

Town of Farmington  
Board of Selectmen Public Meeting Minutes  
Monday, April 9, 2018

**Board Members Present:**

Paula Proulx, Chairman  
Neil Johnson, Vice Chairman  
Dave Connolly  
TJ Place  
Ann Titus

**Others Present:**

Arthur Capello, Town Administrator  
Kathy Seaver, Town Clerk  
Kelly Heon, Assessing Clerk  
Kevin Mosher, President, KJ Cardinal,  
Board Member, Farmington Country Club  
Residents Bill Fisher, Elizabeth Johnson,  
Jo Kenney, Martin Laferte, Blanche  
Tanner

**1). Call to Order:**

Chairman Proulx called the meeting to order at 6 p.m.

**2). Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**3). Public Input:** None

**4). Review of Minutes:**

April 2, 2018 – Public Meeting Minutes – No errors or omissions

**Motion:** (Johnson, second Connolly) to accept the minutes as written passed 5-0.

Non-Public Sessions A through D & F- No errors or omissions

**Motion:** (Johnson, second Titus) to accept Non-Public Sessions A through D & F as written passed 5-0.

Non-Public Session E will be reviewed in non-public session at the end of this public meeting.

**5). Assessing Regarding the Easement for Golf Course:**

Ms. Heon said that 10 years ago Assessor David Wiley spoke with members of the Farmington Country Club about applying for a Discretionary Easement from the Town. NH law gives land owners of open space lands with a public benefit the opportunity to apply to their Board of Selectmen for an easement because they don't meet the qualifications for Current Use as the land is not completely in its natural state. Unlike Current Use, even if the property meets all of the criteria the Selectmen do not have to grant the easement per RSA 79-C she said.

She said that in 2008 the board did grant an easement to the club with a 10 year term so it is coming due in May 2018. The easement gives the owners an opportunity to apply for renewal of the easement and they have chosen to do so.

Ms. Heon said that a problem exists with how the easement was applied to the property and

how it changes their assessment which is spelled out specifically in state law. Selectmen have the discretion to choose a range for the assessment of the open space land from a low of the value of Current Use farm land up to 75% of the market value of the property as vacant land. Improvements to the land, such as the holes and irrigation system can't be included in the assessment she said.

She that Mr. Wiley misinterpreted the law and included the holes and irrigation systems in the assessment at a 75% value of \$484,650. This amount has been assessed to the Country Club every year for 10 years even though they have a discretionary easement for the land she said. Mr. Johnson asked about the correct assessment for the easement.

Ms. Heon said she did not know what the value would be going forward as that is a decision for the board. She said once the application is submitted the board has 60 days to act on it. She encouraged Selectmen to act on the application prior to the first tax billing on May 15 (for a July 1 due date) especially if they plan to grant the easement to avoid having to abate the difference if the board chose to grant the easement after that date.

Mr. Capello asked if the golf course is in the Tax Increment Finance (TIF) District.

Ms. Heon said the golf course is not included in the TIF District.

Chairman Proulx asked if the values on copies of the tax cards they received are up to date.

Ms. Heon said the values shown are the current values.

Chairman Proulx asked for the values that the Assessor used in 2008.

Ms. Heon said the values used by the Assessor are in Mr. Wiley's April 21, 2008 memo to the Selectmen. She said he gave the board the option to use the Current Use farm land value (67.89 acres at \$425 an acre = \$28,853 = \$757 actual tax dollars) or to choose a value anywhere from 25% to 75% of market value (2008 assessed value of \$72,080).

She said that where Mr. Wiley erred was where he included the values of the holes and gave examples of their values from 25% to 75% of their market value which are valued at zero in a discretionary easement.

Chairman Proulx asked if the 35 acres of land along the river was extracted from the easement assessment.

Ms. Heon said she did not think that section of land was excluded but it should be addressed with the current Assessor Chad Roberge as there is a Town easement for water and sewer service in that area and it is unbuildable within the buffer zone of the river.

Ms. Heon then gave a brief explanation of the information found on the tax cards to the board.

