

Town of Farmington  
Board of Selectmen Public Meeting Minutes  
Monday, March 29, 2021

**Board Members Present:**

Paula Proulx, Chairman  
Neil Johnson, Vice Chairman  
Gerry Vachon  
Ken Dickie  
Doug Staples

**Others Present:**

Arthur Capello, Town Administrator  
John Drury, Police Chief  
Robert Hall, Cable TV Coordinator  
Resident Terrie Riordin

**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:**

Resident Terrie Riordin said her house faces Main Street but their driveway is located on Smith Court and they have been dealing with the problem of people turning into Smith Court mistaking it for a thru-street. She said Smith Court is a very short dead end road and when people realize they've made a mistake they are suddenly faced with the dilemma of how of how to get out of there and they need to turn around or back out.

She said most people back out onto Main Street which is extremely dangerous for them and anyone using the sidewalk or driving on Main Street at that time. The others try to turn around and the only way to turn around on Smith Court is to use their driveway and in their hastiness to leave their cars have been hit and a car almost ran over her granddaughter as she was making chalk drawings in her driveway she said.

Mrs. Riordin said a rental company tried to deliver a large piece of equipment to Orange Street and they made a wrong turn onto Smith Court thinking it connected with it. Their extended cab pickup truck and very long trailer became stuck in the road and someone had help unload the trailer and then back the trailer and the truck out onto Main Street stopping traffic in both directions. During this time no one could enter or exit Smith Court and an elderly neighbor missed her appointment because her ride could not get through to pick her up she said.

She said people would be less likely to onto Smith Court if it was posted with signs saying "Dead End" or "Not a Thru Street". The signs would alert the public that Smith Court does not connect with any other roads and would create and support a safer environment for everyone so I am asking that these signs be posted at the entrance to Smith Court she said.

Mr. Capello asked the board if they want to see both signs posted or just one and which one. Chairman Proulx said only one sign should be needed.

Mr. Vachon said many towns are trying to get away from using dead end signs and suggested they post a sign stating it's not a thru-way.

Chairman Proulx said it should be consistent with this type of sign for the rest of the town.

Mr. Capello said the Town has been using Dead End signs in this situation.

Mr. Johnson suggested they look to see what they have on hand.

Chairman Proulx said she would prefer Not a Thru Way but they should put up something so the problem is taken care of.

#### **4). Review of Minutes:**

March 15, 2021 – Public Meeting Minutes – No errors or omissions

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

March 22, 2021 – Non-Public Sessions A-D – No errors or omissions

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

#### **5). COVID-19 Update:**

Mr. Capello said Federal Emergency Management Agency (FEMA) has approved the 25% of the expenses that Governor's Office For Emergency Relief and Recovery (GOFERR) fund did not pay in the first Coronavirus Aid Relief and Economic Security (CARES) Act and the Town will get about \$7,000 from FEMA.

Mr. Johnson asked if that money will go into the general fund.

Mr. Capello said it goes into the general fund to offset expenses.

He said he didn't have anything new on the COVID relief act that was just passed as they are still trying to figure out the rules and regulations which may be delayed because some states are suing the federal government over the ban against using it to offset taxes in the bill. The statute says it must be dispersed to the states within 60 days and then within 30 days after that to the communities but the federal government works on their own time frame he said.

#### **6). Town Administrator's Business:**

**a). Approve Fireworks Permit** – Mr. Capello said the Town Attorney has advised they can't make the requested changes to the fireworks permit because they must follow the ordinance the way it was written. He said once it is implemented if they find it's cumbersome and holding people up and they have documentation of that then they can make changes to the permit.

Mr. Dickie asked if they have to have the permit because it was part of the warrant article.

Mr. Capello said that is correct.

Mr. Johnson said the ordinance says the application must be submitted at least 7 days prior to the display date and it will be hard to turnaround in that time frame if a Selectman's signature is required.

Mr. Capello said it will be next to impossible to do but the attorney said until they implement it and try it they can't make changes.

Mr. Johnson asked if they can do anything about the fines.

Mr. Capello said no.

Mr. Johnson said if you don't have a permit and get caught setting off fireworks the fine is \$50 for the 1st offense, \$100 for the 2nd offense and for subsequent offenses you don't get fined. He said if you get a permit and you violate the permit the fine is \$500. He said there are no subsequent offenses as their permit is pulled and the violator is prohibited from obtaining any fireworks permits for 3 years.

