

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, July 25, 2022
Selectmen's Chambers
356 Main Street-Farmington, NH 03835

Board Members Present:

Ken Dickie, Chairman
Gerry Vachon, Vice Chairman
Doug Staples
Charlie King

Board Members Absent:

Penny Morin

Others Present:

Mike Farrell, Interim Town Administrator
Scott Orlando, Interim Police Chief
Alan Gould, Municipal Resources, Inc.
Sean Kelly, Municipal Resources, Inc.

1). Call to Order:

Chairman Dickie called the meeting to order at 5 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Non-Public Session A:

Motion: (King, second Vachon) to enter non-public session under RSA 91-A: 3 II (c)Reputation passed 4-0 by a roll call vote (Dickie, Vachon, Staple, King-aye) at 5:01 p.m.

Motion: (King, second Vachon) to come out of non-public session passed 4-0 at 5:37 p.m.

4). Non-Public Session B:

Motion: (King, second Staples) to enter non-public session under RSA 91-A: 3 II (c)Reputation passed 4-0 by a roll call vote (Dickie, Vachon, Staples, King-aye) at 5:37 p.m.

Motion: (King, second Staples) to come out of non-public session passed 4-0 at 5:56 p.m.

5).Non-Public Session C:

Motion: (King, second Staples) to enter non-public session under RSA 91-A: 3 II (c)Reputation passed 4-0 by a roll call vote (Dickie, Vachon, Staples, King-aye) at 5:56 p.m.

Motion: (Vachon, second Staples) to come out of non-public session passed 4-0 at 6:12 p.m.

6).Reconvene Public Session:

Chairman Dickie reconvened the public session at 6:17 p.m.

7). Public Input: None

8).Review of Minutes:

July 11, 2022-Public Session No errors or omissions

Motion: (Vachon, second King) to accept the minutes as written passed 3-0-1 (Staples abstained).

July 18, 2022- Public Session- No errors or omissions

Motion: (Vachon, second Staples) to accept the minutes as written passed 4-0.

July 18, 2022-Non-Public Sessions A-D (submitted by Mrs. Morin) Session C-Mr. Dickie said Mrs. Morin questioned if this session should be sealed.

Session D- Mr. Vachon noted a typo in the first line where there is a bracket instead of the letter "P" in "DPW".

Motion: (King, second Vachon) to accept Non-Public Session D as amended passed 4-0.

Motion: (King, second Vachon) to seal Non-Public Session D for a period of 2 years as disclosure would adversely affect the reputation of a person other than a member of the board passed 4-0.

Motion: (Vachon, second King) to accept Non-Public Sessions A and B as written passed 4-0.

Motion: (King, second Vachon) to approve as written and seal the minutes of Non-Public Session C for a period of 1 year as disclosure would adversely affect the reputation of a person other than a member of the board passed 4-0.

Motion: (Vachon, second Staples) to seal the minutes of Non-Public Session A for 1 year as disclosure would adversely affect the reputation of a person other than a member of the board passed 4-0.

9). New Business:

Planner's Fees- Mr. Dickie said Planning Director Kyle Pimental sent out a note and if the board agrees with what he is proposing they would probably have to handle it the same way they did the increase in the Building Inspector's fees by having a public hearing.

Mr. King said when Mr. Pimental first started as the interim Planner they assigned a Planner's fee after a certain amount of time and a few boards ago the Selectmen set that number at 2 hours and after that the applicant was being charged. He said later Mr. Pimental made a recommendation to not do that because they weren't that busy and a lot of the things were very minor so the applications weren't taking a lot of time.

He said since then they have gotten busier and some of the applications have a lot of time involved in them and Mr. Pimental is now recommending they come back to the Planner's fees and the Planning Board recommended that number be after 6 hours at a rate of \$60 to \$85 an hour because this board sets the rates and the fees to give a range of recommendations. He said the rate for Mr. Pimental's services would be closer to the \$85 an hour rate but not all that time is consumed by him and some of it is by other staff at a lower rate so the Selectmen could consider an average of that. I feel that the 6 hours is the minimum and I could go as high as 8 because you could have a subdivision that takes 20 to 30 hours he said.

