

**Town of Auburn
Board of Selectmen
April 16, 2018
Town Hall
7:00 p.m.
RSA 91-A: 3, II (c)**

Non-Public Session #1 of 2

UNSEALED June 4, 2018

Selectmen Present: James Headd, Richard Eaton & Keith Leclair

Also Present: Fire Chief Ed Gannon, Bill Herman, Town Administrator, and Nancy J. Hoijer, Recording Secretary

At 6:01 pm Mr. Eaton motioned to go into non-public session under NH RSA 91-A: 3, II (c) reputation. Mr. Leclair seconded the motion, with all in favor, the motion passed unanimously.

Mr. Headd advised Chief Gannon the purpose of this meeting was to address two written complaints about what is considered "electioneering" which is contrary to statute and public policy.

Mr. Headd explained the nature of the complaints which included election signs on public property and using Town e-mail to solicit supporters for a local candidate.

Chief Gannon asked to see photos of the signs which had been observed in the kitchen area of the safety complex. Chief Gannon explained that on the day in question, the building had been open to the public for a blood drive from 8 am to 2-3 pm and they had responded to a number of emergency calls. "There were no signs on the lawn at any time." Chief Gannon added that he had also responded to a complaint with the Attorney General's office and the signs were gone that day.

Mr. Leclair stated he had asked Chief Gannon how the signs got there. He said he didn't know and he had no reason not to believe him.

Mr. Headd advised Chief Gannon another concern was the use of his title of Fire Chief to support a candidate during an election was inappropriate. He was welcome to use his own name as an individual but not his title.

Chief Gannon responded to the request under 91A for copies of his emails which Mr. Headd explained could be construed as intimidation. Mr. Headd explained how it could appear to an employee that after getting an email from the boss, if he didn't cooperate with displaying those signs that it could affect a performance review or raise. Mr. Leclair added it was inappropriate to use any town resources to support any candidate. Mr. Eaton added that it does go on and a gray area is the Personnel Policy which should be updated to include Fire Chief Gannon.

Mr. Headd stated they had not received one single complaint about Chief Gannon as far as his abilities as a firefighter. "It's administrative."

Chief Gannon stated the Board had clarified the issues to him and that he could assure that next year and in the future he would be sure to notify anyone soliciting his support in an election it would be Mr. Gannon and not Chief Gannon.

Mr. Leclair asked about Personnel files and where they were kept and whether a Memorandum of Understanding should be done. Mr. Herman advised the Fire Department's files were kept at the Fire Department, but they could have a file at town hall concerning disciplinary actions. Chief Gannon stated that he would be willing to sign such a letter. Mr. Eaton stated that he did not want to hold this over his head for another year.

Mr. Headd advised that his term had expired on March 31st. Mr. Eaton asked how long the renewal should be for. Mr. Leclair stated that he was in support of a three-year term. Mr. Headd and Mr. Eaton were in agreement, however Mr. Herman raised important concerns about the legislature's pending review of the number of hours worked affecting pensions and suggested waiting until those numbers were in, in late June or early July.

Mr. Leclair asked about his volunteering in the excess hours and Mr. Herman advised that while Chief Gannon volunteers and could continue to do so, the town could face fines for allowing him to if it appeared to undermine the limit of hours a retiree is going to be allowed to work and continue to receive their NHRS benefits.

The Board asked Chief Gannon if he would be ok with waiting a month and he stated that he was. Mr. Eaton stated that it should get done by then, they will want some stability.

Mr. Eaton advised they should have a meeting at some point to discuss amendments to the policy and Mr. Leclair added that something about use of social media. One employee should not be using it to call out another town employee as with the snow plowing issue.

Mr. Eaton agreed that the snow plowing issue as a whole, that was raised in the email, whose responsibility to clear the cisterns using what equipment, needed to be addressed, who does what and what areas should be done first. Chief Gannon stated it made no sense to plow buildings that were closed during snow events first, like the Library. Chief Gannon suggested that if the safety complex were plowed outward instead of across there would be less damage to the lawn and sprinkler heads and the electrical box was not a concern with snow piling in front of it. Chief Gannon stated that he will put together a map for that meeting. The Fire Department has latitude and longitude for some of the areas that get overgrown especially in the subdivisions where people cover them up because they are unsightly. Mr. Leclair asked to define a time each year, mid-summer or early fall.

Chief Gannon advised he has applied for a \$6,000 grant for vests and tourniquets and that 75% were enrolled in the response to shooting course.

Chief Gannon left the meeting at 6:30 PM.