Mr. Capello said after they implement it if they find people have to wait 14 days to do their displays for a Selectman's signature the board has the authority to modify those pieces of it. He said the fines were set at Town Meeting and there is nothing they can do about that. Fines can be set by Town Meeting and fees cannot he said.

Chairman Proulx asked how they will document this so that when issues arise they do a good job of collecting all the information so that we're all on the same page.

Mr. Capello said they would hear about issues through residents' complaints such as if they file for a permit and they have to wait until the following Monday for a Selectman's signature and the date the complaint was received is on the form.

Chairman Proulx said if there is a "situation" when people apply for a permit they may not know about it because some people that don't follow the rules will shoot them off anyway and people that follow the rules may not file a complaint and that doesn't help to make this right.

Chief Drury said the documentation on the permit application will help them as it has the date/time received and then they can see how it goes through the process. He said they can track the fines with their computer system as to going out to illegal fireworks displays.

Mr. Capello said they could track the number of calls and a large amount of calls for fireworks could indicate there's an issue in getting a permit because it's such a long process.

Mr. Staples asked if someone is told it's 14 days to get a permit, they say to hell with that and go home and shoot them off anyway if they would get the \$50 fine or the \$500 fine.

Mr. Capello said it would be the \$50 fine because they don't have a permit.

Mr. Dickie said some people may opt for that if they know they would be fined \$50 not \$500 if they got caught.

Mr. Capello said they are very limited on what they can do with this because it was a petitioned warrant article and the way it was written is not very enforceable. He said it is now on the books and they will do the best they can to make sure people are observing it.

He said Farmington is one of 20 towns in NH with a fireworks ordinance which is legal to do and they received a letter from the Fire Marshal's office asking what happened with it at Town Meeting because they are updating their files on who has fireworks ordinances.

Mr. Johnson asked Chief Drury what happens if the Officer responding to a fireworks call doesn't witness it.

Chief Drury said they would take a statement from the person that witnessed it.

Mr. Johnson said so there is no change to the current process of disturbing the peace where unless there is a written complaint signed by an individual there is nothing they can do unless an Officer witnesses it. This ordinance doesn't change that to any great extent he said.

Chief Drury said that is correct because if they didn't witness it they would still have to get a verbal or written statement from somebody.

Mr. Staples asked if the person making the statement has to name who physically shot off the fireworks or just that it came from a certain direction.

Chief Drury said they can do both but it is better if they witnessed it and can tell them who violated the ordinance.

Mr. Capello said if he called the Police and said Paula is setting off fireworks but wanted to remain anonymous and they don't find any evidence at the scene they can't go to court with that.

Chairman Proulx asked if they could issue a warning to the property owner because it's being lit off of their property.

Mr. Johnson said there is nothing in the ordinance that allows warnings.

Chief Drury said the Officer would have the discretion to issue warnings like they do for a speeding ticket.

Mr. Johnson read that any complaint received by the Town as the result of an issued permit shall be grounds for the revocation of the issued permit following an investigation conducted by the enforcement authority and that doesn't give them much leeway.

Mr. Vachon said that's only if they have a permit.

Chairman Proulx asked if the violator doesn't have a permit how many times they would issue warnings to same place before they can do anything.

Chief Drury said it would be at the Officer's discretion and in his opinion as with the disorderly conduct statute, one warning is sufficient and if they go back there again and it's the same parties then it's time for a summons.

Chairman Proulx said she wanted people to hear that they have to be willing to put their name to a complaint or there is nothing they can physically do about it.

Mr. Vachon added it's going to be a tough to identify the violator 50 yards away in the dark unless there is only one person in that house.

Chief Drury said they are going to have to work their way through these issues and they may fall under the fireworks ordinance, the disorderly conduct ordinance or the landlord/tenant ordinance. There are different avenues we can use he said.

Chairman Proulx said the people that put together the petition should think about how to narrow it down somewhat. It probably should have gone to the Planning Board as a zoning ordinance and try to restrict to the Village Center District because that is where the issue was lying not in the outlying areas she said.

**b). Town Administrator's Vacation Request** – Mr. Capello said usually about this time of year

he brings his vacation request to the board (May 10-14; June 21-26 and July 26-30). He said Chief Drury will come in and deal with any major issues that arise during that time plus he will be available 24 hrs./7 days a week and will respond to calls and e-mails from the board.