Mr. Capello said the eight acres of commercial/industrial land seems to be assessed at 75% of market value on the tax card and asked if it should be assessed at 100% of market value.

Ms. Heon said that she and Mr. Roberge discussed this entry and suggested this portion of the land may be the country club's driving range. She said without Mr. Wiley present to answer questions it is just a guessing game to determine how he applied the values.

She said the application process includes providing the town with an application, map and the

value for the easement. Mr. Roberge will conduct an appraisal of the property and will present his findings to the board before they make their decision on the discretionary easement. Even if the board chooses to stay with 75% of the market value of the land the assessment will still be reduced significantly as the value of the holes won't be included she said.

Mr. Johnson asked how long it will take to come up with the new assessment numbers.

Ms. Heon said she expected the new appraisal would be ready within the next two weeks.

Mr. Mosher and Mr. Cardinal came forward to discuss the discretionary easement application.

Mr. Cardinal noted that some information on the tax cards did not match the information on the documents and they were stunned to learn that the property was being assessed at approx. \$500,000 more than it is actually worth.

He said they came to renew the application and to correct some of the information previously submitted such as the size of lot the club house sits on and the acreage of driving range.

Mr. Connolly added that the new maintenance building wasn't built when the previous application was submitted.

Chairman Proulx asked what the benefit to the public would be if the application were granted.

Mr. Mosher said the course is a nine-hole course open to the members and the public. The country club is host to benefit tournaments for several organizations in town, the high school golf team and the land is open to snow shoeing and sledding in the winter he said.

There were no other questions from the board.

Ms. Heon suggested that the original easement agreement be reviewed by the Town Attorney as the Town and the country club have to agree to the terms of the new easement agreement which then gets recorded at the Registry of Deeds.

Chairman Proulx agreed the attorney should review the terms as there is a section that says the Town and country club agreed on assessing the value of holes.

Mr. Capello said that the new property assessment, the April 23, 2008 Selectmen's meeting minutes and the new application will be included in the board's meeting packet when they are ready for review and that he will notify the club when the issue will be put back on the agenda.

#### **6). RFP for Well Five Cleaning:**

Mr. Capello said a cleaning of the Bay Road water storage tank has been scheduled for this year and the Request for Proposals was sent out to three companies. He recommended the bid be awarded to Underwater Solutions as they are the only company that submitted a bid in the requested format and they are familiar with the tank as they have cleaned it twice before.

Chairman Proulx said the proposal states they would inspect and clean up to four inches of sediment from the tank at a cost of \$4,390 and asked if less than four inches was removed if the town would receive a reduced rate.

Mr. Capello said there would be no reduction in the cost for removal of less than 4 inches of sediment.

Mr. Johnson noted that Liquid Engineering submitted a quote for approx. \$1,000 cheaper than Underwater Solutions.

Mr. Capello said that is correct but if more than 2 inches of sediment needs to be removed the removal cost increases.

Chairman Proulx said the bid recommendation states that Liquid Engineering charges “heavy fees” for any extra sediment removal after 2 inches plus \$425 an hour to remove the extra sediment and asked what the heavy fees are.

Mr. Capello said the company did not give a price quote for the fees.

Mr. Johnson the company would charge \$42 per cubic yard for removal of over two inches of sediment. He asked if the Town has used Underwater Solutions before and when the last time the tank was cleaned.

Mr. Capello said the company cleaned the tank the last time it was done which was about 10 years ago. He added that the tank should be cleaned every five years and they are trying to get back into that routine.

Mr. Connolly asked if their work was satisfactory.

Mr. Capello said their work was done in a satisfactory manner. He said it would be cheaper for the Town to get back on track as there would be less sediment to clean out of the tanks.

**Motion:** (Johnson, second Place) to award the bid to Underwater Solutions for the inspection and cleaning of the water storage tank on Bay Road with removal of up to four inches of sediment in the amount of \$4,390 passed 5-0.

#### **7). RFP for Master Plan:**

Mr. Capello suggested the board not award the bid at this meeting as Town Planner Dan DeSantis has asked if one or two of the Selectmen would attend the interviews with the responding firms.

