

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, July 12, 2021

Board Members Present:

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

Others Present:

Arthur Capello, Town Administrator

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:

Chairman Proulx said a resident asked if they had done anything 2 weeks ago with the Police Dept. raises after discussing it in non-public session and there was no resolution of the matter in public.

Mr. Capello said the board increased the hiring rate to \$21 an hour and increased the Patrolmen's salaries based on Chief Drury's recommendations. He said the board also voted to increase the Sergeant and above salaries at 33% of the amount recommended by the Chief.

Mr. Capello complimented Police, Fire and Highway Depts. on their work during the recent storms in getting and keeping roads open and keeping people safe.

Chairman Proulx said this area was very hard hit and to have no incidences that caused us a lot of hassle and problems we were pretty lucky.

Mr. Staples said there were trees down due to the storm at the intersection of Chestnut Hill Road and Route 75 and a Police cruiser was sitting in front of White Birch Lane directing traffic through White Birch Lane which is a private road. He said he was contacted by a resident there who was extremely upset with this because we just had all that rain and the road is in poor shape as it is and they have to pay to maintain it and now it was being used as a public thoroughway to get around that STOP sign.

Mr. Capello said he did not know if during an emergency situation if it was okay for the Officer to do that and he would find out.

Mr. Staples said the resident suggested routing people coming down Chestnut Hill Road through Cocheco Road the next time that area should be avoided and he told them he would bring the matter to the board.

Chairman Proulx said that is a legitimate concern especially when you're paying for it.

4). Review of Minutes:

June 16, 2021 – Joint Session BOS/School Board Non-Public Session A – No errors or omissions
Mr. Johnson noted that these minutes looked absolutely perfect to him (he wrote them).

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

June 28, 2021 – Public Meeting Minutes – No errors or omissions

Motion: (Johnson, second Staples) to accept the minutes as written passed 4-0-1 (Dickie abstained).

June 28, 2021 – Non-Public Session A – No errors or omissions

Motion: (Vachon, second Johnson) to accept the minutes as written passed 4-0-1 (Dickie abstained).

5). BOS Summer Schedule: July 12 and 19 & August 2, 16 and 30

Mr. Capello said he gave the board calendars with proposed board meeting dates for the months of July and August and he wanted to make sure the board was okay with it.

Chairman Proulx said she was okay with it as long as all of their business gets done.

Mr. Capello said they can always call a meeting within 24 hours if they need one. He said the board will be meeting next week.

Mr. Vachon said he will not attend the August 2 meeting because he will be on vacation.

Consensus of the board was to approve the proposed board meeting dates.

6). COVID-19 Update:

Mr. Capello said none of the towns in the state have received money from the federal government and that the **Governor's Office For Emergency Relief & Recovery** committee is doing one batch and send it out to a bunch of towns at the same time and they aren't sure when that will happen. He said their GOFERR paperwork is completed and they are in the loop.

7). Town Administrator's Business:

a). CRF Withdrawal– Mr. Capello asked the board for approval to withdraw \$12,648.56 from the Highway Dept. Motorized Equipment **Capital Reserve Fund**. He said the board previously approved this repair which is for the turbo's on 2 trucks and now they need an authorization to take the money out of that CRF.

Motion: (Johnson, second Dickie) to withdraw \$12,648.56 from the Highway Dept. Motorized Equipment Capital Reserve Fund for the repair of DPW vehicles. The current balance in that fund is \$95,500.

Vote: The motion passed 5-0.

b). Capital /Improvement Plan Committee Appointment- Mr. Capello said currently Chairman Proulx and Mr. Vachon are the Selectmen's Rep.'s to the CIP Committee and he was looking to have them add Mr. Johnson as a full member of the committee and move Mr. Vachon to alternate rep. to the committee because they will be holding meetings during the day which

would interfere with his work schedule.

Mr. Vachon noted their next meeting is on Wednesday, July 14 at 2:30 p.m.

Mr. Capello said the board could appoint Mr. Johnson as an alternate rep. to the committee and if Mr. Vachon is not present he would become the Selectmen's second voting member.

Motion: (Proulx, second Vachon) to appoint Neil Johnson as the alternate representative to the Capital Improvement Plan Committee passed 4-0-1 (Johnson abstained).

c). SRPC SMPO TAC Appointment – Mr. Capello said it is time to reappoint our members to the Strafford Regional Planning Commission's Strafford Metropolitan Planning Organization Technical Advisory Committee. He said currently he is a representative and they have a vacant alternate position and the board can reappoint him as the rep and if anyone is interested in being the alternate rep to contact him for more information.

He said this is where they go over the 10 year plan for the NH Dept. of Transportation and try to get Farmington's projects included in that plan. He said for example the sidewalk plan that has been discussed previously was through the efforts of the committee to get that into the plan.