Mr. Johnson said he requested to take June 21 to June 26 off and it should be corrected to June 25 because the 26<sup>th</sup> is a Saturday.

Mr. Capello said the week of May 10-14 he may not take the whole week off as he is getting married on May 8 and they were going to go to Vermont for the week but you have to be fully vaccinated or quarantine for 14 days in-state so he may just take a couple of days off that week. Consensus of the board was to approve Mr. Capello's vacation requests.

**c). Water/Wastewater On-Call Process** – Mr. Capello said that it has come to his attention from the NH Dept. of Environmental Services that in order to have uncertified people on-call they are working under a certified license and he would not want someone working under his license because ultimately it comes back to him if something happens. He said he is looking to do on-call for the Water/Sewer Dept. with Water/Sewer Dept. employees.

Mr. Vachon asked how many people are on-call.

Mr. Capello said there are 4 people available for on-call.

Mr. Vachon asked how many guys are in the rotation currently.

Mr. Capello said there are 10 guys right now because the Highway Dept. is included.

Mr. Johnson asked why we are doing this.

Mr. Capello said it is basically to protect people's licenses.

Mr. Johnson said this hasn't been an issue for the last 10 years and asked why it is an issue now.

Mr. Capello said they didn't switch to including the DPW to doing water until about 3 years ago. It used to be water and highway did the on-call for their own depts. he said.

Mr. Johnson said he didn't think that was correct.

Mr. Vachon said they can't take water samples without a license and that it must be done daily. Chairman Proulx asked if that is something they would do as part of the on-call duties.

Mr. Capello said they do that on the weekends because they don't staff the plant on weekends.

Chairman Proulx asked how they have done that with someone that doesn't have a license.

Mr. Capello said they have been working under someone that has a license.

Chairman Proulx asked if they have someone not certified taking samples under someone else's license even though they don't deal with water or wastewater.

Mr. Capello said that is correct.

Mr. Johnson said it has been that way since former DPW Director Dale Sprague was in charge and he was the only one with a license and everyone was doing it. Now we have people with licenses and we want to put people on-call for something we've been doing without that expense for years he said.

Mr. Dickie asked if they could alternate weeks where they would work 3 days during the week and then work the weekend.

Mr. Vachon said in Somersworth whoever is on-call has to take a half day off during the week and work 2 hours on Saturday and Sunday at the plant.

Mr. Capello said he didn't disagree with that but we couldn't do that based on the contract.

Chairman Proulx said they have to give them notice if there is a schedule change if this is something they want to do.

Mr. Capello said they could tell the on-call person that they are taking 4 hours off on a particular day and let the Supervisor (Chuck Tiffany) figure it out based on the work load so they would have 4 hours for on-call on the weekend. He said they get paid for 2 hours while on-call whether they come into the plant or not.

Chairman Proulx said money-wise this may be a better way to go.

Mr. Vachon asked if they have 1 person on-call between water, sewer and highway at a time.

Mr. Capello said that is correct.

Mr. Vachon said the on-call person would have to be one of the 4 guys from the plant.

Mr. Capello said that is correct and they do it is one week at a time. He said if something happens and one of the highway guys is on-call they have to call the Supervisor or one of the water guys to figure out how to deal with whatever happened because they're not trained in how to deal with water/wastewater issues.

Chairman Proulx asked what certification they would need for that.

Mr. Vachon said they need at least a level 1 water treatment license. He said Mr. Tiffany is asking that any Highway Dept. employee that wants to be on-call for the Water Dept. to have an operator in training level 1 distribution and treatment license to check both plants and the guys that work there should have it.

Mr. Capello said Water/Sewer Dept employees all have that license. He said part of the concern is with the hacking of water sources in Michigan and extra chlorine was dumped in the water, etc. and they have taken extra precautions to prevent that but nothing is hack-proof.

Mr. Vachon said "heavy is the head that wears the crown" and if there is a fine it would be to Mr. Tiffany or Mr. Capello for something somebody else did that they had no control over and he didn't blame Mr. Tiffany for wanting to get those (unlicensed) guys out of there.

Chairman Proulx said that is a lot of responsibility for someone that doesn't have a license and if they saw something wrong they would have to call someone else anyway.

