

**Town of Auburn
Board of Selectmen
April 13, 2015**

Selectmen Present: James Headd, Richard Eaton & Dale Phillips

Also Present: David & Sue Jenkins, Paula Marzloff, Sue Goodhue; Chris McLaughlin, Glenn Shaw, Mike & Linda Dross, Dennis & Pauline Vieira, Michael Rolfe, Armand Miclette, Audrey Trickett, Mike DiPietro, John & Mary Ann Rolfe, Scott & Karen Norris, Ryan & Christen Maher, Greg Santuccio and Tom Gonyea, Residents; Kathryn Lafond, Recording Secretary

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

Approval of Accounts Payable for Week of April 13th, 2015

Mr. Eaton moved to approve the Accounts Payable Manifest in the amount of \$722,319.38 for the week of April 13th, 2015; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Consent Agenda – Week of April 13th, 2015

Permanent Application for Property Tax Credit/Exemption

72 Donald Drive (Tax Map 48, Lot 1-5) – Veterans Tax Credit
61 Noll's Farm Road (Tax Map 8, Lot 8-7) – Veterans Tax Credit

Correspondence

Timothy J. Therrien, Parks & Rec. Comm. – Resignation Acceptance Letter
R. John Roy, Cemetery Trustee – Resignation Acceptance Letter

Raffle Permit

Auburn Skate Park – Ice Cream Social Event

Application for Tax Abatement

124 Manchester Road (Tax Map 7, Lot 22) – Application Returned

Pistol/Revolver License

Four (4)

Mr. Eaton moved to approve the Consent Agenda for the week of April 13th, 2015; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Old Business

Review of Potential Tax Deed Properties

The Board agreed to table the matter until towards the end of the meeting and then enter into non-public session pursuant to RSA 91-A:3 (c).

Cottage Avenue Update – Hydrant

Mr. Eaton stated that he spoke with Manchester Water Works regarding the need for a hydrant at the end of Cottage Avenue. Mr. Eaton relayed that the discussed hydrant is not a requirement of Manchester Water Works; if it is recommended by the Auburn Fire Department, Manchester Water Works will provide they hydrant free of charge. Mr. Eaton added that the only associated cost would be for labor to install the hydrant and the town would incur a quarterly fee for the water hydrant. The Board agreed to seek the Fire Departments recommendation regarding the hydrant.

New Business

Hawthorne Drive Proposed Boring

The Board reviewed an email from Dan Tatem of Stantec Consulting requesting permission for Sterling Homes, the subdivision developer to contract with Miller Engineering to perform geotechnical drilling within the roadway and shoulders of Hawthorne Drive to determine the cause of the frost heaving. Stantec is also asking if the town would require an additional surety or if the \$108,000.00 current surety was sufficient and if flaggers or a Police Detail would be required. Mrs. Phillips indicated that she verified with the Traffic Control Ordinance and flagging is permitted. Mr. Dross stated that the Board accepted this road last January after residents had complained about the developer not plowing adequately. Mr.

Dross added that this is the second road to be accepted by the town in the winter that is failing. Mr. Dross asked doesn't Stantec monitor during construction. The Board of Selectmen agreed that they would like to meet with Stantec to discuss the matter.

Town Lawn Mowing Bids

Ms. Lafond indicated that the bid closing was Friday at 2:00 p.m., 7 bids were received and were publicly opened upon the bid closing. Ms. Lafond added that she prepared a bid summary report and has the bids available for the Boards review. Mrs. Phillips stated that she reviewed the bids today. Mr. Headd noted that there are large variations in bid amount, ranging from \$25,000.00 to \$43,195.00. Mr. Headd asked if the low bidder included ant treatment. Mrs. Phillips stated no. Ms. Lafond commented that treatment for ants was included in the Request for Proposal specification. Mr. Headd and Mr. Eaton indicated that they have not yet reviewed the bids and would like more time to do so before making a decision.

Auburn Skate Park – Raffle Request

The Board reviewed a request to hold a raffle at the Ice Cream Social event on June 5th at the Auburn Village School. The raffle proceeds will benefit the proposed Auburn Skate Park.

Mrs. Phillips moved to authorize the raffle as requested; Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Other Business

Mrs. Phillips proposed that the Board of Selectmen meet every other week. Mr. Headd noted that this has worked well in the past in the summers, during budget season weekly meetings is necessary. Mrs. Phillips indicated that a meeting can always be scheduled if necessary if there is business to attend to on an off week. The Board agreed the next meeting would be held on April 27th.

