

**Town of Auburn
Board of Selectmen
Town Hall
March 8, 2021
7:00 P.M.**

() Call to Order – Pledge of Allegiance

- Approval of Accounts Payable Manifest for the week of 3/1/2021
- Approval of Payroll Manifest for the week of 3/8/2021
- Approval of Consent Agenda for the week of 3/8/2021

() Appointments with the Board

- Chief Williams AFD February Report

() Town Response to Covid-19 and State Emergency Declaration

- General Update on Town Issues

() New Business

- Promotion of Finance Assistant
- Policy Concerning Safety Support Details – COVID-19
- Eversource notice of tax abatement request
- Waste Management request for permit modification
- ZBA Resignation
- SB 87 status update

() Old Business

- Municipal Building LED
- CAI Agreement
- Safety Complex insulation

() Reports/ Comments of Ex-officio Board Representatives

- Budget, Highway Safety, Parks & Rec, Planning Board

() Other Business

() Next Meetings / Events

- Monday March 22, 2021 Board of Selectmen's Meeting – 7 P.M.

() Minutes

- February 22, 2021 – Public Meeting

- February 22, 2021 – Non-Public Meeting

() **Non-Public Session pursuant to RSA 91-A:3, II (a & c) (if needed)**

Compensation of a public employee(s) and Reputation of someone other than a member of the board.



TOWN OF AUBURN, NEW HAMPSHIRE

Fire Department
55 Eaton Hill Road
Auburn, NH 03032
(603) 483-8141



Fire Chief Michael Williams

Deputy Fire Chief Robert Seling

Auburn Fire-Rescue Department Monthly Report February 2021

The Auburn Fire Rescue Department responded to 51 Incidents for the month, Incident responses are broken down as listed below.

Building Fire:	0
Vehicle/equipment Fires:	0
Brush:	0
Fires, all other:	1
Alarm Call no fire:	6
Hazardous Conditions:	1
Rescue/EMS:	22
Service calls:	10
Good intent calls:	11
Total:	51

Fire Chiefs Report

- Continue to work on COVID-19 related issues in town. Continue to disinfect both fire stations along with Town hall every other week.
- EMS training this month was held via ZOOM.
- Fire Training this month was Ice rescue (classroom).
- Hosted bimonthly Fire Department meeting via ZOOM.
- Continually updating Operational Policies and Procedures.
- Attended the selectmen's meeting to go over my monthly Fire Department report.
- Submitted monthly call firefighter payroll.
- The monthly NHIFRS reports were exported to the State of N.H.
- Station 2 airlines for the apparatus bay vehicle drops were repaired.
- Working on Red Alert, our new life safety database.
- The 2020 AFG grant was submitted.
- Assisted Captain Glennon and Lt. Dignard with building Station 2 mechanical room wall.

- The officers attended a ZOOM training with Eversource along with updating Auburns target hazard locations.
- Ladder 1 jack issue was repaired by Greenwood fire apparatus.
- We have hired a new call firefighter, Demetrios Stamoulis is an EMT and lives in Manchester, welcome to AFD Demetri!
- Responded to emergencies and meetings as needed and required.
- I continually meet with Fire officers and Department members as needed and required.
- The Part time/Per diem shifts continue to go well. We are now having the per diem members work at both fire stations every other month.

Fire Prevention Report

- 7 Annual life safety inspections were completed.
- 1 follow up life safety inspections completed.

Deputy Fire Chief Bob Selinga

- Assists with checking members off on fire apparatus as driver/operators.
- Responds to emergencies as requested.
- Bob is working with new members on vehicle signoffs.
- Working on a new Fire Chaplain policy
- Assists the Fire Chief with many department related issues.

Safety Complex Captain (Vacant)

Station 2 Captain Pat Glennon

- Assisted at Crew detail every other Sunday.
- Responds to emergencies as requested.
- Ordered Station supplies.
- Built new mechanical room @ Station 2.
- Put plywood on the exterior walls @ Station 2.
- Ladder 1 jack was repaired.
- Replaced grab handle on Ladder 1.
- Acquiring quotes for LED lighting @ Station 2.
- Attended Pump training with day crews.
- Apparatus airlines were repaired @ Station 2.
- E2 tank level gauge repaired.
- Organized transferring equipment to the Town shed.

Lieutenant Matt Barsaleau (Crew #1, PPE)

- Assisted at Crew detail every other Sunday.
- Responds to emergencies as requested.
- Issued PPE as needed and requested, PPE Inspections ongoing.
- Matt is assisting with filling daytime crew vacancy and coordinating filling the shifts.
- Coordinated new firefighter training with crews.
- Worked with his crews on training requirements.

Lieutenant Todd Dignard (Crew #2, Small tools & equipment)

- Assisted at Crew detail every other Sunday.
- Responds to emergencies as requested.
- Todd has been filling in for the vacant fulltime positions.
- Worked with new firefighter on training requirements.
- Installed suction hose with adapters on Ladder 1.
- Purchased new single gas CO meters for medical bags.
- Ordered new porta tank liner for Tanker 2
- Worked with his assigned crew on training requirements.

Lieutenant Chris Szatynski (Crew #3 SCBA, Radios)

- Assisted at Crew detail every other Sunday.
- Responds to emergencies as requested.
- Lt. Szatynski oversee all mobile and portable radios.
- Serves as the AFD safety Officer.
- Chris has been filling in for the vacant fulltime positions.
- Worked with new fulltime firefighter on training requirements.
- Worked with his assigned crew on monthly training/crew activities, vehicle checks, etc.

Lieutenant Mike Sullivan (EMS)

- Assisted at Crew detail every other Sunday.
- Responds to emergencies as requested.
- Ordered required EMS supplies.
- Serves as our EMS coordinator assisting members with NH licensing, EMS training, ect.
- Coordinates Monthly EMS training schedules.
- Assisted with new fulltime firefighter training.
- Qc's all EMS TEMSIS reports.



Auburn Fire February 2021 Statistics

Calls by Day of the Week

	Feb 2021
Monday	9
Tuesday	8
Wednesday	10
Thursday	5
Friday	9
Saturday	6
Sunday	4
Total	51

Fire / EMS Calls for Feb 2021

EMS Calls for Service	31
Fire Calls for Service	20
Total Calls For Service	51

Calls by Response Area

	Feb 2021
Grid AFD1	14
Grid AFD2	9
Grid AFD3	4
Grid AFD4	9
Grid AFD5	5
Grid AFD6	1
Mutual Aid Given	9
Total	51

Fire and Rescue Responses by Type

	Feb 2021
Building Fire	0
Vehicle/ Heavy Equipment Fire	0
Brush	0
Fires, other types	1
Alarm call no fire	6
Hazardous Condition	1
Good Intent	11
Service Call	10
Emergency Medical Services	22
Total Responses	51

Simultaneous Incidents	Occurrences	Total	Simultaneous Incidents
Single Call	49	49	N/A
Two Calls Simultaneously	1	2	2
Three Calls Simultaneously	0	0	0
Four Calls Simultaneously	0	0	0
Five or More Calls Simultaneously	0	0	0
Totals		51	2
Feb 2021			4%

Mutual Aid/Auto Aid Given	Feb 2021
Bedford	0
Candia	2
Chester	6
Deerfield	0
Derry	0
Hampstead	0
Hooksett	0
Hudson	0
Litchfield	0
Londonderry	0
Manchester	0
Northwood	0
Pelham	0
Raymond	1
Salem	0
Sandown	0
Windham	0
Total	9

Mutual Aid Received	Count	Time of Day	Count
Candia	2	00:00 - 00:59	1
Chester	10	01:00 - 01:59	0
Deerfield	0	02:00 - 02:59	0
Derry	1	03:00 - 03:59	2
Hampstead	0	04:00 - 04:59	0
Hooksett	1	05:00 - 05:59	0
Hudson	0	06:00 - 06:59	1
Litchfield	0	07:00 - 07:59	3
Londonderry	0	08:00 - 08:59	2
Londonderry	0	09:00 - 09:59	1
Manchester	0	10:00 - 10:59	4
Manchester	0	11:00 - 11:59	3
Raymond	0	12:00 - 12:59	3
Total	14	13:00 - 13:59	3
		14:00 - 14:59	2
		15:00 - 15:59	3
		16:00 - 16:59	5
		17:00 - 17:59	3
		18:00 - 18:59	3
		19:00 - 19:59	7
		20:00 - 20:59	3
		21:00 - 21:59	2
		22:00 - 22:59	0
		23:00 - 23:59	0
		Total Alarms	51

EMD Call Code	Feb 2021
ALPHA	7
BRAVO	2
CHARLIE	3
DELTA	4
ECHO	1
NONE	14
OMEGA	0
Grand Total	31

Town of Auburn

Town Hall
47 Chester Road
P.O. Box 309
Auburn, NH 03032



Town Administrator

William G. Herman, CPM
Phone: (603) 483-5052 Ext. 111
Fax: (603) 483-0518
E-Mail:
townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: February 23, 2021

Re: Finance Assistant Patricia Rousseau – Appointment to Finance Director

On October 19th, 2020, the Board of Selectmen met with Finance Director Adele Frisella and Finance Assistant Patricia Rousseau to discuss the pending retirement of Ms. Frisella and the filling of both the Finance Director's and Finance Assistant's positions moving forward in 2021.