Mr. Vachon said that is if they recognized that something was wrong. They should put one of the water/wastewater guys on to check samples on the weekends- it's their job and their responsibility he said.

Chairman Proulx asked if it was the consensus of the board to try this.

Mr. Vachon said that legally they have to.

Mr. Johnson said it never used to be and everyone knew they were operating under someone's certified license.

Mr. Capello and Chairman Proulx said they were not aware of this.

Mr. Staples said if they don't do this they are forcing Mr. Tiffany to have someone work under his license.

Mr. Vachon said that now that they have been notified of this and it's on the record they must make the changes because if something goes wrong at the plant they're all in trouble because they know this is happening.

Mr. Johnson said the RSA says no water treatment plant or water distribution system shall be operated unless the operation is supervised by a certified operator.

Mr. Vachon asked if he would make Mr. Tiffany go to the plant to watch the staff take samples.

Mr. Johnson said he can watch it from wherever he is as he is not there all the time anyway. He said the RSA hasn't changed in decades and asked if there would be one person for wastewater treatment and one for water distribution.

Mr. Capello said it would be one person for both as they are cross trained in both areas.

Mr. Johnson asked if they would split the cost of the on-call staff between water and sewer.

Mr. Capello said yes.

Mr. Vachon said or as stated they could change their shifts.

Mr. Dickie said it could work where the person works 36 hours during the week and 4 hours on the weekend and gets his 40 hours for the week.

Mr. Dickie asked if they are currently paying the staff overtime to be on-call.

Mr. Johnson said they get 2 hours pay for being on-call and if they come in they get 4 hrs. pay.

Mr. Dickie said that means they get 42 hours for that week. He asked if they have to respond if they get 44 hours of straight pay or 40 hours at straight time and 4 hours at time and one-half.

Mr. Johnson said they get time and a half for any hours over 40 hours weekly. He said per the contract the 2 hours for on-call pay is classified as a stipend and doesn't count toward their weekly hours but if they come in they get a minimum of 4 hours at time and a half for whatever portion of that is over 40 hours.

Mr. Dickie asked if that will change if they change shifts and how it will affect what is budgeted.

Mr. Capello said it would be a minimal as they would be adding 1 on-call person per month.

Mr. Vachon said they wouldn't be adding an on-call person and one of the water/wastewater guys would be on-call per week and he would shift to 36 hours during the week and 4 hours on the weekend.

Mr. Dickie asked if there would be a change to the pay for the on-call person if they change to the new shift schedule.

Chairman Proulx said the DPW would still be doing that on their side and still get paid for that once every 10 weeks and it will only change for the water/sewer dept. if the board decides to rearrange their schedule so that it wouldn't require overtime for water sampling on weekends.

Mr. Vachon asked if they are paying overtime now to take the weekend samples.

Mr. Capello said they are not paid overtime for that as it is part of the 2 hours on-call that was negotiated into the contract.



Mr. Vachon said they are being paid straight time for more than 40 hours work and asked how that is even legal.

Chairman Proulx said because it is considered a stipend not hours within their contract.

Mr. Vachon said they could call it what they want but they are not being paid overtime for any hours over 40 hours a week and they could be opening a big can (of worms) at this point.

Mr. Johnson if he was sure if anybody is coming in to do the testing on the weekends.

Mr. Capello said yes unless they are falsifying the logs because they have to record the numbers at each well as it's done.

Chairman Proulx asked if the board could get more information.

Mr. Dickie suggested Mr. Tiffany be asked to attend a meeting so they can discuss this with him.

Chairman Proulx said they need to find out what the contract says and the cost difference if any with the new scheduling

Mr. Capello said he will get that information for the board.

Mr. Johnson estimated it would cost \$2,600 at straight time or \$3,900 at time and one-half a year to put someone from Water/Sewer Dept. on-call. He said it is roughly \$2,600 a year for the DPW to be on-call.

Mr. Staples asked if they should temporarily put the Water/Sewer Dept. staff on-call until the board has a chance to talk to Mr. Tiffany.

Chairman Proulx said that is not written into the contract so they need to check to see if that would be acceptable to put them on-call and noted that they are part of the DPW rotation.

Mr. Dickie said he wanted to talk to Mr. Tiffany first and find out how he plans to manage this.

Mr. Capello read from the contract that the 2 hours pay for on-call is called a stipend and a 2 week notice for any changes is required. He said it also says the on-call will be on a weekly basis as assigned and doesn't give any specifics.

