

**Town of Auburn
Board of Selectmen
August 3, 2015**

Selectmen Present: James Headd, Richard Eaton & Dale Phillips

Also Present: Howard Hedegard, David & Michelle Mudge, Patricia Allard, William & Brenda Clunie, Brian & Jennifer Hashem, Armand Miclette, Mike DiPietro, Paula Marzloff, Scott Norris, Michael Rolfe, Audrey Trickett, Residents; Ray Pelton, Police Lieutenant; William Herman, Town Administrator; Kathryn Lafond, Recording Secretary

Mr. Headd called the meeting to order at 7:00 p.m. and asked everyone to stand for the Pledge of Allegiance.

Approval of Payroll for Week of July 27th, 2015

Mr. Eaton moved to approve the Payroll Manifest in the amount of \$45,701.04 for the week of July 27th, 2015; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Approval of Accounts Payable for Week of August 3rd, 2015

Mr. Eaton moved to approve the Accounts Payable Manifest in the amount of \$1,475,173.23 for the week of August 3rd, 2015; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Consent Agenda – Week of August 3rd, 2015

Land Use Change Tax Warrant

Espana Building & Development – 90 Winchester Way (Tax Map #2, Lot #9-12) - \$12,500

Escrow Agreement

Strategic Contracting Company, LLC – Reclamation Subdivision Improvements – Anderson Way (Tax Map #5, Lot #19) - \$51,645

Strategic Contracting Company, LLC – Construction Monitoring – Anderson Way
(Tax Map #5, Lot #19) - \$13,527.41

Howard Hedegard – Buckle Up in Your Truck Campaign

Mr. Hedegard introduced himself to those present as Highway Safety Specialist for the Injury Prevention Center of the Children's Hospital at Dartmouth-Hitchcock (CHaD) and explained that he is looking for approval to conduct a seat belt educational campaign during August and September at no cost to the town; Derry and Brentwood are currently committed. Mr. Hedegard went on to describe the proposed 5 week campaign which would commence with an observational survey of seatbelt use in pickup trucks. Mr. Hedegard noted that male pickup truck drivers have the lowest seat belt use rate. Mr. Hedegard continued that over the 5 weeks yard signs, posters and banners would be displayed, there would be newspaper, radio and television ads and articles and community educational events. Mr. Hedegard commented that the campaign would be involving students from Pinkerton, creating peer groups to pass the information along, which is a proven effective model and to whatever extent can be done will be done in the Auburn Village School. Mr. Hedegard stated that a post campaign observational survey will be done to see if there is an increase in seat belt use and then another survey about one month after the campaign to observe if there is any reduction in seat belt use. Mr. Hedegard indicated that the surveys would not be tracking vehicles, plate numbers are not recorded; just general information regarding the driver and passengers of pickup trucks, such as male/female and estimated age. Mr. Hedegard added that he would love to have a table at the Auburn Day-Duck Race event with information and handouts such as wrist bands, water bottles and key chains. Mr. Hedegard concluded by stating that New Hampshire is the only state without an adult seatbelt law and the highest unbelted fatal crash rate. Mr. Mudge asked if the statistics taken from Auburn would be used to influence a seat belt law in New Hampshire. Mr. Hedegard indicated no, not statistics alone. Mr. Hedegard added that he would like to see a law, he knows it would make a difference. Mr. Herman noted that normally he would have directed Mr. Hedegard to the Highway Safety Committee first but with the committee not meeting for the summer he scheduled Mr. Hedegard with the Board of Selectmen, if the Board is agreeable to the campaign as proposed he would suggest that Mr. Hedegard work with the Auburn Police Department. The Board was in agreement with allowing the campaign to move forward as presented.

Old Business

SNHPC Energy Purchasing Consortium Update

Mr. Herman informed the Board that the base group will be comprised of the Londonderry, Derry and Windham School Districts as they have the highest electric use needs and the other towns will round out the consortium. Mr. Herman added that each entity needs to have their information to Southern New Hampshire Planning Commission by Friday and within a month the consortium should have results.

