

**Town of Auburn  
Board of Selectmen  
July 12, 2021  
Minutes  
7:00 PM**

**Selectmen Present:** Keith Leclair, Todd Bedard and Michael Rolfe

**Others Present:** Parks & Recreation Coordinator Amy Lachance, Police Chief Ray Pelton, Michael DiPietro, Alan Villeneuve, Daniel Busa, Marjorie Busa, Eric Mitchell, Attorney Patricia Panciocco, Tom Zapora, John MacGilvary, Sheila MacGilvary, Melissa Shelley, Shane Shelley, Steve Kimball, Town Treasurer Christine Tewksbury, Town Administrator William Herman and Nancy Hoijer, Recording Secretary

**Call to Order – Pledge of Allegiance**

Mr. Leclair called the meeting to order at 7:02 PM and led the Pledge of Allegiance.

**Approval of Accounts Payable Manifest for the Week of June 28, 2021 - \$154,316.56**

*Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of June 28, 2021 in the amount of \$154,316.56. 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 June 28, 2021 - \$15,550.00**

*Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of June 28, 2021 in the amount of \$15,550. 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 July 5, 2021 - \$51,836.51**

*Mr. Bedard motioned to approve the Payroll Manifest for the week of July 5, 2021 in the amount of \$51,836.51. 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 July 12, 2021 - \$1,706,385.98**

*Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of July 12, 2021 in the amount of \$1,706,385.98. 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 July 12, 2021 – \$35,292.50**

***Mr. Bedard motioned to approve the Accounts Payable Manifest for the week of July 12, 2021 in the amount of \$35,292.50. 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 Consent Agenda for the week of July 12, 2021**

Mr. Leclair read out loud and provided for inspection a copy of the Consent Agenda for the week of July 12, 2021 some of which included: seven (7) Abatement – Refund Requests and six (6) pistol/revolver licenses.

***Mr. Bedard motioned to approve the Consent Agenda for the week of July 12, 2021. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

## **Public Hearing – Parking Regulation Ordinance Amendment per RSA 41:11**

Consideration of establishing a no parking zone on the west side of Tower Hill Road, in addition to limiting parking at the trailhead access off the cul-de-sac of Morgen Drive

Mr. Leclair opened the Public Hearing at 7:02 PM.

Mr. Herman referenced the proposed Town of Auburn Parking Regulations Ordinance Section 5, Subsection c) TOWER HILL ROAD: In consideration for the specific safety considerations associated with the recreational area on Tower Hill Road and the need for emergency vehicles from either Auburn or Candia to have a clear travel path to respond to calls for service throughout this area, parking shall be allowed only on the east side only in the designated areas of Tower Hill Road. It shall be unlawful for any persons, firm or corporation to park a motor vehicle at any time on the west side of Tower Hill Road in the designated areas.

Chief Pelton explained where the designated areas were on Tower Hill Road and that the trial period worked very well. Mr. Leclair noted there was significantly increased traffic to these areas during Covid. Mr. Leclair explained the second proposal is to address complaints made by a citizen.

Mr. Herman referenced the proposed Town of Auburn Parking Regulations Ordinance Section 5, Subsection d) TOWER HILL TRAILWAY ACCESS/MORGEN DRIVE CUL-DE-SAC: In consideration for the specific residential considerations associated with the Tower Hill Trailway Access located off the cul-de-sac on Morgen Drive, there shall be no parking allowed at the trailway access point between 8:00 PM and 8:00 AM. It shall be unlawful for any persons, firm or corporation to park a motor vehicle between 8:00 PM and 8:00 AM at the trailway access off the cul-de-sac on Morgen Drive.

John MacGilvary of 90 Morgen Drive noted Manchester Water Works already has rules that no one be on the property from 8 PM to 8 AM and don't enforce them, encouraging use in the off

hours for hunting and fishing. An easement was granted for access and the potential restriction on parking seems unfair.

