that the last four years have been crazy here because of all the issues like this.

Mrs. Trickett commented that the town has had two people who were arrested and removed from their positions until the matters were resolved. The Board was not aware of what Mrs. Trickett was talking about.

Mr. Gagnon stated that this all sounds like a bunch of kids not playing well in the sandbox and if the Board had more power they would start a war. Mr. Gagnon commented that the Board should focus on lessening the taxes instead of hiring attorneys and picking sides.

Mr. Vieira brought up that the suggest matter of today's meeting was not listed on the agenda and noted that the Board recently adopted procedures that were not followed. Mr. Eaton responded that the Board agreed at Monday's meeting to not meet again until the 29th but in light of the indictment the Board wanted to meet more immediately to address the matter. Mr. Vieira stated he understood that but noted that no subject matter was relayed on the agenda. Mr. Carpenter commented that important meetings should be held when the public can actually attend, not 9:00 a.m.

Mr. Scott Rolfe stated that the Board is asking Mr. John Rolfe to step aside and asked why the Board isn't asking employees being sued to step aside. Mr. Sullivan commented that the employees have not been indicted. Mr. Rolfe noted that the employees are still face legal allegations that are costing the town money. Mr. Rolfe added that John Rolfe's indictment has nothing to do with the Town and will not cost the town money.

Mr. Dross asked the Board where the town is going to come up with the funds to hire laborers and equipment; they will not be able to find any comparable to J. H. Rolfe. Mr. Dross added that when the Board handicaps him, it is hard for him to do the job he was voted to do. Mr. Dross stated that the Board is making the wrong decision. Mr. McFarland informed the Board that he has four trucks ready and waiting. Mr. Dross indicated that he was not comfortable working with Mr. McFarland.

Mr. Vieira stated that the town has spent more time and money trying to dig stuff up and cut people off at the legs. Mr. Vieira suggested that the Board head in a direction that will fix these issues rather than hang people in the streets. Mr. Eaton spoke with regards to working together and the need to stop blaming each other and the lawsuits and the indictments. Mr. Bruce Rolfe

asked how this decision to oust J. H. Rolfe was going to help that.

Mrs. Linxweiler again asked the Board to use commonsense; the indictment is an alleged trespass of 38 feet, not a drug deal or murder. Mrs. Linxweiler stated that the Boards decision today is going to fracture the town even more.

Mr. Vieira relayed to the Board that in the position of Road Agent, responsibility for the sub contractors falls on the Road Agent not the Board of Selectmen.

Mr. Bruce Rolfe stated that the Board's decision is just fuel in the fire. Mr. Chris Rolfe added that the Board claims they want to heal the town but as the discussion goes on everyone gets angrier.

Mr. Gagnon stated that this whole thing seems beyond everyone, no one has common sense anymore, nothing positive is being done and the town is wasting money on one side or the other. Mr. Gagnon suggested that the Board hire an arbitrator. Mr. Sullivan indicated that the Town did hire a company to assist with conflict resolution. Mr. Bruce Rolfe asked where they are today. Mr. Sullivan commented that they have helped the Board implement workshops and meetings with all departments, it is on going and the Board is trying.

Mr. Vieira asked the Board if they let go of J.H. Rolfe and he comes out of this clean do they really think he won't file a civil suit against the town. Mr. Vieira added that the town will be hard pressed to find a more honest set of guys.

Mr. McFarland commented that the allegation of a 38 feet trespass also includes the destruction of a stone wall, the theft of trees and material. Mr. Sullivan stated that the Board is not trying the case.

Mrs. Nye stated that it is so hard to see this town so divided, Auburn is the laughing stock of the surrounding towns and she does not see how this is helping.

Mrs. Jenkins stated that she was at the last 9:00 a.m. meeting when the Board discussed firing Town Administrator Herman and the room was filled then as it is now with people opposing the Boards actions. Mrs. Jenkins commented that these are totally political actions going on here and the Board is single handedly ruining this town.

Mrs. Deb Rolfe commented that there are two other issues; a vendetta by the Police Department and the Selectmen's secret meetings. Mr. Gagnon added that things' being discussed outside of meetings with the Police Commission etc. at bars and stores is illegal. Mr. Eaton noted that he is aware of what is illegal in that regard.

Mr. Vieira stated he thinks we've had enough of this, Mr. Dross is an elected official and if one of the subcontractors does something wrong under the employ it falls on the Road Agent to handle appropriately.

Mrs. Sell commented that she would like to see the Board take steps to help the town.

Mr. Sullivan acknowledged that a decision today, one way or the other is not going to help the other issues that have been brought up today. Mr. McCarthy asked the Board then why take an action that doesn't resolve anything. Mrs. Sargent stated that she does not think the Board should make any decisions today, to do so would be a vote of no confidence. Mrs. Sargent continued that everyone needs to get it together, peoples behaviors are making it worse. Mrs. Sargent added everyone needs to think about how far down they want this town to go. Mr. McCarthy stated his agreement.

Mr. Chris Rolfe asked where are the people who support the Boards decision. Mrs. Sargent commented they are probably working and unaware of this 9:00 a.m. meeting after the Board decided Monday evening not to meet again until the 29th.

Mr. Scott Rolfe reiterated the phrase innocent until proven guilty and added that releasing J.H. Rolfe from employ is convicting John Rolfe before he has his day in court.

Mr. Sullivan stated that he would like some time to digest people's comments. A woman from the audience stated that she respects the Board of Selectmen's position in this town, she would like to see them follow through with this meeting and make a decision and not drag the matter

out and cause more turmoil and stress. Mr. Headd stated that he is of the opinion that this matter has been exhausted and the Board should take no action. Mr. Eaton stated that he would like to extend the discussion to the meeting on the 29th. Mrs. Sargent asked how not making a decision was going to hurt the town and added that continuing the meeting is cruel and adds unnecessary stress on Mr. Rolfe. A woman from the audience asked why call a meeting if you can't make a decision.

Mrs. Dross noted that we'll be entering the middle of winter and asked what the Road Agent going to do, winter subcontractors already have their contracts so finding new subcontractors to plow is going to be difficult. Mrs. Dross suggested that the Board make a decision today so that the Road Agent can do his job.

Mr. Headd reiterated that he would like to see this done today. Atty. St. Hilaire informed the Board that they can take no action today and take up the matter at any other time.

Mr. Eaton moved to recess the meeting to meet with town counsel; Mr. Headd seconded the motion; all were in favor, the public meeting was recessed.

Mr. Sullivan reconvened the meeting at 11:45 a.m.

Mr. Eaton indicated that the Board spoke with Town Counsel and took the public comments into consideration.

Mr. Headd moved to take no further action at this time with regards to the employ of J. H. Rolfe; Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Mr. Headd informed those present that the Board will reopen the matter potentially in the spring pending the status of the indictment.

Mr. Sullivan commented that he would have thought that J. H. Rolfe would have stepped aside. A member of the audience asked why would he.

Mr. Headd moved to adjourn; Mr. Eaton seconded the motion; all were in favor, the public meeting ended at 11:48 a.m.