The Board indicated Mrs. Rousseau had met all expectations and requirements of her since her filling the Finance Assistant's position, and it was their intention to promote her to the Finance Director's position. However, no formal action concerning the appointment or the establishment of an individual starting wage was taken.

Under the Town's Wage Classification System, the Finance Assistant position has been established as a Labor Grade 7, while the Finance Director is set as a Labor Grade 10.

Currently, Mrs. Rousseau rate of pay is at the Labor Grade 7, Step 8 level, which is an hourly rate of \$21.60. The Finance Director's position is an exempt, salaried position. We would recommend the Board appoint Mrs. Rousseau as Finance Director effective April 1, 2021 and that her salary be set at Labor 10, Step 8, which is \$53,113 annually (the equivalent of \$25.54 per hour).

Should the Board agree with this recommendation, the motion the Board should consider is as follows:

Move to approve the recommendation of the Town Administrator to promote Finance Assistant Patricia Rousseau to the position of Finance Director effective April 1, 2021 and to initially establish her annual salary at Labor Grade 10, Step 8.

Thank you for your consideration.

Town of Auburn

Town Hall
47 Chester Road
P.O. Box 309
Auburn, NH 03032



Town Administrator

William G. Herman, CPM
Phone: (603) 483-5052 Ext. 111
Fax: (603) 483-0518
E-Mail:
townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: March 2, 2021

Re: Public Safety Personnel Providing Support Services in Pandemic Response

In follow-up to authorization issued at the Board's February 8, 2021 meeting for Auburn fire and police personnel to provide personnel in support roles at Covid-19 vaccination sites, we have focused attention on the tracking and invoicing for reimbursement of these personnel costs.

This issue took a little effort to get our arms around – and to be sure the Town did things like honor the Collective Bargaining Agreement with the Auburn Police Union and adhere to NH Retirement System (NHRS) regulations. But I think we have gotten there with a fairly simple proposed policy, of which I have attached the current draft.

Although we would normally consider this type of activity to be a special detail, the NHRS issued guidance to municipalities on February 19th that indicates these work assignments are not to be considered Special Details. Under normal rules and regulations, the NHRS generally does not allow the calculation of special detail hours to count as earnable compensation towards retirement. However, this work assignment will be counted as earnable compensation for the full-time employees covered by NHRS.

To date, our one full-time firefighter has not performed any of these shifts. But we have had off-duty, full-time police officers perform some of these work assignments. The concern at hand for the Town is to ensure we invoice an appropriate amount for the full personnel costs the Town incurs in this process. Following the Town's detail rate would not provide enough to cover NHRS contributions by as much as \$5 to \$6 an hour.

After reaching out to Adele Frisella, Patty Rousseau, Ray Pelton and Mike Williams to be sure I understood their concerns, we then reviewed the pertinent sections of the Collective Bargaining Agreement, AFD SOP #016, Town policy for the invoicing for Special Police Details and the info & standards the NHRS issued on this subject to understand the various standards we should meet.

The result is the attached draft policy for the Board's consideration. I think the key items include:

- Treats police & fire personnel the same at a universal \$45 per hour.
- We indicate we will charge the appropriate payroll benefits expense depending on the status of the Auburn employee. This is language that is very similar to what is in the invoicing policy for Special Police Details.
- We call this work assignment "Public Safety Support" and not Special Details, and
- Knowing Auburn work began on February 11th, we are recommending an effective date of February 1st – so the policy will cover all payroll we may have in this area.

Public Safety Personnel Providing Support Services in Pandemic Response
March 2, 2021
Page Two

Should the Board be of the opinion to adopt the proposed policy, the following motion would be in order:

Move to adopt the proposed Policy Concerning Public Safety Support Provided by the Town of Auburn to be effective February 1, 2021.

Thank you for your consideration.

Attachment

POLICY CONCERNING PUBLIC SAFETY SUPPORT PROVIDED BY THE TOWN OF AUBURN

On occasion, the public safety services departments of the Town of Auburn may be called upon to provide support services to other public sector agencies that falls outside of the normal "Special Details" or mutual aid coverage that may occur during the normal course of business activity.

To address these limited situations, the Town of Auburn establishes this policy concerning the provision of public safety support that may be provided to a public sector entity by either / or the Auburn Fire Department or the Auburn Police Department.

Agreement for Service and Scheduling of Coverage:

Should a Memorandum of Understanding or some other form of agreement, contract or document for the provision of this support service be required by the requesting entity, the Board of Selectmen will be the approving authority for that agreement.

Public Safety Support that may be provided by either the Auburn Fire Department or the Auburn Police Department will be scheduled and assigned through the respective Chief or designee of the respective department in accordance with the operating rules of the department.

Hourly Rate of Pay:

Recognizing there are other prevailing regulations in this area outside of this policy, namely the Collective Bargaining Agreement with the Auburn Police Union and SOP 016 of the Auburn Fire Department, the Board of Selectmen has determined the hourly rate to be received by the individual employee(s) who performs the public safety support duty shall be \$45.00 per hour.

The hourly rate to be charged for shall be reviewed at least annually by the Board of Selectmen.

Fees and Costs to be Covered:

For the Town of Auburn to be reimbursed for the cost of the Public Safety Support efforts, the Fire Department and/or Police Department will provide to the Selectmen's Office timely information concerning the provision of Auburn personnel for these activities for the Selectmen's Office to ensure the employee(s) providing coverage are timely paid the wages they are due for this activity, and to invoice the public concern that scheduled and contracted for the service.

When the expense of the provision of these employee(s) for Public Safety Support; duty is invoiced to the requesting entity, the Town of Auburn will invoice the \$45.00 per hour paid to the individual, in addition to related benefits and administrative overhead costs determined by the Board of Selectmen.

The payroll related benefits for this type of service can include employer contributions for FICA (6.2%); Medicare (1.45%) and/or required NH Retirement System (NHRS) employer contributions, depending on the status of the individual employee(s) with the Town of Auburn. The NHRS contributing rates through June 30, 2021 are 28.43% for police and 30.09% for fire. These rates will change to 33.88% for police and 32.99% for fire for the period of July 1, 2021 through June 30, 2023.

POLICY CONCERNING PUBLIC SAFETY SUPPORT PROVIDED BY THE TOWN OF AUBURN

Effective Date:

This policy shall take effect on February 1, 2021.

Adopted by the Board of Selectmen the 8th day of March 2021.

Keith N. Leclair

Todd R. Bedard

Michael J. Rolfe
AUBURN BOARD OF SELECTMEN

Received and recorded this _____ day of _____, 2021.

Kathleen A. Sylvia, Town Clerk



PSNH dba Eversource Energy
PO Box 270
Hartford, CT 06141-0270
Richard C. Heitz
State Tax Manager



February 24, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Auburn
47 Chester Road
PO Box 309
Auburn, NH 03032

Dear Sir/Madam:

Enclosed is Public Service Company of New Hampshire d/b/a Eversource Energy's Application for Abatement of Taxes Pursuant to New Hampshire RSA 76:16, which is filed with respect to taxes assessed by Auburn as of April 1, 2020.

Should you have any questions concerning our abatement request, you may direct them to me or to Eversource Energy's Tax Manager, Richard Heitz at (860) 665-2746.

Very truly yours,

Richard C. Heitz

Richard C. Heitz
State Tax Manager

Enclosure

cc: K. Morrissey
N. Cadwallader
M. Nelson

STATE OF NEW HAMPSHIRE

Town of Auburn

Application for Abatement of Taxes
Pursuant to New Hampshire RSA 76:16

To the Board of Selectmen:

Pursuant to New Hampshire RSA 76:16, Public Service Company of New Hampshire, doing business as Eversource Energy, a New Hampshire corporation with a principal place of business at 780 North Commercial Street, Manchester, New Hampshire 03101 (hereinafter "PSNH"), applies for abatement of taxes as follows:

(1) PSNH was, on April 1, 2020, the owner of certain transmission and/or distribution assets and other property, as described on the attached schedule, located in Auburn, and was liable to pay not more than a just and proportionate tax on its taxable property in Auburn.

(2) PSNH duly complied with all the requirements of New Hampshire RSA Chapter 74 with respect to its 2020 property taxes in Auburn.

(3) Auburn, by its Assessor, appraised PSNH's property for the purposes of ad valorem taxes as of April 1, 2020, in the aggregate sum of \$13,355,800 and assessed against PSNH a tax upon its said property aggregating \$221,305 and notified PSNH of said tax. PSNH has paid the liability in full.

