

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, August 22, 2022
Selectmen's Chambers
356 Main Street-Farmington, NH 03835

Board Members Present:

Gerry Vachon, Vice Chairman
Doug Staples
Charlie King
Penny Morin

Board Members Absent:

Ken Dickie, Chairman

Others Present:

Mike Farrell, Interim Town Administrator
Scott Orlando, Interim Police Chief
James Reinert, Fire Chief
Patricia Sirrell, Deputy Town Clerk
Erica Rogers, Rec. Dept. Director
Erica Dickie-Yelle, Asst. Rec. Director
Members of the Farmington Police Dept.
Residents Mary Barron, Tim Brown,
Stacy & Jason Lauze

1). Call to Order:

Vice Chairman Vachon called the meeting to order at 6 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). New Business:

Chief of Police Employment Agreement Signing-

Mr. Vachon asked Interim Police Chief Scott Orlando to come forward and sign the employment agreement between him and the Town of Farmington as Mr. Staples provided the last of the board's signatures.

Chief Orlando came forward and asked to borrow a pen and Mr. Staples jokingly chastised him for coming in unprepared for duty. Chief Orlando then signed the employment agreement.

Police Chief Swearing-in Ceremony- Mr. Vachon explained for the viewers at home that they will now swear-in Captain to Chief Scott Orlando.

Chief Orlando and family members came forward and Deputy Town Clerk Pat Sirrell asked Chief Orlando to raise his right hand as she read the oath of office. Chief Orlando did so and then accepted his new badge from Mrs. Sirrell which was then pinned by his father.

Chief Orlando then thanked everyone as everyone gave the new Chief a standing ovation.

The board congratulated Chief Orlando and Mr. Vachon advised them all to stay safe out there as they left the meeting.

4). Public Input: None

5).Public Hearing:

Mr. Vachon said the next order of business was to open the public hearing and then read aloud the following from the Public Hearing Notice:

The Board of Selectmen will hold a Public Hearing on Monday, August 22, 2022 for the acceptance of unanticipated revenue of up to \$31,000 from the American Rescue Plan (Act).

Motion: (Morin, second Staples) to open the public hearing passed 4-0 at 6:05 p.m.

Mrs. Morin asked how long they would keep the hearing open.

Mr. Vachon suggested they keep it open for about an hour while they conduct the other business on the agenda.

6).Review of Minutes:

August 15, 2022-Public Session Minutes- No errors or omissions

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

August 15, 2022-Non-Public Sessions A-C- No errors or omissions

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

7). Old Business:

School Lot- Mr. King said there was an e-mail chain that was incorporated in their packets from Assessing Clerk Kelly Heon who was talking with (Drummond Woodsum Attorney) Huddy Grandy and Att. Grandy said there are 3 potential ways that it (transfer Town owned lot Tax Map U05, Lot 095-1 to the School District) could be done.

He said option 1 is to convey a deed without covenants to the school district and this deed would simply convey whatever interest the Town has in the property without making any representations as to how it came to own the property or the soundness of its title to the property.

He said the second option is for the Town to pay Norway Plains Surveyor Randy Tetreault to conduct a survey and to do the necessary title research to confirm the boundaries of the parcel and the Town's ownership. The third option is to give the school district the opportunity to pay for this survey/title work or split the cost with the Town to do it he said.

Mr. King said it is as simple as they convey whatever interest the Town has in the property without making any soundness of the title or talking about a bounded survey. We would basically give over our rights to the school district and that's as simple as it needs to be done because there's only been 2 landowners since the 1950's and 60's and that's been the school or the Town because the people before that gave it to either the school or the Town. In this case I think we should proceed with option 1 as stated in Att. Grandy's e-mail to Mrs. Heon he said. Mrs. Morin said she was leaning more towards splitting the cost for the surveying the property. She said it's the same pocketbook and asked why they wouldn't want it to be a clear title on either side.

Mr. King said he didn't think the title is in dispute it's really the ownership. He said the 2

abutting parcels have been surveyed and the other edges are bordered by existing roads. He said they could have it surveyed but that could be \$3,000 to \$5,000. There's never been a dispute on the boundaries and if there were to be a dispute then it would be the school's responsibility to resolve that in the future. Both (abutting) parcels have been surveyed and their surveys have been recorded he said.

Mr. Vachon said in his research it was clearly defined on those 2 parcels that abut this lot there's just nothing for this parcel that matches the meets and bounds.