Shane Shelley of 51 Maple Farm Road noted there were already no parking signs and asked what the Board was trying to do. Mr. Leclair explained Manchester Water Works (MWW) does not want to encourage people who may spend the night on the property, however the ordinance concerns parking which has nothing to do with MWW or their private property. A citizen complained about a lot of early morning activity on Morgen Drive and their lot is the most impacted by that activity. Temporary barricades needed to be installed there last year. Parking on Morgen Drive previously was wide open and now is limited to four spaces. *Google Maps* was directing visitors to that location. They have been contacted and asked to correct the situation but have taken no action. A precedent could be set and it needs to be thought through first. Mr. Shelley added there is illegal dumping going on there as well.

Chief Pelton noted the no parking signs are not enforceable without the proposed ordinance. Vehicles could be ticketed but would not be towed. People from the neighborhood are not the ones causing the disturbances.

Steve Kimball of 126 Morgen Drive expressed concerns about the ability of local people to park there and use the access for hunting and fishing and questioned if MWW was consulted to see if they want this ordinance. Mr. Leclair clarified the ordinance concerns parking on a public way not access to the private ROW, so it is not an issue involving MWW.

Mr. Bedard stated he sympathized with the homeowner. There are some going earlier than normal and he is looking for balance, taking both needs into account.

Sheila MacGilvary expressed concerns about the authenticity of the homeowner's complaint being verified. A parking ban may not solve the problem and every homeowner has to deal with nuisances like the 5 AM trash pick-up. The homeowner knew when he bought the property there was a public access and this is to be expected. One person's complaints impact a lot of people.

Mr. DiPietro questioned when people can't park on Morgen Drive if they will cause another parking nuisance further down the road and Mr. Leclair noted during the trial period this has not been the case. Mr. Bedard noted there are several other ways to access the MWW property. It is not the intent to shut down access only to limit one point at one period of time.

Mr. Shelley asked what would happen if a resident had a birthday party that went past 8 PM, how would they differentiate who is at a birthday party and who is using the trail and asked could there be a sign for no overnight parking.

Chief Pelton noted the Department is not going to sit there and monitor for violations but would respond to complaints as they are able. However he expressed concerns about using a parking ban to control noise. The Town has no noise ordinance. Mr. Bedard added a noise ordinance has been brought up many times in the past.

Tom Zapora of 142 Morgen Drive stated no one has a clue what they've been through being woken up at 5-5:30 AM to people talking and unloading equipment like it was 5-5:30 at night. He estimated 80-90% of the disruptive activity is happening between 5 AM and 8 AM and 10-20% after 8 PM. He also faulted inaccurate information was posted on social media before the meeting.

Mr. Bedard questioned whether residents could have access via their dump stickers. Chief Pelton noted the Department could tell by the license plates who were Auburn residents. Mr. Bedard noted the Board did not have the public input it now has and recommended tabling approval of subsection d.

With no further comments, Mr. Leclair closed the public hearing for deliberations at 7:47 PM.

***Mr. Bedard motioned to approve Section 5, Subsection c of the Town of Auburn Parking Regulations Ordinance as presented and to table approval of Section 5, Subsection d. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

## **Appointments with the Board**

### **Town Treasurer Christine Tewksbury – Local Investment Policy**

Town Treasurer Christine Tewksbury explained an annual review of the Town's investment policy is required of the governing body by state statute, and asked the Board to consider re-adoption of the existing policy which still reflects current statutes and conditions.

Mrs. Tewksbury explained the \$8.8 million dollars currently in the general fund will not earn a lot of interest in today's market. Mr. Herman noted the NHPDIP has historically yielded a better return than commercial banking.

***Mr. Bedard motioned to adopt the Town of Auburn Investment Policy as presented. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

### **Daniel Busa and Marjorie Busa, 180 Appletree Road (Tax Map #17, Lot #63) – Application for Restoration of Involuntarily Merged Lots pursuant to RSA 674:39-aa**

Mr. Leclair informed the applicants who were present with their attorney and engineer the Board had consulted with Town Counsel on the issue of the second application to unmerge pursuant to RSA 674:39-aa since the June 21st meeting.