(4) Said appraisal of \$13,355,800 is in excess of a just and proportionate valuation of PSNH's taxable property in Auburn; the said tax assessed thereon is illegal, excessive in amount, disproportionate and unjust; and therefore, PSNH maintains that just cause exists for the abatement of a portion of the taxes assessed against its property as of April 1, 2020. PSNH is requesting abatement of the taxes assessed against all of the properties listed on the attached schedule of its assessed properties in Auburn.

(5) In support of its abatement request, PSNH submits that the Town's assessment of PSNH's taxable property in Auburn does not adequately identify the proper delineation between reported transmission assets and reported distribution assets; or the taxpayer was not provided the calculation of valuation of distribution assets in accordance with RSA 72:8-d, IV. Absent such delineation, PSNH cannot determine if the Town has properly complied with the statutory provisions governing the treatment for assessment purposes of PSNH's distribution property or the level of its assessment of PSNH's transmission property. Based on the statute, PSNH's distribution property must be assessed in accordance with the formula prescribed in RSA 72:8-d, IV.

(6) With respect to its transmission property, PSNH submits that the Town's assessment must reflect the pervasive regulation imposed on this property by the Federal Energy Regulatory Commission (the "FERC") which, among other things, limits the earnings which can be achieved for such property.

(a) Pursuant to RSA 83-F, the New Hampshire Department of Revenue Administration (“DRA”) annually conducts an appraisal to determine the market value of PSNH and allocates the aggregate value to all communities served by PSNH. In doing its appraisals, the DRA employs generally accepted appraisal techniques and methodology and utilizes the same standard

of market value as prescribed for *ad valorem* assessments under RSA 75:1. See RSA 83-F:3. PSNH understands that the DRA advises all communities of the value allocated to each community under its appraisal. Based on the DRA’s 2020 appraisal, the fair market value of PSNH’s taxable real estate in the Town of Auburn for 2020 was \$7,431,658.

(7) PSNH understands that there have been a number of sales of regulated transmission property, all of which transacted at or about the property’s net book value, the base of utility earnings. Furthermore, the New Hampshire Supreme Court affirmed a decision of the Merrimack County Superior Court in favor of PSNH with respect to its tax appeals involving the Town of Bow for tax years 2012 and 2013. *See PSNH v. Town of Bow*, 170 N.H. Among other things, the Supreme Court made clear that net book value is an appropriate valuation methodology for regulated transmission and distribution property which the finder of fact can properly rely upon based on its evaluation of the evidence presented. Similarly, the Rockingham County Superior Court also recently opined that net book value is an appropriate valuation methodology for regulated transmission and distribution property in the City of Portsmouth. *See, Pub. Serv. Co. of N.H. v. City of Portsmouth*, Docket Nos. 218- 2016-CV-00899 & 218-2017-CV-00917 (Rockingham Cnty. Super. Ct., May 20, 2019) (Messer, J.).

(8) PSNH reserves the right to present additional information in support of its request for abatement, including an appraisal by an independent appraisal firm utilizing all applicable approaches to value.

(9)) PSNH hereby requests a hearing before the Selectmen to discuss its request for an abatement and reserves the right to present additional relevant information in support of its request.

(10) By signing below, PSNH certifies and swears under the penalties of perjury that this application has a good faith basis and the facts stated are true to the best of its knowledge.

WHEREFORE, PSNH requests (a) that the Board of Selectmen reconsider the matter of a just and proportional valuation of PSNH’s property for the purpose of ad valorem property taxation as of April 1, 2020, and re-determine a just and proportional valuation thereof and a just and proportional tax thereon; and (b) that so much of the taxes assessed against PSNH on account of said property as of April 1, 2020, as may be found to have been unjust, disproportional and unreasonable in light of such re-determined valuation be abated and refunded to PSNH together with interest from the date of payment of said taxes to the date of repayment; and (c) such other or further relief on account of said taxes as may be just and equitable.

Respectfully submitted,

PUBLIC SERVICE COMPANY
OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

Dated: 2/25/2021

By: *Kevin Morrissey*
Kevin P. Morrissey
Director - Taxes
PO Box 270
Hartford, CT 06141-0270

Public Service Company of New Hampshire
DATA PROTEST ACTION FOR THE TOWN OF AUBURN

1	Data Tax Bill Received		
2	Net Book Cost	\$	9,903,483
3	Tax Rate Per \$1000	\$	16.57
4	Proper Tax (2x3/1000)	\$	164,101
5	Assessed Valuation	\$	13,355,800
6	Taxes Billed	\$	221,305
7	Discount	\$	-
8	Amount Paid (6-7)	\$	221,305
9	Abatement Requested (8-4)	\$	57,204

TOWN: AUBURN

DIVISION: SOU/CEN

	DESCRIPTION	MAP/LOT NO.	LAND	BUILDINGS	ASSESSMENT
1	PINGREE HILL RD.	02-000047-OUTL	194,900	13,159,400	13,354,300
2	PINGREE HILL RD. *	02-000047-000001	1,500	0	1,500
			196,400	13,159,400	13,355,800

ISOURCE

P.O. Box 270
Hartford, CT 06141-0270



7020 1290 0001 6899 5010

Board of Selectmen
Town of Auburn
47 Chester Road
PO Box 309
Auburn, NH 03032

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



WASTE MANAGEMENT

January 15, 2021

Ms. Jaime Colby
New Hampshire Department of Environmental Services
Waste Management Division, Solid Waste Management Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

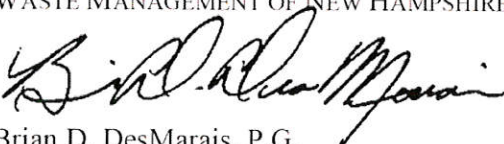
Re: Type III Permit Modification – Compactor Installation
Auburn Transfer Station, Permit # DES-SW-97-001
Waste Management of New Hampshire, Inc.

Dear Ms. Colby:

Pursuant to Env-Sw 315, Waste Management of New Hampshire, Inc. (WMNH) is providing for the Department's consideration the attached Application Form for Type III Permit Modification to Solid Waste Management Facility Permit and supporting materials. WMNH is seeking the permit modification to install a compactor unit that will improve the facility operations by providing the capability to compact municipal solid waste into outbound transfer trailers. This supplemental activity will increase loading efficiency, reduce the number of outbound truck trips, and improve safety and housekeeping. The compactor is planned to be installed inside the trailer load-out tunnel and waste will be loaded into the compactor unit via a hopper and then compacted into designated "tube" trailers. Apart from a minor change to trailer traffic flow, no other changes to facility operations are anticipated. This change is to improve facility operations within the limits specified in the permit and does not alter the permitted functions of the facility, change the basis of the approved facility design, or violate any applicable siting criteria specified in the solid waste rules.

If you have any questions or require additional information, please contact me at 603-731-7440.

Sincerely,
WASTE MANAGEMENT OF NEW HAMPSHIRE, INC.


Brian D. DesMarais, P.G.
Area Environmental Protection Manager

cc: Robert Magnusson, WMNH
Steve Poggi, WMNH
William Herman, Town of Auburn

bdes
mara

Digitally signed by
bdesmara
DN: cn=bdesmara,
email=BDesMara@w
m.com
Date: 2021.01.15
12:12:23 -05'00'



Waste Management Division

For Office Use Only:

WMD Log #: _____
Date Rec'd.: _____
No. of Copies: _____

APPLICATION FORM FOR
**Type III Modification
To Solid Waste Management
Facility Permit**

pursuant to
RSA 149-M and New Hampshire Solid Waste Administrative Rules Env-Sw 315 and Env-Sw 305.06(b)

☐ **The requested permit modification is hereby GRANTED.**

This completed form, bearing a DES dated receipt stamp and signature, shall serve as the approved permit modification. The approval applies only as described herein on this form, subject to all applicable statutes and rules, including RSA 149-M and the New Hampshire Solid Waste Rules, as amended. Issuance of this permit modification is based solely on representations by the applicant/permittee. No liability is incurred by the state of New Hampshire by reason of this approval. This approval shall not affect the permittee's obligation to obtain all requisite federal, state, district or local approvals and to comply with all other applicable statutes and rules. The permittee shall attach the approved modification to the permit and keep a copy with the facility operating records.

Michael J. Wimsatt, P.G., Director, WMD

Date

☐ **The requested permit modification is hereby DENIED due to:**

- ☐ Incomplete, conflicting or ambiguous information, as indicated by highlighting.
- ☐ Insufficient copies.
- ☐ No signature or failure to provide original signatures on all copies filed.
- ☐ Other (specify): _____

Denial shall not preclude the applicant from later obtaining a permit modification by resubmitting an application that corrects the above noted deficiency(s). Questions may be directed to the person whose business card is stapled to this form. Rights of appeal exist pursuant to RSA 21-O:9,V.