Motion: (Johnson, second Vachon) to appoint Arthur Capello as the representative to the SRPC passed 5-0.

Mr. Capello said they meet once a month so it is not a big time commitment and anyone interested in being a member should contact him and he will bring it forward to the board.

d). Review Budget Forecast – Mr. Capello said at the last meeting the board had asked him to look at projections for what would be left at the end of the budget year based on increases and hiring and the spreadsheet given to the board assumes every position in Town is full (2 Police Officers, 2 DPW positions are vacant). He said he is a worst case scenario kind of guy so that number is assuming as of July 1 everything was full.

He said Chairman Proulx asked him for some numbers today on the 3 depts. where the biggest changes were and what that number was cost-wise and it's approx. an \$80,819 increase.

Chairman Proulx said when they got the sheet and she saw the worst case scenario if they fill both of the Police Dept. vacancies she freaked out as they would be under by \$95,412. She said the discussion they had it looked like they were pretty much set. She said even if they don't fill one spot now the worst case scenario they're still going to be negative on that budget line. She said when you look at the bottom line with everything filled they are down to 1% left in the budget and that is extremely scary but given that they won't be filling positions for a month or two that number could potentially grow and it won't be as scary as it looks.

Mr. Johnson said the Town is \$185,000 under budget if all positions were filled and the amount remaining is less than usual at this point. He asked if this includes all increases and new hires.

Mr. Capello said yes-to date. He said he planned to run this again in October to see where they are at then so the board will have more up to date information.

Chairman Proulx said when you get down to this point and there is 6 months to go you hope that nothing comes up. She said given all of the circumstances, the numbers and what was said

that even in the worst case scenario at this point she thought we have been a lot further into the good for that particular budget than they were. We'll see what happens she said.

Mr. Capello said there are some things that play into it that he and the Police Chief weren't aware of such as the 3.21% increase in the Town's contribution to the state retirement system. Chairman Proulx said when people hear her worrying about the bottom line she wants them to realize it's not because she doesn't want to give people raises or because she doesn't think they are worth it because we have a pretty good crew everywhere it's just when you get down this close it gets a little nerve wracking sitting on this side of the bench.

Mr. Johnson said \$185,000 is 3% of a \$6 million budget and 3% is not much of a buffer and usually they have \$600,000 to \$900,000.

Mr. Capello said if this was a normal year revenue-wise and he knew what they are getting for revenues he wouldn't be as concerned but given that it's still unknown what they're getting it makes him a little worried. I don't think it's going to be as bad as we anticipated he said.

Mr. Johnson said they increased the Rooms and Meals Tax revenues so they may get a little more. He said the Highway Block Grant is probably down a couple of percent and he didn't think it would be the 20% or 30% reduction they were predicting at the beginning of the year.

Mr. Capello said the Governor just signed the state budget so he planned to e-mail the NH Municipal Assoc. to get their review of the budget details.

Mr. Johnson said the amount of vehicle registrations collected by the Town is up.

Mr. Capello said the sale of Town property is also up.

Mr. Dickie said it may be useful for the board to have projected expenses and remaining balances sheet on a quarterly basis so they know where they are with the budget. It's nice to have those numbers in front of us when we're casting votes he said.

e). Hoyle Tanner Contract Amendment – Mr. Capello said he asked Hoyle Tanner to justify why the Town has to do this and gave the board a copy of the e-mail response from Hoyle Tanner Vice President Bill Davidson regarding the additional work required at levee not in the original contract.

Mr. Johnson asked what happens when they say no.

Mr. Capello said then they say no and if they did the work they shouldn't have done it without a contract.

Chairman Proulx asked if they have already done the additional work.

Mr. Capello said he did not know to what extent it has been done. They have had communications but they may not have done the actual engineering work with the **Army Corps of Engineers** at this point he said.

Mr. Johnson asked if these were new requirements placed upon the Town and Hoyle Tanner by the ACOE.

Mr. Capello said yes they were and he asked why they didn't account for these initially and was told that when they got into it the ACOE kept changing it and wanted more and more.

Mr. Dickie said so they don't come back to us and say it's going to cost more because the ACOE is looking for more.

Mr. Capello said that is what this (the Contract Amendment Form) is.

Mr. Dickie said they may only have done a portion of it.

Mr. Johnson read from Mr. Davidson's e-mail that this is a "summary of the additional work we were required to perform" and he assumed they performed it because ACOE required it and now they are looking to get paid.

Mr. Capello said if the board approves this it is a good example of things that eat into that \$185,000.

Mr. Dickie asked if the CIP would cover this.

Chairman Proulx said no and that this issue with the levee came out of nowhere last year and they went on internet excursions to various entities with all of them telling us different things and never any agreement between any of them. She said it is the ACOE they have to satisfy because if there is a 1,000 year storm and the levee breaches the Town will be responsible if they don't play according to their rules.