Chairman Proulx said the interviews should take place before the whole board.

Mr. Johnson suggested that Mr. DeSantis should lead the interviews as he is more knowledgeable of the planning process but agreed that the whole board should be able to hear the discussion and ask questions at the same time.

Mr. Capello said Community Circle has been eliminated from consideration due to their high priced bid proposal. He said a company representative said there is no room for negotiation of the price and he advised the board not to waste their time speaking with them.

Mr. Capello said he would recommend awarding the bid to ADG LLC as the manager of the firm is also the same person who is the consultant for the PLAN NH grant for the downtown/old firehouse redevelopment which should mesh with the Master Plan.

Mr. Johnson asked if it would be appropriate to ask Mr. DeSantis for a preliminary recommendation.

Mr. Capello said Mr. DeSantis was favoring Community Circle until he told him not to because of the exorbitant price quote. He said Mr. DeSantis listed the firms in the order of his

preference in his analysis of the RFP responses and that ADG, LLC is next on his list. Mr. Capello said he would set up a meeting with the respondents and the board.

**8). Water Meter Discussion:**

Mr. Capello said there is no update to this matter and that it is on the agenda as a placeholder for future discussion. He said that he hoped to have more information in the next week or so. Mr. Connolly said that at the previous board meeting there was a request from the new board members for the information on meter replacements compiled by the former DPW Director. Mr. Capello said the members will receive the information as soon as it can be retrieved from the former Director's files.

**9). Town Administrator's Business:**

**A). Wage Study-** Mr. Capello said he made the changes to spreadsheet and added the surrounding Fire Dept.'s wage information as requested by the board at the previous meeting. Chairman Proulx noted three errors on the list: the Selectmen's Secretary minimum hourly wage is to remain at \$14.06 an hour and the PW Director's minimum and maximum hourly wage should be amended to \$25 and \$40 respectively. She said this would also change the mid-point wage.

Mr. Johnson said the mid-point for PW Director would change to \$32.50 an hour.

Mr. Capello said he asked Fire Chief James Reinert to obtain some wage information for the on-call positions in surrounding towns. The board reviewed the list of 11 towns including salary, population, number of full time personnel and call volume for each town provided by the Chief. Chairman Proulx then asked the board if anyone had any second thoughts about the revised pay rates since the previous meeting.

Consensus of the board was to move forward with the new rates with the three corrections as noted.

Chairman Proulx asked if amounts represented the just on-call personnel or for all Fire Dept. personnel.

Mr. Capello said the figures include the on-call personnel only.

Mr. Johnson said the current pay for on-call personnel in Farmington ranges from \$10 to \$17.50 according to the information supplied by Chief Reinert. He suggested raising the minimum amount to \$12.50 for on-call personnel to put it in line with some of the other towns.

Mr. Capello suggested the maximum rate be set at \$20 noting that the board does not have to pay that rate but it gives them the flexibility to do so if the situation warrants it. He said all of the Fire Dept. members are on-call personnel except for the Chief who is a full time employee. The rates given for other towns include all dept. personnel except for the Deputy Chiefs he said. Consensus of the board was to increase the minimum hourly rate for on-call personnel to \$12.50 and increase the maximum hourly rate to \$19.

Mr. Capello asked if the board wished to make adjustments to the Deputy Chief's salary range.

Mr. Johnson suggested the minimum be raised from \$17.10 to \$20 and the maximum be raised from \$21.68 to \$28.

After a brief discussion consensus of the board was to increase the minimum for the Deputy Chief to \$20 and the maximum to \$29.

Town Clerk/Tax Collector Kathy Seaver arrived at the meeting and told the board that two of the towns the board is using for the wage comparison have separate Town Clerks and Tax Collectors. The maximum wage of \$29 and \$31 an hour shown on the spreadsheet is just for the Town Clerks in Swanzy and Plymouth. It doesn't include the tax collection duties as two people perform the Town Clerk and Tax Collector functions in each of those towns she said.