Michael J. Wimsatt, P.G., Director, WMD

Date

SECTION I. FACILITY IDENTIFICATION

(1)	Facility name: Waste Management of New Hampshire, Inc. - Auburn Transfer Station
(2)	Facility functional classification: <input checked="" type="checkbox"/> collection/storage/transfer <input type="checkbox"/> processing/treatment <input type="checkbox"/> landfill
(3)	Facility mailing address: 24 Grey Point Ave, Auburn, NH 03032
(4)	Facility location, by street address and municipality: 24 Grey Point Ave, Auburn, NH
(5)	Permit number: DES-SW-97-001

SECTION II. PERMITTEE/APPLICANT IDENTIFICATION

(1)	Name of permittee/applicant: Waste Management of New Hampshire, Inc.		
(2)	Permittee/applicant mailing address: 24 Grey Point Ave, Auburn, NH 03032		
(3)	Permittee/applicant telephone number: 603-668-6441		
(4)	If different than above, identify the individual associated with and designated by the permittee/applicant to be the contact individual for matters concerning this application:		
	(a) Name: Brian DesMarais	(b)	Title: Area Environmental Protection Manager
	(c) Mailing address: 15 Taylor Ave, Rochester, NH		
	(d) Telephone number: 603-731-7440	(e)	E-mail: bdesmarais@wm.com

SECTION III. DESCRIPTION OF THE PROPOSED MODIFICATION

Check which of the following proposed facility modifications apply and provide additional information as specified.

(1)	<input type="checkbox"/>	The subject facility is changing its operating hours to the following: (Fill in the hours the facility will be open each day. Hours outside a 6 AM to 6 PM window are prohibited unless in accordance with an alternative window specified in the permit as previously issued or unless the facility is a limited private facility receiving no waste from off-site locations.)						
		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
(2)	<input checked="" type="checkbox"/>	The subject facility is changing an aboveground site feature in a manner that will improve facility operations within the limits specified in the permit and will not alter the permitted function of the facility or change the basis of the approved facility design or violate any applicable siting criteria specified in the Solid Waste Rules (Env-Sw 100-300 and 400-2000). The change is briefly described below and is shown on the attached site plan(s). (Describe the change in the space provided below and attach a site plan showing the changed feature):						
		Adding a compactor unit inside the trailer loading tunnel to allow loading into compactor "tube" trailers, increasing load-out efficiency, reducing the number of trailer trips, and improving housekeeping.						
(3)	<input type="checkbox"/>	The subject facility is changing the type of recyclables collected, by adding the types indicated in the table below. The change does not increase the storage capacity of the facility nor alter the requirements of any financial assurance plan:						
		Check if being added	Type of Recyclable	Method of Storage: (e.g., specify whether the material is stored on the ground, in outdoor transfer containers, in a building, covered, uncovered, etc.; Method of storage must protect/preserve the market value of the material in order not to affect financial assurance plans.)				
		<input type="checkbox"/>	Paper					
		<input type="checkbox"/>	Cardboard					
		<input type="checkbox"/>	Plastic					
		<input type="checkbox"/>	Glass					
		<input type="checkbox"/>	Ferrous Metal					
		<input type="checkbox"/>	Non-Ferrous Metal					
		<input type="checkbox"/>	Textiles					
(4)	<input type="checkbox"/>	The subject facility is changing the type of landfill cover material to be used, to include the type(s) indicated in the table below. (In column #1, check all that apply and, in column #3, provide the source of the cover material):						
		Check Type(s) Used	Type of Alternative Daily/Working Face Cover Material	Source of Cover Material (i.e., manufacturer or generator name and location)				
		<input type="checkbox"/>	Geosynthetic tarps, subject to meeting the requirements in Env-Sw 806.03(b)					
		<input type="checkbox"/>	Casting sands, subject to meeting the requirements in Env-Sw 806.03(b)					
		<input type="checkbox"/>	Contaminated soils, subject to meeting the requirements in Env-Sw 903.05 and Env-Sw 806.03(b)					
		<input type="checkbox"/>	Other waste certified pursuant to Env-Sw 1500 for distribution and use as cover material, subject to meeting the requirements in Env-Sw 806.03(b). (Specify type below):					
(5)	<input type="checkbox"/>	The permittee or facility is changing its name from: _____ to _____ and, as required by Env-Sw 305.06(e), will publish a notice of the name change in a newspaper of general circulation in the host municipality and host solid waste district within 10 days after the effective date of the modification and will send a copy of the published notice to DES within 10 days following publication.						
(6)	<input type="checkbox"/>	The permittee or facility is changing its organizational structure, individuals or entities holding 10% or more of the permittee's equity or debt, officers, directors, partners, and/or individuals/entities having managerial or supervisory or substantial decision-making authority and responsibility for facility operations, AND the change does not constitute a change in ownership or operational control of the facility. A precise description of the change is provided below. In addition, I have attached proof of operator certification if the proposed change requires a change in operator certification pursuant to Env-Sw 1600 and Env-Sw 1005.07.						
		Describe the change:						

SECTION IV. SCHEDULE FOR IMPLEMENTING THE MODIFICATION

Provide the date the proposed modification is scheduled to be effected at the subject facility: January 30, 2021

SECTION V. CERTIFICATION OF COMPLIANCE

- (1) All applications for a type III permit modification must be submitted with certification of compliance by the permittee. [If unable to certify that each of the below statements is true, you cannot effect the proposed change through the provisions of a type III permit modification. Instead, you may only effect the proposed change by applying for a type I-B permit modification pursuant to Env-Sw 315. Contact the P&DRS at (603) 271-2925 to obtain the required forms and additional assistance as necessary.]
- (2) If this application is for a change in organizational structure, or a change in individuals/entities holding 10% or more of the permittee's debt or equity, or a change in individuals/entities having managerial or supervisory or substantial decision-making authority and responsibility for facility operations, or a change in officers, directors, or partners, the compliance statement also must be signed by each new individual/entity. If you require more signature lines than provided and are using a paper copy of this form, photocopy this page and provide the additional required signatures on the photocopied page(s). If you are using a disk copy of this form, create additional signature lines as needed by following the instructions provided on the disk.

COMPLIANCE STATEMENT

The applicant shall certify that each of the statements listed in (1)-(8) below are true for each of the following individuals and entities:

- ☒ The applicant, and
- ☒ The facility owner, and
- ☒ The facility operator, and
- ☒ All individuals and entities holding 10% or more of the applicant's debt or equity, and
- ☒ All of the applicant's officers, directors, and partners, and
- ☒ All individuals and entities having managerial, supervisory or substantial decision-making authority and responsibility for the management of facility operations or the activity(s) for which approval is being sought

- (1) No individual or entity listed above has been convicted of or plead guilty or no contest to a felony in any state or federal court during the 5 years before the date of the application.
- (2) No individual or entity listed above has been convicted of or plead guilty or no contest to a misdemeanor for a violation of environmental statutes or rules in any state or federal court during the 5 years before the date of the application.
- (3) No individual or entity listed above has owned or operated any hazardous or solid waste facility which has been the subject of an administrative or judicial enforcement action for a violation of environmental statutes or rules during the 5 years before the date of the application.
- (4) No individual or entity listed above has been the subject of any administrative or judicial enforcement action for a violation of environmental statutes and rules during the 5 years before the date of the application.
- (5) All hazardous and solid waste facilities owned or operated in New Hampshire by any individual or entity listed above are in compliance with either:
- (a) All applicable environmental statutes, rules, and DES permit requirements; or
 - (b) A DES approved schedule for achieving compliance therewith.
- (6) All individuals and entities listed above are in compliance with all civil and criminal penalty provisions of any outstanding consent agreement, settlement, or court order to which DES is a party.
- (7) All individuals and entities listed above have paid, or are in compliance with the payment schedule for any administrative fine assessed by DES.
- (8) All individuals and entities listed above are in compliance with all terms and conditions under every administrative order, court order or settlement agreement relating to programs implemented by DES.

Signature(s) certifying the above statements are true:

Permittee/Applicant Name (Print Clearly or Type) Robert S. Magnusson

Permittee/Applicant Signature

Date 1/14/2021

Additional signatures of all new individuals/entities, if the proposed modification is for a change in organizational structure, or a change in individuals/entities holding 10% or more of the permittee's debt or equity, or a change in officers, directors, partners, or individuals/entities having managerial or supervisory or substantial decision-making authority and responsibility for facility operations:

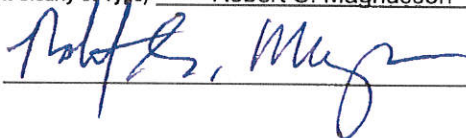
Signature(s) of Each New Individual/Entity:	Printed Name of Each New Individual/Entity	Date of Signature

SECTION VI. PERMITTEE/APPLICANT SIGNATURE REQUIREMENTS

The permittee/applicant must sign the following statement prior to submitting this application. All copies of the application filed with DES must bear the permittee's/applicant's ORIGINAL signature. If the permittee/applicant is not an individual, an individual duly authorized by the permittee/applicant shall sign the application.