Mr. King said this is the remaining land and everything else has already been documented.

Mr. Vachon said originally this piece was part of the house up Memorial Drive and the school property and they sold off the big lot with the garage across from where the annex used to be. He said that's private property and then they sold the school lot to the school and this is just hanging out.

Mrs. Morin said she was amiable to that.

Motion: (King, second Morin) to proceed with option one that Huddy recommends as far as conveying our interest in the property to the school;

Discussion: Mr. Vachon asked if they go with option one if they can still use the wording that the Town may use that property as a snow dump for the surrounding streets or if that would have to be just straightforward we're giving them the property because it says no covenants. Mr. King said he was okay with that but that should be in a mutually agreed upon location so we would put it wherever they want us to on that lot because of what they're doing with it. Mr. Vachon said option 1 would convey a deed without covenants and asked if that would be considered a covenant for the Town to still be able to use that piece for emergency purposes in the winter.

Amendment: by Mr. King: to make a deed to convey our rights with the only covenant being that the Town has the ability to use it for temporary snow storage in a mutually agreed location on the lot

Mrs. Morin accepted the amendment.

Vote: The motion passed 4-0.

Hay Day- Mr. King asked Rec. Dept. Director Erica Rogers if she had a status report on Hay Day. Mrs. Rogers said when they talked about it at the last meeting she was at she was supposed to be on the agenda for this meeting but it got missed.

Mr. Vachon said if she would like to do an overview of Hay Day they would gladly allow it.

Mrs. Rogers said she didn't bring the paperwork with her.

Mr. Vachon said he thought it went pretty well and asked Chief Orlando if there were any incidents at Hay Day.

Chief Orlando said no.

Mrs. Morin said she only saw good things one of which was some our Police officers running through a sprinkler which was kind of fun.

Mr. Vachon said he saw an officer in the dunk tank.

Mrs. Rogers said they made a good profit off of the dunk tank.

Mr. Vachon said a lot of kids threw a lot of money at the dunk tank and they didn't care that he was already wet they just wanted to keep putting down.

8).Town Administrator's Business:

Levee Update- Interim Town Administrator Mike Farrell said he wanted to let the board know that they have a meeting scheduled for Sept. 12 to meet with FEMA and talk about the levee. He said we would be expected to start putting some money into that project so when they talk with FEMA and the Army Corps of Engineers that's going to be part of the discussion.

Mr. King asked if there would also be someone here from Hoyle Tanner & Assoc. on the 12th.

Mr. Farrell said yes but he didn't know who that would be.

Mr. King said he went through the report (Levee Evaluation and Management Plan prepared by Stevens Assoc. Consulting Engineers) and that he planned to read it again because there is a lot of information in there. He said this is a new curve ball that was thrown at the Town 2 years ago when FEMA decided they were going to redo all the floodplains and our levee doesn't exist unless we bring it up to their new higher standards.

Mrs. Morin asked for the balance in that fund (Town Levee Repair Capital Reserve Fund) now.

Mr. King said the first thing they need to do is to request a waiver from FEMA in the freeboard height and some other things they are saying are a concern in that possible list. He said of course the engineer didn't put at the top they could do all this engineering and spend all this money or you could request a waiver. I think we should start with that waiver he said.

He said they will have to do some shoal work, some erosion work and the engineering that was done in 2017 addresses some of these issues and now they ask how we know that if it gets worse that we're okay. Some of that information needs to be brought to reflect what is there now.

He then asked for the name and position of the FEMA representative and if he is going to be presiding on this or if he is an engineer working for FEMA and the authority would be granted from above. .

Mr. Vachon said his name is William Davidson.

Mr. Farrell said he is working with Hoyle Tanner and Stevens Assoc. and that Hoyle Tanner is a consultant to Stevens Assoc. and they did the study.

Mr. King said our engineer is with Hoyle Tanner and asked if we subcontracted with Stevens Assoc.

Mr. Farrell said yes.

Mr. King asked if someone from Stevens Assoc. would be here also (on Sept. 12).

Mr. Farrell said they should.

Mrs. Morin asked if he was going to arrange that.

Mr. Farrell said he would make sure they are here.

Mr. King asked if it would make sense to do a site walk of the levee before the 12th with staff or some of the Selectmen. He asked if they could get somebody to take them through it and point out the areas in the report so they can get a feel for what they are looking at and the location sometime before that even if it's during the day.