Mrs. Seaver recalled that in the past following Town Meeting each dept. went before the board with a description of the all the duties performed by that dept. and then gave an overview of her duties to the board.

Mrs. Seaver said Northwood has a population of 4,241 and Farmington's population is almost 7,000 people. She said her office handled 10,000 vehicle registrations and Northwood did approx. 6,000 registrations.

Mr. Johnson asked how many employees Northwood has.

Mrs. Seaver said there is no other person in the Town Clerk's office and it is a part time position because they don't have the same number of transactions that take place in Farmington.

She said there are some tasks performed by her office that are not included in the state statute or in the job description of a Town Clerk/Tax Collector such as revenue collection, water/sewer billing and reconciliation of receipts from the Transfer Station.

Mrs. Seaver suggested the board use towns with positions that do more of what her office does as a more fair comparison. We are not comparing "apples to apples" when comparing some of these positions and the salary range for her position is "way off" she said.

Chairman Proulx explained the towns/cities were chosen from what the board received for responses to the request for salary information for the study.

Mrs. Seaver suggested the board could have chosen towns with a closer population for their wage study and not to use cities in the comparison.

She said the board made no changes to her position's salary range and left it as it was. She said there are a lot of towns with the same population and positions that do what her office does and asked the board to compare apples to apples.

Mrs. Seaver asked for the opportunity to bring to the board numbers that are closer from towns that are closer in population, do the number of registrations her office does and do water and sewer billing and revenue collection.

Mrs. Titus asked if the board should read Mrs. Seaver's information before voting on the new wage ranges.

Chairman Proulx said that even if the board voted on it at this meeting they could revisit the issue when they receive Mrs. Seaver's information.

Mr. Johnson said there is definite discrepancy between the salary they set for the Finance position and what the board accepted for the Town Clerk position.

Chairman Proulx said there must be supporting documentation to increase the salary range for a position and just because one position's wage is at one level does not mean another position should be increased to that level.

Mr. Capello added that a portion of the salary for the water/sewer billing is paid from the water and sewer dept. budgets.

Mrs. Seaver said back in the '80's there was full time employee who did the water/sewer dept. billing but now those depts. pay for 15 hours a week towards the billing work. They pay for the lowest paid person but are getting the highest paid person doing the work and are getting a bargain she said.

Chairman Proulx suggested Mrs. Seaver find the towns she feels are a better fit to Farmington and provide the information to Selectmen.

Mrs. Seaver said she would conduct the research and get back to the board.

**Motion:** (Johnson, second Titus) to accept the new wage limits as discussed at the last board meeting and today's meeting passed 5-0.

**B). Voter Education Session-** Mr. Capello said the board had briefly discussed asking Attorney Keriann Roman if she would be willing to present an information session about Town Meeting/School District Deliberative Session for residents. He asked if the board wished to hold the session on a separate night or on the same night as a board meeting.

Mr. Johnson said he had a discussion with his wife regarding some of the events that transpired at Town Meeting and the Deliberative Session where people became frustrated with the process to make changes because of the state laws and rules that govern these meetings. He said Att. Roman is probably the best person to explain the legal aspects and technicalities involved in the processes and how it all works.

He said he envisioned a public meeting that would be recorded and then aired on the local cable TV channel just before the meetings take place next year.

Selectmen discussed the length of the voter information session, the cost, potential turnout, and where the expense would be paid from.

Mr. Capello said the attorney would probably bill the Town for a two hour information session for four hours including preparation and travel time at a cost of \$720.

Mrs. Johnson said there are also a lot of people who don't know where to go to find out the information. She said she spoke to some people on Election Day that were frustrated about how to learn about the candidates and what was going on.

Selectmen also discussed the format options for the meeting such as a recorded presentation to be televised on Channel 26 or a presentation followed by a question and answer session, how to publicize the event and asking the SAU Superintendent to place a recorded message about the event on the school district's automated phone notification system.



Mr. Johnson suggested the board think about the idea and come back with suggestions on how to format the meeting and continue the discussion at the next meeting.