- (1) The permittee/applicant understands that the following conditions shall apply to any approval granted based on this application for permit modification:
 - (a) If the approval is to effect a change in facility operating hours, the approval shall be valid only to the extent that the change does not involve hours outside a 6 AM to 6 PM operating window or an alternative window if specified in the permit or, for a limited private facility receiving no waste from off-site locations, a window consistent with local requirements, if any.
 - (b) If the approval is to effect a change in an above-ground site feature, the approval shall be valid only to the extent that the change does not alter the permitted function of the facility or change the basis of the approved facility design or violate any applicable siting criteria specified in the New Hampshire Solid Waste Rules (Env-Sw 100-300 and 400-2000), and is merely a change to improve facility operations within the limits specified in the permit.
 - (c) If the approval is to effect a change in the type of select recyclable materials collected by the facility, the approval shall be valid only to the extent that the change does not increase the facility's approved storage capacity and does not require a change in the approved financial assurance plan of record for the facility, and the approval is subject to meeting the applicable collection, storage and transfer requirements set forth in Env-Sw 400.
 - (d) If the approval is to use an alternative material for daily cover at a landfill, the approval shall be effective only to the extent that the material and its use meets the requirements in Env-Sw 806.03.
 - (e) If the approval is to effect a change in the name of the permittee or facility, the approval shall expire pursuant to Env-Sw 305.06(e) if the permittee fails to publish a notice of the name change in a newspaper of general circulation in the host municipality and host solid waste district within 10 days after the effective date of the modification (i.e., date of the director's signature) and/or fails to send a copy of the published notice to DES within 10 days following publication.
 - (f) If the approval is for a change in the organizational structure, or a change in individuals/entities holding 10% or more of the permittee's equity or debt, or a change individuals/entities having managerial or supervisory or substantial decision-making authority and responsibility for facility operations, or a change in officers, directors, or partners, the approval shall be valid only to the extent that the change does not constitute a change in facility ownership or operational control (i.e., a type IV permit modification pursuant to Env-Sw 315.02) and the permittee is able to certify compliance as specified in Section V above.
- (2) The permittee/applicant understands that any approval granted by DES based on false and/or incomplete information shall be subject to revocation or suspension, and that administrative, civil or criminal penalties may also apply.
- (3) To the best of my knowledge and belief, the information and material submitted herewith is correct and complete.
- (4) I certify that this application is submitted on a complete and accurate form, as provided by DES, without alteration of the text.

Permittee/Applicant Name (Print Clearly or Type) Robert S. Magnusson

Permittee/Applicant Signature 

Date 1/14/2021

SECTION VII. PROPERTY OWNER SIGNATURE

The property owner, if different than the permittee/applicant, must also sign this form as follows. All copies of the application filed with DES must bear the property owner's ORIGINAL signature. If the property owner is not an individual, an individual duly authorized by the property owner shall sign the application.

- (1) I hereby affirm that the applicant has the legal right to occupy and use the property on which the subject facility is located for the purposes specified in this application.
- (2) I hereby affirm that I shall grant access to the property for closure and post-closure monitoring of the subject facility and site as required by RSA 149-M and the New Hampshire Solid Waste Rules, (Env-Sw 100-300 and Env-Sw 400-2000), as amended.

Property Owner Name (Print Clearly or Type) Same as permittee

Property Owner Signature _____

Date _____

Feb 22, 2021

To the Chairman and members
of the Heuburn Lining Board

Even as I have been following the
cases before the board, I have
not been part of the discussions. At
this time it is best to resign and
allow someone else to join the
board.

Sincerely
Dale Phillips



TOWN OF AUBURN

February 25, 2021

Mrs. Dale W. Phillips
19 Rattlesnake Hill Road
Auburn, NH 03032

Dear Dale:

It was with very deep regret, but complete understanding, that we received your resignation as an alternate member of the Auburn Zoning Board of Adjustment dated February 22, 2021. Clearly, your service and dedication to our community over the years has been impressive and is hard to match.

We sincerely appreciate your willingness to volunteer to serve our community in this capacity during recent years, as well as your past service as a member of the Board of Selectmen, the Planning Board and the Auburn School Board among other positions. At a time when tremendous demands are made on individual's time, the need for service to the community also increases. Your service to Auburn has clearly not gone unnoticed. And the Town of Auburn and our fellow citizens have reaped the benefits of your stewardship.

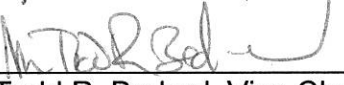
Although it may not have always been obvious, your willingness to take the time to serve our community and its residents, young and old alike, has been sincerely appreciated.

On behalf of the citizens of the Town of Auburn, please accept our very sincere thanks for your service to our community, and our best wishes for continued success in the months and years ahead.

Sincerely,



Keith N. Leclair, Chairman



Todd R. Bedard, Vice Chairman



Michael J. Rolfe, Selectman
AUBURN BOARD OF SELECTMEN

Bill Herman

From: Wright, Mark <MARK.WRIGHT@MCLANE.com>
Sent: Tuesday, February 23, 2021 2:54 PM
To: Dale Phillips
Cc: Denise Royce; Bill Herman
Subject: FW: Dale Phillips Resignation
Attachments: Dale Phillips Resignation.pdf

Hi Dale,

I understand you have submitted your letter of resignation. I am sad to see you leave the board, but certainly understand your position. Thank you for the time you have given us on the ZBA. Your insight and historical perspective of Auburn will be missed.

Stay safe,

Best
Mark

The information contained in this electronic message may be confidential, and the message is for the use of intended recipients only. If you are not an intended recipient, do not disseminate, copy, or disclose this communication or its contents. If you have received this communication in error, please immediately notify me by reply email or McLane Middleton at (603) 625-6464 and permanently delete this communication. If tax or other legal advice is contained in this email, please recognize that it may not reflect the level of analysis that would go into more formal advice or a formal legal opinion. [xdf]

Town of Auburn

Town Hall
47 Chester Road
P.O. Box 309
Auburn, NH 03032



Town Administrator

William G. Herman, CPM
Phone: (603) 483-5052 Ext. 111
Fax: (603) 483-0518
E-Mail:
townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: March 2, 2021

Re: SB 87 – Omnibus legislation relative to municipal finance including uncollectible financial remittances to municipalities -- UPDATE

Just as a quick update on the status of SB 87 since my report dated February 25, 2021.

The Senate Election Law and Municipal Affairs Committee held a virtual public hearing on Zoom concerning SB 87 on Monday, March 1st.

Three individuals appeared before the Committee to support Part II of SB 87, which is the section that would amend RSA 80:56 to allow municipalities the ability to charge a fee for any financial payment made to the municipality that was returned as uncollectible. The current statute, originally adopted in 1977, only allows that to happen for checks that are uncollectible.

The speakers in favor of the proposal were the sponsor, Senator Sharon Caron of Londonderry, NHMA Legislative Counsel Cordell Johnston and me.

Following the Committee's two public hearings that morning, they went into Executive Session to discuss and potentially make recommendations on bills they have already held public hearings. The Committee took up SB 87 during the Executive Session and, on a unanimous 5 – 0 vote, is recommending the full Senate Ought to Pass SB 87 Parts I, II and III. Because of the unanimous Committee position, the Committee also unanimously voted to put the recommendation on the consent agenda for the full Senate.

We do not yet know when the State Senate will next be in session, but we would anticipate the full Senate will approve SB 87 as presented. The measure will then go to the House of Representatives for a hearing and vote sometime in likely April.

Thank you for your consideration.

Town of Auburn

Town Hall
47 Chester Road
P.O. Box 309
Auburn, NH 03032



Town Administrator

William G. Herman, CPM
Phone: (603) 483-5052 Ext. 111
Fax: (603) 483-0518
E-Mail:
townadmin@townofauburnnh.com

To: Board of Selectmen

From: Bill Herman, CPM, Town Administrator

Date: February 25, 2021

Re: SB 87 – Omnibus legislation relative to municipal finance including uncollectible financial remittances to municipalities

During the past year, as the Board is aware, most municipalities including Auburn were encouraging their residents to make greater utilization of online technology for various transactions with the municipality such as motor vehicle registrations and building permits due to the Covid-19 pandemic.

Overall, this use of technology worked very well and enabled most local business to be conducted in a virtual or remote basis. But a few issues were discovered along the way, including that it was possible for electronic financial transactions to become uncollectible just as issuing a paper check without adequate funds in a checking account would do. It does not happen often, but many municipalities found out that it can happen.