Mr. Leclair stated "We have confirmed that a prior Board of Selectmen on March 25, 2019 determined the actions of the prior owners of this property with the conveyance of it as one lot in 1963 was not an action of the Town and therefore the lots were voluntarily merged, not involuntarily merged. The 2019 decision was a final decision that could have, but was not, appealed by the Busas. Therefore, the Busas cannot now challenge the 2019 decision's determination that there was no merger by action of the Town of Auburn. As a result, this Board

will not take any action on the current application by the Busas as the issue has already been acted on in 2019.”

### **Alan Villeneuve – Status of Town Storage Building Project**

Alan Villeneuve reported the structure has been built with the roof added Sunday and the doors coming soon. He indicated Mr. Rolfe has done a great job with excavation. Mr. Villeneuve would like to coordinate the electrical trench by hiring an outside contractor within his project budget.

Mr. Leclair thanked Mr. Rolfe who donated his time. Mr. Rolfe noted that *Dig Safe* was done.

Mr. Leclair asked the targeted completion date and Mr. Villeneuve noted it is planned to be complete by the end of summer. The size of the garage doors needs adjusting to 9’ high and can be 10’ wide.

### **New Business**

#### **Potential Project Discussions for FY 2021 ARPA Funds**

Mr. Herman submitted three additional potential projects for consideration with funding from the ARPA Funds coming this year and next, which were:

1. The \$17,190 Groundwater Hydrogeological Review submitted by the Conservation Commission in the Town’s FY 2021 budget for Tasks #1 and #2 potable well inventory and potential resource evaluation. Task #3, \$8,110 Site Development Regulation was scheduled for management in FY 2022. The entire project is \$25,300.
2. Insulation Project at the Safety Complex for the ceiling of the Police Department, \$13,695. This project was approved but not funded or budgeted in FY 2021. It was assumed funding would be from the Building Rehabilitation Capital Reserve Fund.
3. Auburn Town Hall Telephone System, \$4,950 for replacement and installation of telephone system at the Town Hall.

Mr. Herman provided the updated CIP schedule together with a proposal from Vision Communications for the upgrade and replacement of the Town Hall telephone system and an invoice from Quality Insulation dated June 29, 2021 for the insulation project. Mr. Herman noted the funds must be obligated before 12/31/2024 and spent by 12/31/2025.

The Board reviewed the CIP schedule and noted the Storage Building and Police Department Body Cameras can be removed now.

Mr. Villeneuve asked about the multi-use path and Mr. Leclair noted it was scheduled for 2023. The small rink is in the budget and the softball lights are scheduled for 2022.

Mrs. Lachance noted the Parks & Recreation vehicle handed down from the Police Department is working great and they will continue to use the existing large trailer.

Mr. Rolfe recommended having Mr. Villeneuve look at the Town Hall roof. Mr. Herman noted that while it is scheduled it does not necessarily need to be replaced yet.

Mr. Herman noted the Fire Department tanker will coincide to swap out with the existing apparatus lease purchase. Chief Pelton noted the hybrid cruiser is working well.

Mr. Leclair noted he was in favor of the groundwater hydrogeological review project going through the Budget Committee process instead of funded through ARPA funds. The Board was in concurrence.

***Mr. Bedard motioned to obligate up to a total of \$13,695 from the American Rescue Plan Act funds for the insulation work at the Auburn Safety Complex performed by Quality Insulation of Nashua. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

***Mr. Bedard motioned to obligate up to a total of \$4,950 from the American Rescue Plan Act funds for the purchase and installation of a replacement telephone system for the Town Hall as presented by Vision Communications of Manchester. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

Mr. Leclair asked if the Fire Department gear extractors had been ordered. Mr. Herman believed they had been, but will check with the Fire Chief.