Mr. King said the discussion ranged from what is the expectation for services as a town resident or landowner to 6 to 8 hours is a lot of staff time which should cover most 2-3 lot subdivisions

and small site plans. He said they had a 6 lot subdivision that just got approved and he wouldn't be surprised if he had put 4 days into it or maybe more because of the amount of details involved. We may have a large gravel excavation this year that could consume 100 hours so that's their recommendation in bringing it before us he said.

He added this would also tie in with where they increased the Building Inspector's fees by 7% because it was a little bit upside down and this falls into the same category where it's a little bit upside down and they need to make an adjustment. He said for small applications or resident's uses this shouldn't be an impact.

Mr. Staples said pretty much this will impact the big construction outfits putting in whole subdivisions.

Mr. King said they had an application by Kodiak Group that approved that had a lot of involvement with code and structural requirements and that was a 6 unit subdivision downtown and once you get past 2-3 units that is where this would start kicking in. I would be in favor of adjusting the fee schedule to make this change. I think we should re-notice it to give an opportunity for people to comment he said.

Mr. Dickie said this is starting to eat into the yearly payment we pay to Mr. Pimental's parent company and when he puts that much time into it, it starts straining it to where we're at risk of not having a full year cover of a Planner.

Mr. King said Mr. Pimental has to struggle because he's at a 16 hour per week cap right now so this work load has been busting out over that. He's been doing the best he can, i.e. doing stuff at home for free and in some ways enough is enough he said.

Consensus of the board was they were okay with the recommendation to increase the Planner's fee.

Motion: (King, second Vachon) to change his fees to \$85 an hour starting at eight hours passed 4-0.

Motion: (King, second Vachon) to have the Town Administrator or Ken post it for a public hearing passed 4-0.

10). Old Business:

Grant Signing- Mr. Dickie said they needed to sign for the well grant monies (Strategic Planning Grant) and they were notified by James Emery (Emery & Garrett Groundwater Investigations) that some of the paperwork is not in for the state. He said there are 2 copies to be signed and one of the copies has to be signed by someone other than him and must be notarized.

Mr. Vachon said he would come in to the Town Clerk's office tomorrow to sign the papers and ask her to notarize his signature.

Consensus of the board was to allow Mr. Vachon to do so.

Town Owned Parking Lot- Mr. King said he brought up the topic of the parking lot across from the Henry Wilson School at the last School Board meeting and the board motioned that if the Town was willing they would accept that piece of property. He said if this board is still so

inclined to deed that over to the school district they need some assistance from Norway Plains and maybe some from the Town Attorney to draft the deed language for that.

Chairman Dickie said he believed the board was still willing to do that and called for a motion to deed the property over.

Motion: (King, second Vachon) to have Norway Plains work with staff and Town Counsel as necessary to prepare the draft deed;

Discussion: Mr. King said then the board can receive a copy of it and say they think the supporting information is correct and that Mr. Vachon had a question about some of it.

Mr. Vachon said the deed for school shows they still own Memorial Drive. He said that lot is used for snow storage during extreme conditions for some of those neighborhood streets and asked if it could be included in the deed that in those situations the Town can utilize it for snow storage to lessen the time it takes our guys to clear those streets.

Mr. King said they absolutely should include that.

Mr. Staples asked where budgets are tight if the school was going to cover the costs for Norway Plains and stuff.

Mr. King said they asked about the cost and he told them they don't know what that is yet.

Mr. Vachon asked if they should ask Randy Tetreault to give them an estimate and then go from there.

Amendment by Mr. King: to get a cost estimate for getting the draft deed formulated
Mr. Vachon accepted the amendment.

Vote: The motion passed 4-0.

Old Fire Station Site Assessment- Mr. King said the Town requested that the Strafford Regional Planning Commission do a Level 1 Site Assessment and he sent copies of it to the board today. He said the draft has been done for a while and there was a comment period for NH DES or the EPA which is open and there were no responses or comments from them so that's why it has been lingering there.

He said the report was pretty lengthy with the supporting documents including photos from the 1950's. He said it assesses what the potentials were (for contamination) based on the prior uses and there was no on-site testing done. He said it says there was a garage over here, PFC foam was used here with some supporting evidence and highlights what the potentials could be. That addresses the bare needs of if we were to market this property we could say here is the Level 1 Site Assessment putting the buyer on notice and they could do with it as they see fit.