Mr. Capello said if the ACOE doesn't certify the levee the Town would be responsible and right now they have a conditional certification as they see us moving forward with the things that they noted.

Chairman Proulx said she did not see any way around this and Mr. Johnson agreed.

Mr. Capello said this information will help us with the levee study that FEMA is trying to change so that everybody downtown has to get flood insurance. He said he asked Hoyle Tanner why he would want to give them an extra \$60,000 and what that would do for us.

Mr. Johnson corrected they will be giving them an extra \$11,000. We've already given them \$49,000 (original contract fee amount-\$48,740; new total contract fee amount-\$59,740) he said.

Mr. Capello said he asked why he would want to give them that extra money when it will do nothing for them as far as the **Levee Analysis and Mapping Procedure Study** goes and learned that it will help with the LAMP Study and he is setting up a meeting with the parties involved. He said that they are mildly perturbed that according to FEMA there is no levee there so that is why they are saying they are going to change the flood maps and everybody downtown has to have flood insurance because of their study says we don't have a levee there. He said he asked if they came out and looked at the levee and they said no.

Chairman Proulx said there was information and proof they had to give them that this levee was within certain specs they wanted it to be and if they couldn't provide that information they would view the levee as not being there. They said if we could prove certain parts of this were within the specs they may be able to look at it in a slightly different manner where it wouldn't cost the area taxpayers more money and they may be able to lessen the amount of area it would affect she said.

Mr. Capello said as their model stands right now everything from the Municipal Town Office Building to the levee would be in a flood zone as opposed to now where it's just everything on the other side of the levee that is in a flood zone.

Motion: (Johnson, second Dickie) to accept the Contract Amendment Form from Hoyle Tanner in the amount of \$11,000 for additional work required by the Army Corps of Engineers that was done on the levee and to authorize Town Administrator to sign the Contract Amendment Form;

Discussion: Mr. Vachon asked if they have already been paid the \$49,000.

Mr. Capello said they have not paid them the entire fee because they are not completely done and bills have come in and been paid as they do the different stages.

Vote: The motion passed 5-0.

f). Fuel Rates – Mr. Capello said he is starting to work on the fuel rates for propane and heating oil. He said he requested propane bids from Eastern Propane, Irving Energy and Burke Energy and Burke did not respond and Eastern matched Irving's price of \$1.85.9 per gallon and he would like to lock in the price.

Mr. Johnson asked how much that is above last year's price.

Mr. Capello said the price was \$1.53 per gallon last year. He said it's not as bad as he initially thought because the initial price was over \$2 a gallon.

Chairman Proulx asked if they usually price out at about 10,000 gallons.

Mr. Capello said yes. He said he is still working on the heating oil and is trying to coordinate with the school district so they can try to get a better rate with that volume. They don't use enough propane to make a difference in that price he said.

Mr. Johnson asked who uses propane besides the Public Safety Building.

Mr. Capello said the Sewer Dept. uses propane and that's how they do the sludge drying.

Motion: (Johnson, second Staples) to sign an agreement with Eastern Propane for fixed pricing at a contract price of \$1.85.9 per gallon for a total of 10,000 gallons for delivery between September 1, 2021 and May 31, 2022 and to authorize the Town Administrator to sign the agreement passed 4-0-1 (Proulx abstained).

g).Health Officer Appointment – Mr. Capello asked the board to appoint the new Building Inspector Ron LeMere as the Health Officer following the retirement of Dennis Roseberry who was the Building Inspector, the Code Enforcement Officer and the Health Officer.

Motion: (Johnson, second Dickie) to appoint Ron LeMere as Health Officer passed 5-0.

h). Sale of Town Property – Pearl St. Update- Mr. Capello said he spoke with the gentleman who is purchasing the property and they set a closing date of August 9. He said they had to wait for 90 days to pass because the Town has owned the property for less than 3 years.

29 Bunker Street Bid Opening – Mr. Capello said he only received one bid for the property and the bids were due in by last Thursday.

Chairman Proulx opened the bid and read the bid was submitted by Kevin L. Coyle in the amount of \$78,501.

Mr. Johnson asked what the required minimum bid was.

Mr. Staples the minimum bid was \$60,000.

Mr. Johnson asked if there were any special contingencies in the bid.

Mr. Capello said there was a stipulation that \$5,000 would be held in escrow because of the tearing down the collapsed deck and the shed.

Mr. Johnson said once again they have to ask if the \$78,000 includes the \$5,000 escrow.

Chairman Proulx said the bid does not say.

Mr. Capello said he would have to yes but Mr. Johnson said he would say no.

Chairman Proulx asked if they could get clarification on the matter.

Mr. Capello said he could and the board could also accept the \$78,000 bid plus \$5,000 and if the bidder wants to back out he can.