Mr. Vachon agreed it would be nice for them to put eyes on it.

Mr. King said they could do it whenever our engineer from Hoyle Tanner is going to be out and about including 2-3 hours prior to their meeting on Sept. 12.

Mr. Farrell said he would contact Hoyle Tanner and try to set that up.

Mr. King said that would help the people who are trying to make decisions which have a lot of dollars associated with them and hopefully they can mitigate the financial cost. He said they received some information on a USDA grant and asked if they try to apply for that.

Mr. Vachon said they just applied for a grant for storm water management in Somersworth and that technically this could be considered for storm water and he will try to find out what that grant was.

Primary Election- Mrs. Morin said an election is coming up on Tuesday, Sept. 13 so they need to be planning for that and put it on their meeting agenda.

Mr. Vachon said he had a list of the people who applied to be ballot clerks.

Mrs. Morin said she was thinking more about scheduling the board members presence at the election. She said she won't be able to be there until around 4 p.m. and she wouldn't mind taking the late shift.

Mr. Vachon said he would be there all day, Mr. King said he would try to clear his schedule for that and Mr. Staples said he would be there.

Mr. King said there are some people that have signed up to be ballot clerks and made the following motion:

Motion: (King, second Morin) to approve the following people for ballot clerks: David Plourde, Karen Cameron, Joel Chagnon, Michelle Forrest, Sara Campbell and Erin Zayac passed 4-0.

Invest NH- Mr. King said Planning Director Kyle Pimental sent a survey in to the Town Administrator that was filled out by Mr. Dickie regarding Invest NH and asked Mr. Farrell if he knew anything about that.

Mr. Farrell said no.

Levee Report- Mr. King said he forwarded the levee report to the rest of board today because they weren't on the e-mail chain so they may not have gotten it.

Culvert Collapses- Mr. Staples said that earlier this year he brought to the Highway Dept. Director the 2 culverts on Chestnut Hill Road that were collapsing and they should get somebody out there right away to look at them because now they have collapsed all the way up to the edge of the pavement so the road is being compromised.

He said the culverts are located on the left hand side of the Chestnut Hill Road/Cochecho Road intersection and between White Birch Lane and Rt. 75 on the left hand side and both have

collapsed up to the pavement.

Mr. Vachon asked Mr. Farrell to speak with Chuck Tiffany about fixing the culverts in those 2 spots.

Trust Funds- Mr. Vachon said every time the Trust Funds list comes out he brings up the fact that some of the dates on the list are impossible due to the fact that the individuals that the trust funds and scholarships were designated for didn't pass away for years after these were established according to this list. He said he didn't know how they created scholarships in memory of people before they passed.

Mrs. Morin asked if the funds were all in memory of someone.

Mr. King asked Mr. Vachon to cite the funds he was referring to.

Mr. Vachon said the Nathan Charles Turner Scholarship Fund was supposedly established in 22008 and he didn't think Mr. Turner died until 2010 or 2011 and that they would not have started the fund 3 years before he passed. He said Megan Scanlon didn't pass until 2011 but it says the fund was established in 2003.

He said he has questioned this quite a bit and nothing has ever come of it. He said he didn't understand how they can keep getting the wrong dates and they have 3 funds that don't even have established dates on them-the JT Lamantia Fund, the Esther Parshley Scholarship Fund and the Abraham Burtman Scholarship Fund.

Mrs. Morin said Ms. Parshley's fund was formed when she retired but she couldn't recall what year.

_Mr. King asked if this is their list or the Trustees' list.

Mr. Vachon said he was told it is the Trustees' list and he has been asking for them to talk to the Trustees to get it straightened out because it's misinformation.

Mr. King said Manny Krasner is the Chairman of the Trustees of the Trust Funds Committee.

Mr. Vachon asked Mr. Farrell to inquire with the Trustees about the incorrect information they've been getting.

Mrs. Morin said the purpose of the Isabelle Billings Trust Fund is for the Town's poor and asked who decides who gets money out of that fund and who doesn't. She said she never heard of this fund and her thought is the Selectmen are the agents to expend from the funds.

Mr. Vachon said it depends on how it is written.

Mrs. Morin asked how people get to use these funds because it seems like we have a lot of funds.

Mr. Vachon said some of them have designations and wording as to how they are to be expended but the Trustees of the Trust Funds have to allow it so they have to request from the Trustees of the Trust Funds to expend from those funds and it has to be within the parameters. They can deny it if it's not within the parameters as the trust funds were set up he said.