Consensus of the board was to authorize Mr. Capello to approach Att. Roman to find out if she wants to conduct the meeting and the potential amount of preparation time and length of the meeting.

**C). Board Nominations-** The board made the following committee/board appointments:

**Motion:** (Johnson, second Titus) to reappoint Denise Roy-Palmer for a one year term on the Economic Development Committee and to appoint her as the EDC representative to the TIF Advisory Board passed 5-0.

**Motion:** (Titus, second Place) to appoint William Fisher to a three term as a regular member of the Zoning Board of Adjustment passed 5-0.

**Motion:** (Johnson, second Connolly) to reappoint John Aylard for a three year term as a regular member of the Zoning Board of Adjustment passed 5-0.

**D). RFP for Pavement Striping-** Mr. Capello said the Interim DPW Director Gary Rogers is recommending the bid be awarded to Hi-Way Safety Systems and noted that the company did the road striping in town last year and has a one year guarantee on their work.

Chairman Proulx said of the other two bidders, one offered a six month guarantee and the other does not offer any guarantee on their work.

Mr. Capello said the amount proposed by Hi-Way Systems (\$14,700) is within the budgeted amount for the work.

Mr. Johnson asked if there was anything specific against using Industrial Traffic Lines, Inc.

Mr. Capello said there was nothing against using the company other than it does not offer any guarantee for their work.

Chairman Proulx asked if the lines begin to fade or get scraped up by plowing if the company would come back and redo them.

Mr. Capello said that is correct if it occurs within one year of application.

Mr. Johnson said the Industrial Traffic Lines' bid is a little over \$2,000 or about 15% cheaper than Hi-Way Systems and that the warranty is not that big of a deal.

Chairman Proulx said that during her tenure as a Selectman the Town has had lines that have lasted only a few months.

Mr. Johnson said that may have something to do with the quality of the paint used. He said he did not see any specifications listed and asked what type of paint the company was proposing to use.

Mr. Capello said the company would be using paint that will meet specifications set by the NH Dept. of Transportation. He said some of the past issues may have been caused by application methods.

Mr. Johnson then asked if the guarantee is worth \$2,000. He said it is not just the quality of the paint but also the application rate for a quality job.



Mr. Connolly asked if the town has ever had to re-stripe any area in town.

Mr. Capello said there have been times in the past when some roads should have been re-stripped but it was not done because the town could not afford it.

Selectmen discussed the length of double and single lines, parking and crosswalks to be painted.

Chairman Proulx suggested the DPW stay informed during the year about areas that need to be re-stripped and that the areas are taken care of under the warranty. She agreed that having a warranty for an extra \$2,000 is useless if it is not used in a timely fashion.

Mr. Johnson said there are no details about what is included in the warranty such as provisions for wear and tear which would make the warranty useless if not included.

Mr. Capello suggested the board table the matter and he will ask Mr. Rogers to get a copy of the company's warranty.

**Motion:** (Johnson, second Place) to table the proposal for pavement striping passed 5-0.

#### **10). Additional Board Business:**

**A). Japanese Knotweed Collection-** Mr. Johnson asked if an area has been found at the landfill for storage of the weed cuttings.

Mr. Capello said the storage area will be located near the salt shed at the landfill because there is no traffic there and it won't be disturbed.

Mr. Johnson asked if residents would be able to bring cuttings to the landfill for storage.

Mr. Capello the cuttings will be accepted in that one specific area.

Chairman Proulx advised that the plant cuttings should not be disturbed in any way to avoid any problems with the cap on the landfill including by the goats that frequent the area.

Mr. Capello said the area will be closed off from the goats.

Mr. Johnson added that once the cuttings are dried they can be disposed.

**B). Office Space Reorganization-** Mr. Johnson asked if the board had given any further thought to a reorganization plan at the municipal building following last week's discussion.

There was no additional discussion on the matter.

**C). Landfill Reconciliation-** Mrs. Titus said that earlier in the meeting Mrs. Seaver mentioned the cash receipts coming into her office from the landfill were not adding up correctly and asked about the handling and submittal of cash and receipts from the dept.