Mr. King said he was also contacted by Stuart Pease who came before the board with a proposal a few years ago and he said that he is still interested in buying the portion of the property that is adjacent to his property. He asked if it would make sense for the board to seek Requests for Proposals from realtors to market the property or from potential buyers. He said they could say here is the Level 1 Site Assessment, here are all the documents, these are the things we need to incorporate in this land as far as a parking easement for the Town and the

easements through there that have been allowed by the Town and that needs to be solidified. He said that was addressed in a site assessment by Norway Plains where they gave the historic rights-of-way for people to have access to the back and those have to be documented and if we sell it, it has to be part of that deed.

Mr. Farrell asked if they knew how the Town originally obtained the land.

Mr. Dickie said he couldn't recall if Farmington Motors sold it or gave it to the Town.

Mr. Farrell asked if it was tax deeded to the Town.

Mr. King said that information might be in the historical references in the Level 1 Site Assessment.

Mr. Farrell said that could dictate how they dispose of the property.

Mr. King asked if they took it through a tax deed more than 10 years ago what would be different than a standard transaction.

Mr. Farrell said he didn't know.

Mr. King said he has purchased a tax deeded property and there may be a 10 year period for getting title insurance. He said they told the taxpayers when the new Public Safety Building was built that they were going to sell that property and put it back on the tax rolls and they should move along to that end goal and whether it makes sense to get proposals to market it and potentially at the same time somebody could come to the table and say how much they would pay for it and what they are going to do with it. If there is a Request for Proposals we can accept or reject any one we want and not be tied to the highest and best price but potentially for the use because we have to accomplish some things with that as far as the parking and access easements and make sure that we preserve what we need as a town and that's going to take a few steps he said.

Mr. Vachon said that building is still full of junk.

Mr. King said the buyer could renovate it or tear it down. He said at one time there was somebody interested in it and they were going to keep the building for storage of vehicles which was part of their business. He said the building wasn't worth putting money into it as a fire station but it could still have many uses that somebody could rehab it to what they feel needs to be done. It has good access on 2 sides and for downtown it's a pretty good sized lot that could be used for commercial and residential, we increased the density in the downtown which makes it more attractive to a mixed use and we still have a requirement for businesses on the 1st floor. I thought I would bring it up and see what the board's desire is he said.

Mr. Vachon said he would like to see it back on the tax rolls and they should sell everything they have.

Mr. King suggested that they start in the Planning Dept. to assess all the things they need to take care of as far as the parking and access easements and have them gather all that information.

The board agreed and the following motion was made:

Motion: (King, second Vachon) to have the Planning Dept. work on the old fire station lot getting it ready for Requests for Proposals making sure we address all the access easements and parking easements and whatever has been brought up to date for that site as far as the concerns of the taxpayers and what the Town has to ensure for the transfer passed 4-0.

11). Town Administrator's Business:

New Mileage Rate: Mr. Farrell said the IRS mileage rate for the remainder of 2022 was increased to 62.5 cents per mile up from 58.5 cents per mile. He said he didn't know if the board needed to authorize the increase or if they wanted to keep it at the current rate. Mr. King said they should move it up and if they don't and somebody puts in for mileage they can claim the rest on their taxes and that just makes it more work.

Motion: (King, second Vachon) to adjust our mileage rate to match the new federal mileage rate of 62.5 cents per mile passed 4-0.

Employment Offers- Mr. Farrell informed the board that they put out 3 letters of conditional offer of employment and they have received 1 response. He said the deadline for acceptance is this Friday on the condition of a physical, a drug screening and a background check (which are already done). He said they contacted the medical screening place and gave them their names to come in and do the testing for us.

Bridge Funding Update- Mr. Farrell said he received an e-mail from Hoyle Tanner & Assocs. Engineer Josif Bicja that said he had a conversation with C.R. Wileke regarding the meeting the board had with the Asst. Commissioner. He said Mr. Wileke said that next year they will be opening up the State Bridge Aid program which we are aware of but he didn't know if they were aware of the details. He said Towns will not be able to send in any applications and the NH DOT will choose which projects they will fund based on the bridge's condition, traffic count, the detour length, etc.