Unfortunately, existing state statute (RSA 80:56) only provides municipalities the ability to charge a fee for checks returned as uncollectible and no other form of payment. This makes perfect sense for a statute that was originally adopted in 1977.

Believing the statute should be amended to reflect current times and the different forms of payments that an individual may utilize, we had a conversation with State Senator Sharon Carson last year who agreed to sponsor legislation in the current session of the legislature to update the provisions of RSA 80:56. Senator Carson followed through and the result is Part II of SB 87, which would amend RSA 80:56 to include uncollectible transactions whether remitted by check or electronic means.

This measure has been combined in SB 87 with three others dealing with municipal finance issues – expenditure of water funds, use of capital reserve funds and requiring the issuance of bonds to be included in the official ballot. The Senate Election Law and Municipal Affairs Committee has scheduled a virtual a public hearing on SB 87 on Monday, March 1st at 9 AM.

This issue was approved as a policy bill by the NH Municipal Association, who will be in attendance to support the proposal. And we believe the NH Town Clerks Association will be represented and in support of the proposal as well. I have submitted the attached letter in support of the measure and am scheduled to testify at the hearing as well.

For your benefit and information, attached is a copy of SB 87, the Senate Calendar Notice for the March 1st public hearing and the letter I have submitted to the Senate Election Law and Municipal Affairs Committee.

Thank you for your consideration.

Attachments

SB 87 - AS INTRODUCED

2021 SESSION

21-0870

11/10

SENATE BILL **87**

AN ACT adopting omnibus legislation relative to municipal finance.

SPONSORS: Sen. Birdsell, Dist 19

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill adopts legislation relative to:

- I. The expenditure of water funds.
- II. Uncollectible financial remittances to municipalities.
- III. The use of capital reserve funds.
- IV. Requiring the issuance of certain bonds to be included in the official ballot.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to municipal finance.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Sponsorship. This act consists of the following proposed legislation:

2 Part I. LSR 21-0870, relative to the expenditure of water funds, sponsored by Sen. Birdsell,
3 Prime/Dist. 19.

4 Part II. LSR 21-0958, relative to uncollectible financial remittances to municipalities,
5 sponsored by Sen. Carson, Prime/Dist. 14.

6 Part III. LSR 21-0983, relative to the use of capital reserve funds, sponsored by Sen.
7 Bradley, Prime/Dist. 3.

8 Part IV. LSR 21-0985, relative to the issuance of certain bonds to be included in the official
9 ballot, sponsored by Sen. Bradley, Prime/Dist. 3.

10 2 Legislation Enacted. The general court hereby enacts the following legislation:

11 PART I

12 Relative to the Expenditure of Water Funds.

13 1 New Paragraph; Water Funds. Amend RSA 38:29 by inserting after paragraph I the following
14 new paragraph:

I-a. The funds received from the collection of water wheeling charges, below the threshold for regulation by the public utilities commission, derived from intermunicipal agreements, by municipalities governed under RSA 49-D:3, I shall be dedicated to the maintenance and upkeep of the portions of the water system necessary to fulfill the intermunicipal agreement. In no case shall less than 50 percent of the funds received be expended for this purpose and pursuant to RSA 38:28. Upon the approval of the legislative body of the municipality, any remaining funds may be expended for the following purposes:

22 (a) Pursuant to RSA 38:28.

(b) For the acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of sewer systems, or construction, enlargement, or improvement of such systems.

26 (c) Capital reserve funds of the water or sewer system.

27 (d) For the expansion or replacement of natural gas lines or systems, by a municipal gas
28 system or gas provider regulated by the public utilities commission.

29 (e) For the purposes set forth in RSA 162-G:4.

30 (f) For the purposes set forth in RSA 162-K:6, III and RSA 162-K:8.

31 2 Effective Date. Part I of this act shall take effect 60 days after its passage.

SB 87 - AS INTRODUCED

- Page 2 -

PART II

Relative to Uncollectible Financial Remittances to Municipalities.

1 Collection of Taxes; Uncollectable Remittances. Amend RSA 80:56 to read as follows:

80:56 Uncollectible [~~Checks~~] **Remittances**. Whenever any [~~check~~] **remittance, whether by check or electronic means**, issued to a city or town for the payment of taxes, permit fees, licenses, special assessments, water or sewer bills, for any combination of these or for any other municipal services is returned to the city or town official as un collectible, the city or town shall charge a fee of \$25 plus all protest, bank, and legal fees in addition to the amount of said [~~check~~] **remittance** to the person who [~~issued~~] **made** such [~~check~~] **remittance** to cover the cost of collecting the debt that the [~~check~~] **remittance** was [~~issued~~] to pay. The \$25 fee together with any protest or legal fees collected shall be for the use of the city or town.

2 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Relative to the Use of Capital Reserve Funds.

1 Capital Reserve Funds; Expenditures; Lease/Purchase Agreements. Amend RSA 35:15, III to read as follows:

III.(a) Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used for multiple payments under a financing agreement for the purpose for which the capital reserve was established, **including a lease/purchase agreement**. [~~If the financing agreement is a lease/purchase agreement the following shall apply:~~

(1) ~~The lease/purchase agreement does not contain an "escape clause" or "non-appropriation clause"; and~~

(2) ~~The lease/purchase agreement has been ratified by the legislative body by a vote by ballot of 2/3 of all the voters present and voting at an annual or special meeting.]~~

(b) If agents have been named according to RSA 35:15, then no further vote is required to disburse funds following the initial vote which ratified the financing agreement.

2 Effective Date. Part III of this act shall take effect 60 days after its passage.

PART IV

Requiring the Issuance of Certain Bonds to be Included in the Official Ballot.

1 Municipal Finance Act; Town or District Bonds or Notes. Amend RSA 33:8 to read as follows:

33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a charter pursuant to RSA 49-B, without a budgetary town meeting, shall be authorized by a vote by ballot of 3/5 and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose. **Any bond or note issue exceeding \$1,000,000 shall be included on the official ballot of a school district or municipality which has adopted official ballot voting under RSA 40:13 and as provided**

under RSA 33:8-a, II and 39:3-d, IV and shall require passage by 2/3 of voters present and voting. The issue of notes or bonds by a municipality that has adopted an optional form of legislative body under RSA 49-D:3, I-a or RSA 49-D:3, II-a shall be authorized by either a 2/3 or 3/5 vote as adopted and provided for in the charter. If such charter does not specify which majority vote is required, then the required majority vote shall be ~~3/5~~ **2/3**. Only votes in the affirmative or negative shall be included in the calculation of any majority. No such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of such special meeting. The warrant for any such annual or special meeting shall be served or posted at least 14 days before the date of such special meeting. Every warrant shall be deemed to have been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority of the governing board, and countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes and of providing for the sale of such bonds or notes, may be delegated to the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board. Bonding authority under this section may be limited or rescinded as provided in RSA 33:8-f.

2 Procedure for Authorizing Bonds or Notes in Excess of \$100,000. Amend RSA 33:8-a, II to read as follows:

II. All articles appearing in the warrant which propose a bond or note issue exceeding \$100,000 shall appear in consecutive numerical order and shall be acted upon prior to other business except the election of officers, action on the adoption, revision, or amendment of a municipal charter, **actions which propose a bond or note issue exceeding \$1,000,000**, and zoning matters or as otherwise determined by the voters at the meeting. Polls shall remain open and ballots shall be accepted by the moderator on each such article, for a period of not less than one hour following the completion of discussion on each respective article. A separate ballot box shall be provided for each bond article to be voted upon pursuant to this section.

3 Placement of Articles on Official Ballot. Amend RSA 39:3-d, IV to read as follows:

IV. Articles concerning the issuance of bonds or notes shall not be placed on the official ballot, unless the municipality has adopted a charter provision authorizing that votes on the issuance of bonds or notes shall be placed on the official ballot or unless the municipality has

SB 87 - AS INTRODUCED

- Page 4 -

1 adopted the provisions of RSA 40:12-14. *However, a bond or note issue exceeding \$1,000,000 for*
2 *a municipality or a district shall be included on the official ballot and shall require*
3 *passage by a 2/3 majority of voters present and voting.*

4 4 Effective Date. Part IV of this act shall take effect 60 days after its passage.

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: February 17, 2021

HEARINGS

Monday

03/01/2021

Election Law and Municipal Affairs	REMOTE	9:00 a.m.
(Name of Committee)	(Place)	

9:00 a.m.	SB 87	adopting omnibus legislation relative to municipal finance.
9:30 a.m.	SB 90	adopting omnibus legislation on redistricting.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/93775337004>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13017158592, 93775337004# or 13126266799, 93775337004#
4. Webinar ID: [937 7533 7004](https://www.zoom.us/j/93775337004)
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 87

Sen. Birdsell

SB 90

Sen. Perkins Kwoka

Tricia Melillo 271-3077

James P. Gray
Chairman



TOWN OF AUBURN

February 23, 2021

Senator James Gray, Chair and Members of the
Senate Election Law and Municipal Affairs Committee
Statehouse, Room 100
Concord, NH 03301

RE: Senate Bill 87 – Adopting Omnibus Legislation Relative to Municipal Finance

Dear Chairman Gray and Members of the Election Law and Municipal Affairs Committee:

I am pleased to be able to write and express our support for the adoption of SB 87 – the omnibus legislation relative to municipal finance. We are particularly in support of Part II dealing with uncollectible financial remittances to municipalities.