Mr. Capello said he plans to meet with Mr. Tiffany and get more information for the board and find out when he is available to attend a board meeting.

Chairman Proulx asked that the board receive a recommendation from Mr. Tiffany before meeting with him.

**d). Appointments** – Mr. Capello said the Town received applications for reappointment from Blanche Tanner to the Economic Development Committee and from Michelle Elbert to the Conservation Commission.

**Motion:** (Vachon, second Dickie) to appoint Blanche Tanner to a one year seat on the EDC passed 5-0.

**Motion:** (Vachon, second Staples) to appoint Michelle Elbert to the Conservation Commission for a 3 year seat passed 5-0.

**e). Rec. Dept. - Updated Job Descriptions for Director/Asst. Director** – Mr. Capello said he added in the Director oversees the Rec. Revolving Fund and that both positions require a NH driver's license with a bus endorsement as requested at the previous meeting. He said if the



board is okay with those changes he will revise the last page to reflect the current board members and then put the job descriptions in their boxes to be signed.

Consensus of the board was to approve the changes made.

**Applications for Rec. Director**- Mr. Capello said they have received 3 applications for the position and the posting closes on Thursday.

Mr. Vachon asked if the job description they haven't approved yet was posted.

Chairman Proulx said there is an existing job description that remains in place until it is revised.

Mr. Capello said he is meeting with a member of the UNH Recreation Needs Assessment Study team on Friday to get his feedback on the applications. He said next week's agenda will include an item on how the board wants to proceed with the interviews.

Mr. Dickie asked if there is an interviewing panel for the position and if the questions are already drawn up so there will be consistent questions for each candidate.

Mr. Capello said there are 5 interviewers (the Selectmen) and UNH is assisting with the formulation of the interview questions and that will be part of the discussion next week.

**f). Pearl Lane Request for Bid** – Mr. Capello said he received a sealed bid from someone looking to buy the property at 3 Pearl Lane (Tax Map U12, Lot 17) and the board's practice has been if we received a sealed bid for a property that they did not put out to bid it is put out to bid to give everyone the opportunity to bid on it. He said he included a minimum bid (\$10,000) in the RFB and asked the board for their thoughts on the minimum price.

Mr. Staples said there is a collapsed trailer on the property and asked if that would have to be cleaned up.

Mr. Capello said the board could put that as a condition of the sale of the property.

Chairman Proulx said she didn't think the minimum bid should be less than what is owed.

Mr. Capello asked if she meant less than what was owed when the Town took it or after the Town took it. He said the **Town Clerk/Tax Collector** figured it as if the person still owned it and what would have been paid in taxes from the time it was taken forward (\$12,250 with all liens through 3/23/21).

Chairman Proulx said she would start in the same range as the TC/TC.

Mr. Capello said once the structures are removed they would basically be buying the dirt.

Mr. Johnson said the property is less than 1/3 of acre in size. He said he is okay with the suggested minimum bid but he would add the stipulations that the existing structures have to be demolished and removed from the property within 90 days of the title transfer and that the buyer put \$5,000 in escrow until the terms and conditions of the sale are met.

Consensus of the board was to approve the minimum bid amount of \$10,000 and to add the conditions as suggested by Mr. Johnson and Mr. Staples.

Mr. Capello said he would make the requested revisions and then post the RFB.

**g). DPW Liability Form** – Mr. Capello said if the DPW is out doing ditching and somebody wants the fill for their yard the Town has a liability waiver form for people to sign and then they will

bring the fill to their property and dump it in their yard if it is within the vicinity of where the crew is working. He said there have been issues with people not wanting to sign the form or being upset about it after signing it and asked the board for guidance on whether they should continue delivering the materials to property owners or discontinue the practice and bring the materials back to the Town pit.

Mr. Dickie asked what the complaints were about.

Mr. Capello said there have been complaints such as why someone else got the fill instead of them and even though they signed a waiver the ground is soft and they dug into their lawn.

Mr. Dickie asked if the residents were notified of the Town would be working in their area and asked where they want them to put the dirt.

Mr. Capello said if someone in that area signed a waiver form they would have them leave a cone where they wanted the fill to be dumped. He said any wood that is cut has to be left for the landowner by law and if it is still there in a couple of days they go back and remove it if it's a danger. He said it was up to the board but it would be less hassle to discontinue the practice and truck it back to the Town pit.