Chief Pelton reported the lavatory facilities for the Police Station were ordered.

### **Resignation of Zoning Board of Adjustment Members**

Mr. Herman provided copies of emails from Mark Wright and Dennis Vieira as resignation from the Zoning Board of Adjustment. Mr. Vieira's resignation is effective July 1, 2021 and Mr. Wright's resignation will be effective September 1<sup>st</sup>.

Mr. Leclair noted Mr. Wright has served since 1993 and is moving. Mr. Herman noted there is no July meeting for the ZBA, so the August would be the last for Mr. Wright.

***Mr. Bedard motioned to accept with regret the resignation of Mark Wright from the Zoning Board of Adjustment. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

Mr. Leclair thanked Mr. Wright for 28 years of service.

***Mr. Bedard motioned to accept with regret the resignation of Dennis Vieira from the Zoning Board of Adjustment. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

## **Fire Chief Request – Pumping of Apparatus Bay Separator Tanks**

Mr. Herman provided a request from Chief Williams and invoices from Kent Septic Service of Hooksett totaling \$865 for cleaning the apparatus bay separator tanks at the Safety Complex and Pingree Hill Fire Station. This work was never budgeted. He is asking the Board to consider funding from the Buildings Rehabilitation Fund and Mr. Herman noted the Chief will put it in the future budget.

Mr. Leclair recommended Chief Williams find funding for it in his budget somewhere as the Building Rehabilitation Fund is not the appropriate account to fund this and the Board will help the Department in some other way.

## **Appointment of Temporary Deputy Town Clerk**

Mr. Herman noted the Town Clerk will be on vacation in early August. The Deputy Clerk position is vacant with applicants currently being scheduled for interviews. However, certification can take some time and certainly would not be complete for early August. Mrs. Sylvia is recommending appointment of Katie Carroll Nesman of Rollinsford as a temporary Deputy Town Clerk. She is already certified with 25 years of experience, and performs per diem work for other communities.

***Mr. Bedard motioned to accept the recommendation of the Town Clerk Kathleen Sylvia and appoint Katie Carroll Nesman of Rollinsford as Deputy Town Clerk for the month of August, 2021. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

## **Old Business**

### **Results of June 26<sup>th</sup> State of NH Property Auction**

Mr. Herman provided the Board with a copy of the final statement from James St. Jean Auctioneers for the surplus property auction held on June 26, 2021 at White Farm in Concord, NH. The Town of Auburn netted \$6,300 from the sale of the 2006 GMC 1500 four-door pick up with 138,883 miles on it. The Town paid \$9,000 for the vehicle three years ago.

### **Report/Comments of Ex-Officio Board Representative**

Mr. Rolfe reported on activity with the Planning Board including a home on Eaton Hill, final approval for re-development of a King Street commercial property, conditional approval for Auburn Heights development and a conceptual presentation for Tanglewood at Rockwood Terrace.

Mr. Leclair noted the first collective bargaining meeting with the Auburn Police Union will be held on July 13<sup>th</sup>.

## **Next Meeting/Events**

Monday, August 2, 2021 – Board of Selectmen’s Meeting – 7:00 PM

Monday, August 16, 2021 – Board of Selectmen’s Meeting – 7:00 PM

## **Minutes**

June 21, 2021 Public Meeting

***Mr. Bedard motioned to approve the June 21, 2021 Public Meeting Minutes as amended. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

June 21, 2021 Non-Public Sessions (x2)

***Mr. Bedard motioned to approve the June 21, 2021 Non-Public Meeting Minutes (x2) as written. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

## **Adjourn**

***Mr. Bedard motioned to adjourn at 8:31 PM. Mr. Rolfe seconded the motion. A vote was taken, all were in favor, the motion passed unanimously.***

Respectfully submitted,

Nancy Hoijer  
Recording Secretary