David Mudge – Request Waiving of ZBA Fees

Mr. Herman indicated that this matter of refunding the fees is back before the Board from their last meeting as the Board wanted to see the Zoning Board of Adjustments decision, which was to change one word in the conditions “classic vehicles” to “passenger vehicles”. Mr. Mudge stated that as he explained to the Board last Monday, the Zoning Board of Adjustments did not understand originally that the State of New Hampshire would not issue a license for just classic vehicles after meeting with them on Tuesday, July 28th they made the change to passenger vehicles. Mr. Mudge explained that this change allows him to resume work for now but he expressed his concern that when he has to apply for a new license in January, the State will send the town another questionnaire and he will be in the same boat now with having to go before the Zoning Board again because of the conditions that they have set. Mr. Mudge indicated that he just wants to do what he has always been able to do until he can sell his house. Mr. Eaton commented that Mr. Mudge did have to pay to re-notice abutters for the Zoning Board to make the change. Mr. Herman informed the Board Mr. Mudge went before the Board to have them remove conditions 1, 3 and 4. Mr. Mudge stated that condition 1 is a concern as he already described, the ZBA changed “classic” to “passenger” in condition 2 and condition 4 “No cars off the street, no pickup trucks off the street as the trade name implies...” does not make sense to him and is a non-condition as it’s not something he has ever done. Mr. Mudge commented that he thought the Board decision to refund the fees was if the ZBA made any changes. Mr. Eaton noted the ZBA changed one word. Mr. Mudge agreed but expressed that the change is a major one as it now allows him to resume his work; he will get more information from the State about the new types of dealers licenses they are rolling out January 1st, again expressing his concern with having to come before the ZBA again because of the conditions. Mr. Herman commented that it seems that condition 1 only applies if the dealer license lapses and suggested that Mr. Mudge submit the license application early and make the town a copy of the application for his file. The Board agreed to refund the fees paid by Mr. Mudge for the Zoning Board of Adjustments rehearing that was held on Tuesday, July 28th.

Mrs. Phillips moved to refund the Zoning Board of Adjustment fees in the amount of \$113.88, paid by Mr. Mudge; Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Status of Hills Road Extension

Mr. Herman stated that this matter was listed on the agenda to inform the Board that Mr. Bussiere began work today. Mr. Clunie introduced himself and stated that he understand this is a new Board now but explained that he and other residents from Hills Road were before the Board in 2007 because the developer had inappropriately began work, the town issued the developer a cease and desist and then developer disappeared again; now the developer is back and he didn't expect the contractor to notify the residents that work was commencing but he expected the town to have the curtesy to notify them. Mr. Clunie asked if there had been any traffic studies done, if there are speed controls such as speed bumps planned and if there has been any thought beyond allowing the developer to proceed. Mr. Clunie stated that he thought that the developer had to sell the last two lots before the road could be connected and added that a detention pond is to be constructed near his property line and asked who will maintain it. Mr. Clunie noted that the affect this will have on the property values are also a concern. Mrs. Phillips noted that opening up the road does not really affect the assessed value and she deferred to the Police Department regarding the traffic, perhaps they could put out their speed trailer and do more patrols. Mr. Clunie offered use of his property to place the speed trailer. Mrs. Phillips noted that the Town had Southern New Hampshire Planning Commission conduct a traffic count and another will be conducted after the through road is constructed. Mr. Clunie asked what that data can be used for. Mr. Herman stated information only at this point. Mrs. Phillips commented that perhaps the town was remiss in not notifying the residents, it was not something that crossed her mind. Mrs. Phillips continued that a goal of the Planning Board is to connect roads when possible. Mrs. Hashem commented that they are new homeowners and had heard about this connection but have never been formally informed, she had heard that it was for emergency use only. Mrs. Phillips indicated that was not correct. Mrs. Hashem asked if the developer had completed the two lots, is this the proper time to put the road through. Mrs. Phillips stated that she does not know if the developer has built on the lots. Another resident present stated that the developer has not built on the lots, the condition was the lots needed to be sold before the developer could connect the road. The Board agreed that they were not aware of this condition and could look into it. Mr. Herman indicated that Auburn has coordinated with Hooksett and the developer has pulled permits for