Current law (RSA 80:56) only provides the ability for municipalities to charge a fee for checks returned to the city or town as uncollectible. No other form of financial remittance is identified in the current statute, which makes perfect sense for a statute originally adopted in 1977.

With more and more services being conducted by cities and towns through online transactions, payments for services are being made by methods other than paper checks. Financial transactions can be done by ACH transactions, electronic funds transfers (EFT), credit card payment and other electronic means. Despite the convenience of the electronic payments, they are not foolproof and can be returned as uncollectible in the same manner a check can. Many municipalities have learned this during the past year as we transitioned to more online services and transactions because of adjusting business practices to deal with the Covid-19 pandemic.

In conversation I had with Senator Carson, we discussed that it would be helpful to municipal governments if RSA 80:56 was amended to broaden the means of payments municipalities receive to enable us to collect a fee for any form of financial payment that may be returned as uncollectible.

As proposed, the amendment to RSA 80:56 that is contained as Part II of SB 87 is enabling legislation that would allow municipalities to collect fees for uncollectible financial remittances. It does not require a municipality to do so, although we believe it is a sound business practice to do so and not have the expense of these uncollectible remittances be borne by all taxpayers.

We believe this is a housekeeping item that will bring provisions of state statute into modern times and recognize the evolving manners in which individuals handle their finances and pay their bills.

In consideration of the thoughts expressed above, I encourage the members of the Senate Election Law and Municipal Affairs Committee to determine SB 87 as Ought to Pass.

Sincerely,
TOWN OF AUBURN

William G. Herman, CPM
Town Administrator

**GIS INTERNET SERVICES ANNUAL MAINTENANCE AGREEMENT
FOR THE TOWN OF AUBURN, NH**

For the time period 4/1/2021 through 3/31/2024

February 23, 2021

CAI Technologies, a New Hampshire corporation with its office located at 11 Pleasant Street, in Littleton, N.H. 03561, hereinafter called CAI, proposes to the Town of Auburn, NH, hereinafter called the CLIENT, to provide GIS Internet services according to the specifications, terms, and conditions below written:

Witnesseth that:

Whereas, CAI represents that they are authorized, qualified, and experienced to provide professionally recognized mapping and GIS services; and

Whereas, the CLIENT desires to publish its GIS data on the Internet,

Now, therefore, CAI proposes the following:

I. SUMMARY

A. Publish the CLIENT's GIS to the Internet

1. CAI, utilizing its AxisGIS application, shall publish the CLIENT's GIS data to the Internet.

B. CLIENT Support

1. CAI shall provide telephone, fax, and email support services concerning AxisGIS. These services can be used to answer usage and technical questions.
2. CAI, shall respond to any alerts concerning poor performance or lack of performance of the site, and provide verbal advisories as to how and when the site shall be corrected (if it is determined that the website and/or publication service is not performing properly).

II. CLIENT RESPONSIBILITIES

The CLIENT shall designate a project liaison who will be CAI's main contact during the course of the service, and who will be responsible for all CLIENT related obligations in this contract.

III. COMPENSATION AND PAYMENT

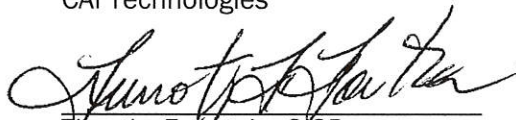
The CLIENT shall pay a total amount of \$7200 (\$2400 invoiced annually) under this agreement which shall be due upon contracting.

This contract shall be construed under the laws of the State of New Hampshire

In Witness whereof, the parties hereto have executed this agreement, as of the date first above written, by their duly authorized officers.

Town of Auburn, NH

CAI Technologies



Timothy Fountain, GISP
Vice President

**Town of Auburn
Board of Selectmen
February 22, 2021
Minutes
7:00 PM**

Selectmen Present: Keith Leclair, Todd Bedard and Michael Rolfe

Others Present: Rob Koester, Consolidated Communications; Police Chief Ray Pelton, Michael DiPietro, Finance Director Adele Frisella, and Nancy Hoijer, Recording Secretary

Call to Order – Pledge of Allegiance

Mr. Leclair called the meeting to order at 6:59 PM and led the Pledge of Allegiance.

Approval of Accounts Payable Manifest for the week of February 22, 2021 - \$169,012.84

Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of February 22, 2021 in the amount of \$169,012.84. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Approval of Accounts Payable Manifest for the week of February 22, 2021 - \$16,572.50

Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of February 22, 2021 in the amount of \$16,572.50. Mr. Leclair seconded the motion. A vote was taken, Mr. Rolfe abstained, Mr. Leclair voted aye, and Mr. Bedard voted aye. The motion passed 2-0-1.

Approval of Payroll Manifest for the week of February 15, 2021 - \$48,242.63

Mr. Bedard motioned to approve the Payroll Manifest for the week of February 15, 2021 in the amount of \$48,242.63. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Approval of Consent Agenda for the week of February 22, 2021

Mr. Leclair read out loud and offered for inspection the Consent Agenda for the week of February 22, 2021 which included: three (3) pistol permits, one (1) All Veteran's

Deduction, one (1) Elderly Exemption Credit, one (1) Abatement Application and a manifest for two (2) voided checks.

Mr. Bedard motioned to approve the Consent Agenda for the week of February 22, 2021. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Appointments with the Board

Consolidated Communications

Rob Koester presented a proposal to the Board for bringing broadband service for telephone and internet to Auburn. Mr. Koester explained that RSA 33:3-g regulates municipal bond legislation. Mr. Koester explained the process which he recommended begin with establishing a committee. A Request for Information (RFI) would go out to all providers. A map of the Town would be generated, then the Town would generate a Request for Proposals (RFP) to bidders for the Town to ultimately select a provider. The Committee would begin the Request for Information template in the spring to providers, and are required to provide potential vendors two months to respond to it. He felt the Town would then go out with a Request for Proposal in August or September and the issue could ultimately move to a public vote at the March Town voting. The governing board is required to hold two public hearings in which the provider would present, in addition to formally meeting with the Budget Committee. Bonds are issued twice a year by the NH Municipal Bond Bank, usually in the spring and the fall. He indicated for broadband, the bonds are typically issue between June and July. Construction would begin after the bond is issued in late 2022 or early 2023.

RSA 33:3-g allows Towns to bond and the public would vote on that bond at Town voting in March. Mr. Koester indicated there would with no property tax increase to taxpayers for the costs of this type of bond. He reported five NH communities have begun changing over to the fiber optic network and 15 are expected to later this year.

Mr. Koester indicated he would supply the Board with the Southwest Regional Planning Resource Guide and blueprint and references from other towns. The Town would own the network one built and set up an operating agreement which would pay the Town annually to offset the principal and interest of the bond. Mr. Koester estimated a bond of \$1.3 to \$1.8 million issued for a 20 year period would likely be the best option for a project in Auburn. Mr. Koester indicated subscribers would see a small surcharge each month of between \$6-8.

Mr. DiPietro asked how the fiber optic lines compared with traditional lines such as offered by Comcast which degrade over time. Mr. Koester noted fiber optic is glass, flexible, resilient and uses light impulses with easy troubleshooting. However, once the

service is off it is off, the service goes down until repaired rather than suffering a degraded service.

Mr. DiPietro asked if there would be multiple providers or one, and Mr. Koester noted RSA 33:3-g is designed to have the Town pick one provider for the length of the bond. Mr. Leclair noted the Town is free to select the provider after the bond is paid in approximately 20 years. Mr. Koester noted at that time the Town could become its own provider or enter into an agreement with another provider, and the end user fee goes away.

Mr. Bedard asked how big the Committee should be and Mr. Koester noted it can be one person or several with persons. He recommended the Board consider individuals with experience in IT, infrastructure, finance and municipalities.

Mr. Koester noted there are four tiers of pricing beginning with 50 mgb at \$35/mo., which would increase to \$50/mo. in the following two years with three other tiers of speed available with packages ranging from \$55/mo., \$65/mo. and \$120/mo. for the first year. Ten dollars would be subtracted each month if not using their equipment.

Mr. Rolfe asked if power went out would the service still be usable and Mr. Koester stated no, it would not and recommended having a generator or battery backup.

Mr. Leclair recommended putting an article in the Town Crier in April offering for residents to join the Committee.