Mr. Capello said that all he could say in public was that they are working on the matter.

**D). Bus Shelter Advertising** - Mrs. Titus said she drove by the Coast Bus shelter on Route 11 at Tappan Street and noticed there is no advertising on the shelter. She said she mentioned it because the Town is receiving a portion of the advertising sales from the shelters in town. Mr. Capello suggested it may be empty because one advertiser's contract has expired and they are in the process of finding a replacement. He said that Coast employs a marketing firm to market the bus shelters and that he would bring it up at the next Coast Board of Directors' meeting.

**E). Pothole Season-** Mr. Place asked if Mr. Rogers has been keeping up with the number and locations of the potholes in town.

Mr. Capello said the Highway Dept. has been out working on the dirt roads and putting gravel or cold patch in the potholes in town.

Mrs. Titus said there is a pothole on School Street that needs to be fixed.

**F). Streetlights-** Chairman Proulx asked for an update on improperly functioning streetlights. Mr. Capello said he will follow up with a representative of Affinity lighting and that the issue has not fallen off his radar.

**G). Solar Gardens-** Mr. Johnson asked if Mr. Capello has heard anything from Andrew Kellar in regards to the solar farm to be installed at the Town landfill.

Mr. Capello said he has not received any recent communication from Mr. Kellar and noticed the work to install a solar farm going on at the Knight property (at the corner of Cocheco Road and Main Street).

Mr. Johnson said if the solar garden on the Knight property goes up before the one on town property there will be “hell to pay” because the town has waiting for over a year for them to start construction at the Town landfill.

Mr. Capello said the Knight project has received an Alteration of Terrain permit from the state and they are currently removing gravel from the site. They have not yet filed for any permits with the Town. He said he would follow up with Mr. Kellar.

**H). Couch Season-** Mr. Place suggested the board discuss the disposal of unwanted couches as the issue keeps coming up with some residents.

Mr. Capello said the Town has no jurisdiction over the couch on Tappan Street as it doesn’t qualify as a public health hazard or illegal junkyard and the Town can’t force them to remove it. The Code Enforcement Officer has asked them to remove it and the Town can’t go there and remove it he said. He added they did not want to set a precedent where if someone complains enough the Town will take care of it whether it has jurisdiction or not. It is against the law to use taxpayers’ money for private uses he said.

#### **11). Non-Public Session A:**

**Motion:** (Johnson, second Place) to enter non-public session under RSA 91-A: 3 II (c)Reputation passed 5-0 by a roll call vote (Proulx, Johnson, Connolly, Place, Titus-yes) at 7:55 p.m.

**Motion:** (Johnson, second Titus) to come out of non-public session passed 5-0 at 8:08 p.m.

**Motion:** (Johnson, second Titus) to seal the minutes until the matter is resolved passed 5-0.

#### **12). Non-Public Session B:**

**Motion:** (Johnson, second Place) to enter non-public session under RSA 91-A: 3 II (c)Reputation passed 5-0 by a roll call vote (Proulx, Johnson, Connolly, Place, Titus-yes) at 8:08 p.m.

**Motion:** (Johnson, second Titus) to come out of non-public session passed 5-0 at 8:15 p.m.

**Motion:** (Johnson, second Place) to seal the minutes until the matter is resolved passed 5-0.

**13). Non-Public Session C:**

**Motion:** (Johnson, second Titus) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 5-0 by a roll call vote (Proulx, Johnson, Connolly, Place, Titus-yes) at 8:15 p.m.

**Motion:** (Johnson, second Titus) to come out of non-public session passed 5-0 at 8:23 p.m.

**Motion:** (Johnson, second Connolly) to accept the meeting minutes of April 2, 2018 Non-Public Session E as written passed 5-0.

**14). Next Meeting:** April 16, 2018 at 6 p.m.

**15). Adjournment:**

**Motion:** (Johnson, second Place) to adjourn the meeting passed 5-0 at 8:25 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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Paula Proulx, Chairman

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Neil Johnson, Vice Chairman

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Dave Connolly

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TJ Place

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Ann Titus