He said the DOT will only fund 50 projects for the years 2027 to 2034, there will only be one bridge project per town and there will be some towns that won't receive any funding. He said there are 230 red listed bridge projects and they will only be able to fund 50 of those.

Mr. Farrell said Mr. Wileke indicated that by virtue of their meeting with the Asst. Commissioner they have our bridge problems fresh on their minds and that can only be an advantage for the Town.

Mr. King said that is even worse than it was before- they are only going to fund 1 bridge in a town and they decide so it's all going to be "who knows who" and the big towns will be getting all the money again. It's going to be the Rochester's, the Dover's, the Portsmouth's, the Nashua's, the Bedford's and us poor towns are going to get the shoe again he said.

He added that probably if you speak out you'll be knocked off the list. He said if you make a "stink" on the process you won't be getting your bridge fixed unless how it will be distributed gets re-determined by the people who run this state. He then asked when we are electing a new governor.

Mr. King asked how the DOT is going to pick them based on mileage count and when they were here they said it was also going to take into account the economic status of the town and he didn't hear that.

Mr. Farrell said there was an "etc." included in the criteria.

Committee/Board Openings- Mr. Farrell said one of the board members had a question about committee membership and openings on committees and listed the following vacancies: the Budget Committee has at least 1 vacancy, the Zoning Board of Adjustment needs an alternate member because the alternate member was promoted to full member due to the resignation of the Chairman and the Planning Board needs 1 member due to the resignation of a member.

Mr. King said Roger Mains was the alternate member to the Planning Board but he didn't know if he has applied to become a full member.

Mr. Farrell said the Capital Improvement Plan Committee is missing a member as Ann Titus is no longer a member and he was aware of the problems with the Economic Development Committee membership. He said she hasn't resigned yet but Erica Rogers is looking to leave the CIP Committee. According to my research the only full committee is the Conservation Commission he said.

Vacation Coverage- Mr. Farrell told the board that he and Mr. Dickie discussed it and that Mr. Dickie will be covering for him next week as he will be taking the week off for vacation.

Mr. Vachon said he would not be here next week as he will also be on vacation.

Rec. Dept. Activities- Mr. King said the board received copies of the flyers for the following Rec. Dept. events and activities: After School Program (Mon.-Fri., grades K-5, contact Erica Rogers at 755-2405 or erogers@farmington.nh.us), grand opening of the Senior Center (Aug. 1 9-11 a.m., 527 Main St. "old courthouse"), National Night Out (Aug. 2, 5-7 p.m. Fernald Park), Classic Car Show (Aug. 20 during Hay Day, old fire station parking lot), Cornhole Tournament (Aug. 20 starting at 10 a.m., 12 Summer St., registration required before 8/18).

Keno Sales- Mr. Dickie said they were notified that the Gov. has approved Keno sales at any of the places that are selling lottery tickets. He said they still have to apply for licenses even though they were approved for the lottery but the Gov. has signed that into law. He said anyone needing further information can come to the Town Offices and they can show them the letter.

12). Next Meeting: Monday, August 1, 2022

13). Non-Public Session D:

Motion: (Vachon, second Staples) to enter non-public session under RSA 91-A: 3 II (c)Reputation passed 4-0 by a roll call vote (Dickie, Vachon, Staples, King-aye) at 7 p.m.

Motion: (Vachon, second Staples) to come out of non-public session passed 4-0 at 7:12 p.m.

14). Non-Public Session E:

Motion: (Vachon, second Staples) to enter non-public session under RSA 91-A: 3 II (a) Compensation passed 4-0 by a roll call vote (Dickie, Vachon, Staples, King-aye) at 7:12 p.m.

Motion: (King, second Vachon) to come out of non-public session passed 4-0 at 7:21 p.m.

15).Adjournment:

Motion: (Vachon, second Staples) to adjourn the meeting passed 4-0 at 7:21 p.m.

Kathleen Magoon
Recording Secretary

Ken Dickie, Chairman

Gerry Vachon, Vice Chairman

Douglas Staples

Charlie King