Town Response to COVID-19 and State of Emergency Declaration

General Update on Town Issues

Chief Pelton reported a big drop in positive cases down to 24 with no EMS personnel currently affected. Some officers are reporting to assist with vaccine centers and are excited to be able to help. PPE supplies are good.

New Business

2020 Encumbered Funds

Finance Director Adele Frisella provided a Memorandum dated February 22, 2021 relative to 2020 Encumbered Amounts for the past year end of December 31, 2020 representing expenditures not made before the end of 2020 with projects agreed to in 2020, or previously. These items include:

Griffin Mill Bridge which is not anticipated to begin until July of 2022/2023 with \$109,465.50 encumbered.

Records Preservation will not be complete until 2021 with \$1,940 encumbered.

Library Building Review for \$11,298 will not be complete until 2021 with two contracts currently in place including a Library Consultant for \$10,000 and Library Engineering with a balance of \$1,298

Mr. Bedard motioned to encumber \$122,703.50 for the FY 2020 year as presented. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

2019 Audited Financials

Ms. Frisella provided the Board with a copy of the FY 2020 audit report.

Liberty Wood Surety Reduction

Land Use Administrator Denise Royce provided the Board with a letter dated February 18, 2021 regarding the February 17, 2021 Planning Board vote to recommend the reduction of surety for Liberty Woods Subdivision, Freedom Lane (Tax Map 8, Lot 42). The Planning Board recommended to reduce the surety by \$103,510 leaving a balance of \$72,380 as noted in the Estimate Worksheet dated December 15, 2020. Stantec's recommendation letter dated December 15, 2020 was attached. A letter from Fire Chief Michael Williams dated December 2, 2020 reported testing the cistern with flow of 1045 GPM which passed the flow testing requirements.

Mr. Bedard motioned to approve the recommendation of the Planning Board to reduce the surety for Liberty Woods Subdivision (Tax Map 8, Lot 42), from \$103,510 to \$72,380. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

11 Rockingham Road Surety Reduction

Land Use Administrator Denise Royce provided the Board with a letter dated February 18, 2021 regarding the February 17, 2021 Planning Board vote to recommend the reduction of surety for 11 Rockingham Road (Tax Map 31, Lot 19). The Planning Board recommended to reduce the surety by \$10,089.40 leaving a balance of \$3,500 as noted in Stantec's letter dated February 5, 201. Stantec's recommendation letter dated February 5, 2021 was attached. A letter dated August 5, 2020 from Wayne E. Kenney Builders LLC was provided concerning landscaping.

Mr. Bedard motioned to approve the recommendation of the Planning Board to reduce the surety for 11 Rockingham Road (Tax Map 31, Lot 19) by \$10,089.40 to \$3,500. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Municipal Building LED Upgrade – Information

Mr. Leclair provided a packet from Affinity LED Lighting the Town Administrator received concerning upgrade proposal for LED Lighting at municipal buildings. The Board, after reviewing the packet and its Financial Summary, noted clarification was needed for the estimates provided for retrofit versus new construction prices, a combined project estimate of \$82,400. The projected annual savings is \$7,000. Mr. Bedard will follow up with Mr. Herman. Mr. Leclair asked to leave the matter under old business to follow up at the next meeting.

Landfill Groundwater Monitoring – Stantec Proposal

Mr. Herman provided the Board with a Memorandum dated February 11, 2021 concerning the Landfill Monitoring Annual Report for 2020 and Proposal for Landfill Monitoring Services in FY 2021. Stantec provided the report documenting data from the four original monitoring wells, two designated surface water sampling locations and two new additional monitoring wells installed in 2020 on the Town's closed landfill property. Stantec provided a copy of the summary results and submission to NHDES with no significant change and recommendations for testing in 2021. The estimated cost is \$9,400 for the required work which the Town budgeted for \$10,050.

Mr. Bedard moved to accept the proposal provided by Stantec Consulting Services, Inc. dated February 10, 2021 for 2021 GMP Monitoring Activities at the closed Auburn Landfill site and to authorize the Town Administrator to execute the proposal on behalf of the Town of Auburn. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Old Business

Street Light Repairs

Mr. Leclair reported he inspected the light at Rattlesnake Hill Road and Wilson's Crossing Road, and it was in working order.

Safety Complex Insulation

Mr. Rolfe reported there has been no new information received concerning this project.

CAI Agreement

Land Use Administrator Denise Royce provided the Board with an e-mail communication dated February 22, 2021 from Cartographics Associates, Inc. (CAI) indicating they would offer the Town a three-year agreement for the online property tax map and tax card system rather than the auto-renewal previously proposed and which

the Board indicated it was not in favor of at the February 8th Board of Selectmen's meeting. The Board agreed they'd consider the three-year agreement once it was formally received.

Town Hall Parking Lights

Finance Director Adele Frisella reported J&M Electric took down the fixtures at Town Hall's parking lot that were not working and will figure out how to seal the fixtures so that water does not get into them and will report back to the Town on how to fix them.

Report/Comments of Ex-Officio Board Representatives

Mr. Bedard reported Highway Safety met and discussed the parking signs on Morgen Drive that were placed to deal with the overflow of vehicles parking to visit Tower Hill. Chief Pelton noted the signs need to be reworded.

Mr. Bedard reported Parks & Recreation met to discuss use of the town fields by residents from out of town and increasing the rate charged under the current policy. The pickup truck needs repair and may be worth replacing. Chief Pelton noted the Department may have a vehicle aging out that could pull a light trailer.

Mr. Rolfe reported the Planning Board met and discussed the surety reductions and new business use potentially a brewery coming in. A proposed lot line adjustment in the Tanglewood area may trigger the need for a minor subdivision.

Mr. DiPietro asked if the Auburn School District has passed papers yet on the property it is selling and Mr. Leclair indicated the purchase and sales agreement has not been signed yet and he will get an update.

Mr. Leclair reported the Board will be meeting with Manchester Water Works on March 22nd.

Other Business

Mr. Herman provided the Board with a Memorandum dated February 12, 2021 relative to the potential increased State and Federal revenue for municipalities. Rooms and Meals Tax revenue sharing with municipalities were increased by the Governor by up to \$5 million in each year of his proposed two-year State budget. The Highway Block Grant funding is proposed to be reduced by the Governor by \$3.1 million in 2022 and the State Bridge Aid Program is proposed to be reduced by the Governor's budget proposal from its historic \$6.8 million to \$6 million. The Biden Administration and Congress are developing a \$1.9 trillion Covid-19 Relief Package which could send upwards of \$1.6 billion in funding to New Hampshire. Auburn is likely to be included

with other communities that do not meet Community Development Block Grant funding standards splitting approximately \$19.5 million in direct funding. These funds would be allowed to make up revenue lost or delayed due to the pandemic or cover expenses. And FEMA is going to be covering 100% of expenses incurred by local governments as a result of the Covid-19 disaster declaration issued in March 2020. Normally, FEMA covers 75% of the eligible costs, with the municipality responsible for the remaining 25%. Mr. Herman noted the NH Division of Emergency Management is awaiting guidance for allowed expenses and how to claim them.

Next Meeting/Events

Monday, March 8, 2021 Board of Selectmen's Meeting – 7 PM

Tuesday, March 9, 2021 Town Election – 7 AM – 7 PM

Monday, March 22, 2021 Board of Selectmen's Workshop Meeting – 6 PM

Monday, March 22, 2021 Board of Selectmen's Meeting – 7 PM

Minutes

February 8, 2021 – Public Meeting Minutes

Mr. Rolfe motioned to amend and approve the February 8, 2021 Public Meeting Minutes by including a reference to an unauthorized vehicles sign under Other Business. Mr. Bedard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

February 8, 2021 – Non-Public Meeting Minutes (x3)

Mr. Rolfe motioned to approve the February 8, 2021 Non-Public Meeting Minutes (x3). Mr. Bedard seconded the motion. A vote was taken, all were in favor the motion passed unanimously.

Non-Public Session pursuant to RSA 91-A: 3, II (a) & (c) compensation of a public employee and reputation of someone other than a Board member

Mr. Leclair motioned to go into non-public session pursuant to RSA 91-A: 3, II (a) & (c) compensation of a public employee and reputation of someone other than a Board member. Mr. Rolfe seconded the motion. A roll call vote was taken Mr. Bedard – aye, Mr. Leclair – aye and Mr. Rolfe – aye. The motion passed unanimously.

The meeting room was closed to the public at 8:10 PM.

Mr. Bedard motioned to come out of non-public session at 8:21 PM. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Bedard motioned to seal the minutes of the non-public session. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Mr. Rolfe motioned to approve a step increase for the Parks & Recreation Coordinator from a Labor Grade 6, Step 10 to a Labor Grade 6, Step 11 based on a positive performance evaluation. Mr. Bedard seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Adjourn

Mr. Bedard motioned to adjourn at 8:21 PM. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.

Respectfully submitted,

Nancy Hoijer
Recording Secretary