Mr. Staples said if they truck it back to the pit then the Town has soil it can re-use.

Chairman Proulx asked if the gravel dug up from a ditch/roadside is re-usable.

Mr. Vachon said it would have to be tested and reprocessed to get rid of the vehicle deposits.

Chairman Proulx then asked if it would be easier to dump it in somebody's yard that wants it.

Mr. Vachon said even if there is a waiver there is still the issue of going on private property. He said he didn't have a problem with the Town loading it if someone has a truck and wants to truck it back to his yard himself. It's never good to put a piece of equipment with a "G" on the license plate on private property-too many issues he said.

Mr. Dickie asked if the person would go to the Town pit or to the worksite to pick up the material.

Mr. Capello said if the person came to where they are digging he wouldn't disagree with putting it in their truck as they could dump it in their truck as well dump it in a Town truck.

Mr. Vachon said they would still need a liability waiver because they could hit the guy's truck with the bucket and there would be liability for damage to the truck.

Mr. Capello said they would still use the waiver and he will ask the Town Attorney to revise it.

Consensus of the board was to stop having Town vehicles go on private property, to allow people to come to the worksite and Town will load their vehicle if they have signed the waiver and to have the Town Attorney revise the waiver to reflect the change in procedure and add that the Town is not responsible for the content of the fill materials.

**h). Invoice for Live Streaming Equipment-** Mr. Capello said he received an invoice (\$18,349 from Access A/V) for the equipment needed to upgrade the community cable TV so that board meetings can be streamed live to viewers. He asked Cable TV Coordinator Robert Hall to come forward and answer any questions from the board.

Mr. Johnson asked if they went out to bid for the equipment.

Mr. Vachon asked if he got more than one quote for the equipment.

Mr. Hall said that is as low of a price as they would get. He said he looked around and there are only 2 companies in New England that do this.

Mr. Vachon asked again if he got more than 1 quote and he just sees only 1 hard quote from a company.

Mr. Hall said this is the only dealer.

Mr. Vachon asked if Mr. Hall asked the school district who they use for their live meetings.

Mr. Hall said they use Leightronix and they are more expensive.

Mr. Vachon asked if he knew that for a fact and if he got a quote from them.

Mr. Hall said he talked to them.

Chairman Proulx said Mr. Hall got a verbal quote from them and asked him to get it in writing.

Mr. Johnson said the Town purchase policy requires 3 bids on anything over \$5,000.

Mr. Capello said that is correct unless it is a specialty item then the board can waive the policy.

Mr. Hall said Leightronix deals with this same company and you don't buy from them unless you're a dealer.

Chairman Proulx asked if it is possible to get another quote or if this is the only written quote he could get.

Mr. Capello then instructed Mr. Hall to get him 3 other bids on all this equipment whether they are the lowest or highest priced.

Mr. Hall said there aren't 3 other companies and there are only 4 companies in the whole country that do this.

Chairman Proulx said that potentially this will be the lowest quote but they won't know until they get the other quotes.

Mr. Capello asked Mr. Hall to provide him with the names and addresses of the other companies.

Mr. Hall said it is not as simple as that and there was a lot of planning that went on with this and there are only 4 different servers and this is the lowest priced server. He said there is a company in Boston but they are basically the same company's Boston affiliate.

Chairman Proulx said they have to find out what server they use and then contact the company to find if this is the lowest server.

Mr. Hall said this price is about \$5,000 more than the last time he did this (bought a server) and it does more.

Chairman Proulx said they could use this quote for an "apples to apples" comparison of other companies. She asked Mr. Capello to work with Mr. Hall to show the pieces of equipment are unfortunately higher than this and that will satisfy the purchase policy.

Mr. Capello said they would have the information to the board as soon as they can.

**i). Resignation** – Chairman Proulx said the board received copies of a resignation letter from

Firefighter/EMS Zachary Marcoux.

**Motion:** (Johnson, second Vachon) to accept the resignation from Farmington Fire Rescue of Zachary Marcoux;

**Discussion:** Chairman Proulx thanked Mr. Marcoux for his service to the dept. and the town and it is sad to see him go.

Mr. Johnson asked how long he was with the dept.

Mr. Capello said he has been here for less than a year and he has gotten a full time position in Tilton.