Mrs. Morin asked if somebody would just come in to the Town office and say they need help and go through the Welfare Dept.

Mr. Vachon said they would have to find out how it's worded for each trust on what it can be used for.

Mrs. Rogers said she has done that a few times in her role as the Welfare Director and she had to go to the Town Administrator and say what she is looking for and ask if it's okay to go to the Trustees. She said then she had to sit with the Trustees and say this is what she is looking for, this is how she wants to use it and this is why and then they say yes or no and it gets approved by the board.

Mr. King said the purpose of the Joseph McLaughlin Trust Fund is for hospital care and there was \$15,000 added to that this year if he was reading it right.

Mrs. Morin said the balance at the beginning of the year was \$15,000 and the balance at the end of the year was \$15,000.

Mr. Vachon said it shows a grand total of principal and income as \$30,000.

Mr. King asked if that was the sum of the balance at the year end and the balance at the beginning of the year and then said he will have to ask some questions of the Trustees.

Mrs. Morin asked if the Norman Fall Fund that says it is for municipal needs could be used for a bridge.

Mr. King said there is \$102,000 in that account.

Mr. Vachon said but most of them are written so that the principal has to be maintained and you can only use the interest. He said it doesn't specify on the list what it initially began with.

Mrs. Morin said there are a lot of funds that say they are for Town benefit and maybe they need to start looking at how those are written and what we have in those funds to offset some of the big ticket items coming up such as the levee.

Mr. Vachon said he thought they would find that there is probably not much over the principal in most of those accounts.

Mr. King asked if there is someplace they could go to find out what the restrictions are on the trust funds and if the Trustees have a web page.

Mr. Farrell said there's a Trustees in Concord and they keep track of those. He said they also should be keeping track of them here in town.

Mrs. Morin asked if there is a binder here that lists the trust funds.

Mr. Farrell said the Trustees of the Trust Funds should have it.

Mr. King said the Town Levee Repair CRF has \$1,000 in it.

Mr. Vachon said that's because it was just started (07/25/22).

Mr. King said we're close, there's \$2 million worth of repairs needed and we have \$1,000.

Mr. Vachon said that is \$1,000 closer than we were last year.

9). Close Public Hearing:

Motion: (King, second Morin) to close the public hearing passed 4-0 at 6:35 p.m.

Motion: (King, second Staples) to accept the \$31,000 from the American Rescue Plan Act as unanticipated revenue;

Amendment: Mrs. Morin asked if they could add “up to” \$31,000 to the motion.

Mr. King and Mr. Staples accepted Mrs. Morin’s friendly amendment.

Vote: The motion passed 4-0.

10). Next Meeting: Monday, August 29, 2022

11). Non-Public Session A:

Motion: (Staples, second Morin) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 4-0 by a roll call vote (Vachon, Staples, King, Morin-aye) at 6:37 p.m.

Motion: (King, second Staples) to come out of non-public session passed 4-0 at 6:47 p.m.

12). Non-Public Session B:

Motion: (Vachon, second Staples) to enter non-public session under RSA 91-A: 3 II (c, i) Reputation, Preparation for Emergency Functions passed 4-0 by a roll call vote (Vachon, Staples, Morin, King-aye) at 6:47 p.m.

Motion: (Vachon, second Staples) to come out of non-public session passed 4-0 at 7:11 p.m.

13). Police Chief’s Pay Rate Adjustment:

Chief Orlando said he received an e-mail from the Finance Administrator asking for official documentation on his compensation as the permanent Police Chief.

After a brief discussion on the proper procedures and documentation to use Mrs. Morin located the August 8, 2022 Non-Public Session B minutes where the board discussed Chief Orlando’s compensation, the board signed the minutes and they were submitted to Ms. Kimball.

14). Non-Public Session C:

Motion: (King, second Morin) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 4-0 by a roll call vote (Vachon, Staples, King, Morin-aye) at 7:20 p.m.

Motion: (Morin, second Staples) to come out of non-public session passed 4-0 at 7:28 p.m.

15). Adjournment:

Motion: (Morin, second Staples) to adjourn the meeting passed 4-0 at 7:28 p.m.

Kathleen Magoon, Recording Secretary

Gerry Vachon, Vice Chairman

Douglas Staples

Charlie King

Penny Morin