Mrs. Phillips moved to meet every other week as discussed; Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Mr. Gonyea indicated that he wants to read a letter of complaint against one of the Select board members that he has prepared for the record and began

reading. Mr. Headd stopped Mr. Gonyea and stated that the Board should have opportunity to review Mr. Gonyea's complaint first. Mr. Gonyea suggested that because the complaint is about a board member the discussion should not be in non-public session. Mr. Headd indicated that without any knowledge of what Mr. Gonyea is going to bring forth he is not prepared, Mr. Gonyea he can schedule a meeting with the Board of Selectmen. Various comments were made by the audience. It was suggested that the Board meet in non-public session toward the end of the meeting. The Board indicated there agreement to do that.

Mr. Maher asked why Selectmen Eaton's comments are not attached to last week's meeting minutes. Mr. Headd stated that after his review of the drafted comments he deemed them inappropriate to be part of the public record as it contained information from previous non-public meetings and attorney opinions which are subject to attorney/client privileges. Mr. Eaton referenced and read from the Selectmen's adopted Rules and Procedures. Mr. Maher commented that every Board members voice should be heard. Mr. Headd indicated that Mr. Eaton's opinion about re-hiring Mr. Herman was heard at both public and non-public meetings; the employment contract once signed will be a public document but the personnel matter was handled appropriately in non-public session and no further information would be disseminating.

Minutes

April 13th, 2015 Non-Public

Mr. Eaton moved to approve the minutes of the April 13th, 2015 non-public meeting; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Non-Public Session

Mrs. Phillips moved to enter into non-public session pursuant to RSA 91-A 3, II (c) Reputation of another; Mr. Headd seconded the motion; A roll call vote was taken; Mr. Headd – yes, Mr. Eaton – yes, Mrs. Phillips– yes. The motion passed.

Meeting in Non-Public Session with the Selectmen was Tax Collector Sylvia, Mr. Jack Chapman and Secretary Lafond.

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Meeting in Non-Public Session with the Selectmen was Mr. Tom Gonyea and Secretary Lafond.

Mr. Gonyea requested that Ryan Maher join the meeting. Mr. Headd asked if Mr. Gonyea could tell the Board what the matter is first. Mr. Gonyea read his complaint to the Board. Mr. Gonyea informed the Board that after the meeting on March 30th there was a great deal of discussion in the room outside the meeting room, he engaged in conversation with Mrs. Phillips regarding the potential absence of a formal vote on the motion to re-hire Mr. Herman. Mr. Gonyea claimed that during this exchange Mrs. Phillips called him a profane term. Mr. Gonyea indicated that at that time Mrs. Phillips denied doing so but since then two other people have told him that they witnessed her do so. Mr. Gonyea stated that he would like the Board to reprimand Mrs. Phillips. Mr. Headd asked if this alleged claim occurred during the public meeting. Mr. Gonyea confirmed that it occurred after the meeting. Mrs. Phillips indicated that after the meeting on the 30th she and the Union Leader reporter that was here that evening were trying to listen to his recording of the meeting to see if there was or was not a formal vote taken as it was being questioned, she did comment at the time that she would speak with Mr. Headd about taking another vote but she did not call Mr. Gonyea a profane term. Mrs. Phillips stated that she is sorry if Mr. Gonyea thinks that she did. Mr. Gonyea commented that this conversation should not be happening in non-public session and made comment to the Board not letting the public speak. Mr. Headd stated that the Board provides opportunity at every meeting to speak however reiterating the same comments week after week has to stop. Ms. Lafond suggested that business brought up at the meeting that is not on the agenda should be deferred to her, the Selectmen's Executive Assistant to schedule on the next meeting agenda. Ms. Lafond noted that this would remove any question of appropriate procedure as well as allow the Board time to become informed of the matter to be discussed and aid in decision making at the meetings. The Board conveyed favorable response to this. Mrs. Phillips again stated to Mr. Gonyea that she is sorry if Mr. Gonyea is offended. Mr. Gonyea stated that he knows what he saw and heard and would like a public reprimand and apology. Mr. Headd indicated the meeting was over when the alleged name-calling occurred and he is not going to take action on anything that he did not witness. Ms. Lafond noted that elected officials have freedom of speech rights too. Mr. Eaton agreed but noted that no one should be calling any one names, things do slip once in a while. Mrs. Phillips stated she will make a point to be respectful forthcoming but she will not publicly apologize for something that she did not do.

Mrs. Phillips moved to exit Non-Public Session; Mr. Headd seconded the motion; A roll call vote was taken; Mr. Headd – yes, Mr. Eaton – yes, Mrs. Phillips – yes. The motion passed.

Mr. Eaton moved to seal the Non-Public meeting minutes of the meeting with Mrs. Sylvia and Mr. Chapman, not those with Mr. Gonyea; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Mrs. Phillips moved to adjourn; Mr. Eaton seconded the motion; all were in favor, the public meeting ended at 8:24 P.M.