**Vote:** The motion passed 5-0.

## **7). Discussion with the Police Chief:**

**a). New Tasers** - Chief Drury said he had a proposal from Axon Enterprises and that they have been using this company for 12 years. He said the company would take 4 of their Tasers that don't work and give them a discount toward purchasing 4 new Tasers that are guaranteed with a 4 year extended warranty for 5 years at a cost of \$5,488.78.

He said their Tasers have a 5 year warranty on them and they could get more mileage out of them but it is good to rotate them through as they do have some that are aging out and 4 units that don't work which they will give a \$609 discount for. The replacement of the Tasers is a good long term plan as it gets us 5 more years and would give every Officer their own Taser though some of them are aged and the Taser instructor will determine who gets what he said. The Chief said every Officer is certified to carry a Taser and they are all trained every 2 years to do so. He said these are Taser X26P's and are a very reliable non-lethal weapon but they are going to a new model Taser and he didn't think they would be able to get this model much longer. He said their new product the Taser 7 requires new training and certification and they are also about \$900 more each. He said this seemed like a good opportunity to stay current and eventually they will have to go to the Taser 7.

Mr. Capello asked if the Chief has this expense budgeted.

Chief Drury said yes and it could be paid for from the new equipment line.

Chairman Proulx asked if they are phasing out the X26P's if they will still be able to get the cartridges when they need them.

Chief Drury said he would still be able to buy batteries and cartridges for them and that he has a supply of these type of cartridges on hand already for training and duty use.

Mr. Johnson asked about the cost to repair the 4 Tasers that don't work.

Chief Drury said they are showing error codes and they are out of warranty so Taser won't repair them. He said the ones that don't work are about 10-12 years old so even though they have a 5 year warranty they have been getting more than that out of them.

Mr. Dickie asked if where the cost is over \$5,000 if they need to get more quotes.

The Chief said they can't go with another company because their body cams and Tasers are from Axon and they all carry the same stuff and are trained the same way so if an Officer had

an emergency another Officer could take it off of their belt and use it immediately.

Chairman Proulx said the board can vote to waive the bid policy as the provider is the sole source of the item.

**Motion:** (Johnson, second Staples) to waive the purchase policy based on the fact that it is a sole source requirement that matches existing equipment in order to standardize the Police Dept.'s Tasers and camera systems passed 5-0.

**Motion:** (Johnson, second Dickie) to approve the purchase of 4 Taser X26P's from Axon Enterprises, Scottsdale, Arizona in the amount of \$5,488.78 and to make Chief Drury the signatory on the contract passed 5-0.

**b). Update Misuse of Power Ordinance** – Chief Drury said that Lt. Embrey changed the ordinance to the Unnecessary Noise by Vehicle Ordinance and it is the exact same ordinance so it may be easier to keep the old title because it is referenced in other ordinances. He said the definitions now include items such as “burning rubber” and “peeling out” (to drive away quickly by spinning the vehicle's tires) to racing engines and all the standard things from the 41 year old ordinance (adopted June 24, 1979).

He said a \$100 fine was charged for violations over his whole career and the old ordinance says it's a \$25 fine. He said the board can keep it at \$25, go with inflation which would be \$75 or keep it at the same \$100 for the first offense and \$150 for any subsequent offenses.

He said there was nothing wrong with the original ordinance other than needing to be cleaned up a little bit and updated to this decade.

Chairman Proulx asked that the revised date be added to the policy.

Chief Drury said he would add that this revision supersedes the 1979 version of the policy.

Mr. Johnson suggested the first offense should carry a \$50 fine and a \$150 fine for subsequent offenses.

Consensus of the board was to go with Mr. Johnson's suggestion.

**Motion:** (Johnson, second Dickie) to approve the updated Unnecessary Noise by Vehicles Ordinance effective March 30, 2021 as amended;

**Discussion:** Chief Drury said the amendments include the \$50 fine for first offense, \$150 fine for subsequent offense, add the revision date and it supersedes the 1979 version.

Mr. Staples said he thought they wanted to keep the title as the Misuse of Power Ordinance and not as the Unnecessary Noise by Vehicles Ordinance.

Chief Drury said in the superseded part he will refer to Misuse of Power Ordinance or combine the two to read Unnecessary Noise by Vehicles, Misuse of Power Ordinance.

Mr. Capello suggested they combine the two titles so they don't have to find it in every other ordinance and change it.