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the lots and needs to connect the road to be in compliance with the approved plan. The residents present expressed their preference that the town be sure that the appropriate conditions have been met prior to further construction. Mr. Headd reiterated that the Board can take a look into any agreements or conditions there may be. Mr. Clunie asked for a copy of the agreement. Mr. Herman did not believe there was one. Mr. Eaton suggested that perhaps it was a condition on the approved subdivision plan, that can be looked into and matter discussed again in two weeks at the next Board meeting. Mr. Eaton commented that if the road connection does not happen now, it will at some point and sometimes things aren't as bad as we think they are going to be giving the opening of Steam Mill Road and upgrade of Lovers Lane as examples. Mr. Clunie agreed that may be true but speeders are still a legitimate concern and residents will have to change their ways of life and kids won't be able to play basketball in the street or walk to the bus stop etc.

New Business

Tilton Place Surety Reduction

Ms. Lafond informed the Board that Stantec and the Planning Board have recommended the surety for the Tilton Place Subdivision be reduced from \$235,160.05 to \$88,969.75. Mr. Herman followed up that Eastern Bank has provided a letter indicated that they are working on the reduction and extension of the Letter of Credit however due to the large volume of letters of credit that they working on there is a backlog and do not anticipate being able to meet the August 15th expiration date. The Board agreed that they are not willing to let the town be without adequate surety and the developer could provide a cash in lieu of bond in the amount of \$88,969.75 to be held until the new Letter of Credit is issued or if the bank is unable to issue a replacement Letter of Credit before the close of business on August 15th the Town will call the existing Letter of Credit prior to the close of business on August 15th.

Raymond Road Culvert Project

Mr. Herman explained to the Board that in 2011 the Town applied for a Hazard Mitigation Program grant through FEMA for the replacement and upgrading of an undersized culvert on Raymond Road, in March 2012 the voters approved a warrant article which provided full funding of the project and the town has been encumbering the funds since then. Mr. Herman continued that FEMA is still considering the project for approval however even if FEMA approves the project

it will not be in time to perform the work before the Wetlands permit expires on October 21, 2015; if the town does any work prior to FEMA approval it will be ineligible for reimbursement by the grant but if the town lets the Wetlands permit lapse without completing the project the town will likely not be able to get a new permit for the same work a twin culvert system, the State would likely require a bottomless box culvert which is more costly which would not meet the funding thresholds for the Hazard Mitigation Program grant. Mrs. Phillips stated that she thinks that the town will spend more money going through the process than if they just completed the project with the funds available. Mr. Eaton commented that the town will be paying more than originally anticipated no matter what. Mr. Headd commented that the State keeps changing the rules.

Mrs. Phillips moved to move forward with the Raymond Road culvert project and to complete it prior to the October 21st permit deadline; Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Mountain Road Surety Reduction

Ms. Lafond indicated that Stantec and the Planning Board have recommended that surety for the Mountain Road Subdivision be reduced from \$44,792.00 to \$33,470.75.

Mr. Eaton moved to reduce the surety for the Mountain Road Subdivision from \$44,792.00 to \$33,470.75; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Minutes

June 20th, 2015 Public Meeting

Mrs. Phillips moved to approve the minutes of the July 20th, 2015 Public meeting as written; Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Lt. Pelton thanked Mr. Herman, Mr. Dross and the Board for facilitating the installation of the gate on Dartmouth Drive, he thinks it will work out well.

Mr. Rolfe informed the Board that Chester Turnpike will be paved tomorrow.

Non-Public Session

Mr. Eaton moved to enter into non-public session pursuant to RSA 91-A 3, II (a) Compensation of a Public Employee, (c) Reputation of someone other than a member of the Board & (d) Consideration of Sale of Public Property; Mrs. Phillips 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 Town Administrator Herman and Secretary Lafond.

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

Mrs. Phillips moved to authorize a Step Increase for the Deputy Tax Collector from Labor Grade 4, Step 14 to Labor Grade 4, Step 15; Mr. Eaton seconded the motion; all were in favor, the motion passed unanimously.

Mr. Eaton moved to seal the minutes of the non-public session; Mrs. Phillips seconded the motion; all were in favor, the motion passed unanimously.

Mr. Headd moved to adjourn; Mr. Eaton seconded the motion; all were in favor, the public meeting ended at 8:45 p.m.