**Vote:** The motion passed 5-0.

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

**a). Transfer Station Update:** Mr. Staples asked if the DES approved site plan for the Transfer

Station has been located so they know what areas can be used there.

Mr. Capello and Chairman Proulx said they have been unable to locate it so far. He added that the Town just received their first check for the corrugated cardboard recycling for \$300.

He said he spoke with Transfer Station Manager Pete Spencer today and the next step is to get the baler over to where the 3-phase power source is located and then have an electrician come in and get power to the baler to see what it needs.

He said he wanted to assure residents that this has not fallen by the wayside and they are trying to do as much recycling as they can while looking at other alternatives.

Mr. Staples suggested they contact Shipyard Waste Solutions because when he started his trash route their charge for single stream recycling was \$50 a ton.

Mr. Capello said the problem is we don't have any way to get it there and we contract with Waste Management because we don't have the ability to haul it.

Chairman Proulx said they have looked into having trucks and it wasn't cost effective with the cost of the trucks, maintenance, time and staff needed.

Mr. Capello said the town is locked into 4 more years with Waste Management as they just finished the first year of a 5 year contract.

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

**Motion:** (Johnson, second Vachon) to enter non-public session under RSA 91-A: 3 II (c, a) Reputation, Compensation passed 5-0 by a roll call vote (Proulx, Johnson, Vachon, Dickie, Staples-aye) at 7:30 p.m.

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

**Motion:** (Johnson, second Vachon) to give a salary increases to Deborah Tremblay to \$22.02 an hour, Lt. Matthew Embrey to \$30.65 an hour, and Captain Scott Orlando to \$36.73 an hour retroactive to the March Annual Town Meeting passed 5-0.

Chief Drury also reminded the board that it was time for the previously approved pay bump to be given to the two Officers that were promoted to Sergeant.

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

**Motion:** (Johnson, second Vachon) to enter non-public session under RSA 91-A: 3 II (c, a) Reputation, Compensation passed 5-0 by a roll call vote (Proulx, Johnson, Vachon, Dickie, Staples-aye) at 8 p.m.

**Motion:** (Vachon, second Staples) to come out of non-public session passed 5-0 at 8:10 p.m.

**Motion:** (Johnson, second Staples) to give Gary Rogers a salary increase to \$28.16 an hour retroactive to the March Annual Town Meeting passed 5-0.

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

**Motion:** (Johnson, second Vachon) to enter non-public session under RSA 91-A: 3 II (e)

Litigation passed 5-0 by a roll call vote (Proulx, Johnson, Vachon, Dickie, Staples-aye) at 8:10 p.m.

**Motion:** (Johnson, second Staples) to come out of non-public session passed 5-0 at 8:20 p.m.

**Motion:** (Johnson, second Staples) to seal the minutes as disclosure would render the proposed action ineffective passed 5-0 by a roll call vote (Proulx, Johnson, Vachon, Dickie, Staples-aye).

**12). Non-Public Session D:**

**Motion:** (Vachon, second Staples) to enter non-public session under RSA 91-A: 3 II (I)

Consideration of Legal Advice passed 5-0 by a roll call vote (Proulx, Johnson, Vachon, Dickie, Staples-aye) at 8:20 p.m.

**Motion:** (Vachon, second Staples) to come out of non-public session passed 5-0 at 8:30 p.m.

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

**Motion:** (Vachon, second Johnson) to enter non-public session under RSA 91-A: 3 II (d) Sale of Property passed 5-0 by a roll call vote (Proulx, Johnson, Vachon, Dickie, Staples-aye) at 8:30 p.m.

**Motion:** (Johnson, second Vachon) to come out of non-public session passed 5-0 at 8:40 p.m.

**14). Non-Public Session F:**

**Motion:** (Johnson, second Staples) to enter non-public session under RSA 91-A: 3 II (c)

Reputation passed 5-0 by a roll call vote (Proulx, Johnson, Vachon, Dickie, Staples-aye) at 8:40 p.m.

**Motion:** (Vachon, second Staples) to come out of non-public session passed 5-0 at 8:50 p.m.

**15). Next Meeting:** Monday, April 5, 2021

**16). Adjournment:**

**Motion:** (Vachon, second Johnson) to adjourn the meeting passed 5-0 at 8:50 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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Gerry Vachon

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Ken Dickie

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Douglas Staples