Chairman Proulx said she wanted to make sure Mr. Coyle understands there is \$5,000 that is going into escrow even if they accept his bid. She said they could accept his bid as is with the understanding that \$5,000 of that needs to be in escrow.

Mr. Capello asked if it's \$5,000 of the \$78,000 or if they were asking for an additional \$5,000.

Chairman Proulx said they could go either way with it and they would have to find out what his intention was. She asked if it would be possible to find before accepting the bid because could make a difference in someone's vote.

Mr. Capello said he would call Mr. Coyle the next day.

Chairman Proulx said they could accept the bid next week because they are meeting anyway.

Mr. Johnson said this happens every time and suggested they need a form for bid requests saying this is what they bid and this is the contingency.

Mr. Staples noted this happened with the Pearl Street property too.

Mr. Capello said he could develop a simple form that says "Bid Price" and "Escrow Price".

Chairman Proulx asked him to find out Mr. Coyle's intention before the board votes because that could make a difference.

Mr. Capello said he would find out and bring the answer to the board next week.

8). Additional Board Business:

a). Hornetown Road Bridge – Mr. Staples said he has gotten a lot of calls and messages from people north of the Hornetown Road Bridge and he told them he would bring their concerns to the board and see if they would discuss it and then made the following motion:

Motion: (Staples, second Dickie) to withdraw the speed bumps on the Hornetown Road Bridge;

Discussion: Mr. Staples said the people calling and e-mailing him complained that they were told the speed bumps were to slow traffic down and protect the bridge until the boards were anchored down and they are a little upset that they are still there and were not withdrawn.

Chairman Proulx asked if they said why they were upset.

Mr. Staples said it was because supposedly they were misled that they were there to slow the speed down until all the deck boards could be anchored and the work has been done and the

bridge is quiet. He said he didn't care about the speed on Hornetown Road and his only concern is the speed on the bridge and protecting that bridge.

Mr. Dickie said as they discussed before he wanted to make sure they got what they paid for on that bridge. He said it was done to prolong the bridge which is going to be there for at least two years and they just spent about \$30,000 to get it bolted and repaired and the concern was if they don't control the speed then they could be doing that once or twice more before they get the permanent bridge in.

Chairman Proulx said she went over the bridge the other day at 25 mph which is the speed limit and it was pretty quiet but she didn't know what it would do if you went 40, 50 or 60 mph over it. She said if a big truck went over it without slowing down that would probably rattle it loose at some point. It goes back to what Gerry (Mr. Vachon) was saying originally with the lag bolts that sooner or later (they're going to rip out) and you don't want to keep putting \$20,000 or \$30,000 into it she said.

Mr. Dickie asked what the plan is for the winter.

Mr. Capello said they would pull them up for plowing purposes.

Mr. Dickie said that is when the planks will be frozen and they won't see the speed.

Chairman Proulx said she hoped that they say it enough times so that people understand that if you don't want to keep spending money...

Mr. Staples said he has no intention of voting to spend any more money on that bridge.

Chairman Proulx said that if it turns loud again it's probably going to end up staying loud and there is a house right there and she wouldn't want to be those people.

Mr. Johnson asked if Mr. Capello had heard from that homeowner.

Mr. Capello said she was extremely happy with what was done.

Mr. Dickie said he talked with one of those neighbors and they weren't too happy and they were glad when they got it lagged down.

Chairman Proulx said the speed going through there now is not much different than what it was supposed to be even if you have to slow down for the speed bumps although she could see where that might be an issue for a car with very little clearance.

Mr. Capello said the speed bumps are NH DOT specs and speculated that unless a car has been modified all cars are built to DOT specs.

Mr. Dickie suggested if they elect to keep them there to consider moving them further back so when big trucks go over them they would be coming down on the pavement and not continue to bounce onto the bridge. If we move them back most of the bouncing would be done before they go over the bridge he said.

Chairman Proulx said she would agree with that.

Mr. Capello said the speed bumps can be moved further back from the bridge.

Mr. Johnson asked how far back they would be moved and suggested they don't want to put them too far back or the driver could accelerate over the bridge.

After a brief discussion consensus of the board was to move the speed bumps back 10 feet. Chairman Proulx said the motion is to remove the speed bumps and called for the vote.

Vote: The motion failed 0-4-1 (Proulx, Johnson, Vachon, Dickie-opposed; Staples-abstained).

b). Crosswalk Signal – Mr. Vachon asked if they found out who hit the crosswalk signal.

Mr. Capello said they did find out and it was someone who was arrested for driving while intoxicated and the person will have to make restitution to the Town for the damages and the man hours spent fixing it.

c). Monthly Dept. Reports- Mr. Vachon said they received the dept. monthly reports again after just getting them at the last meeting. He said the board received them at the 4th meeting of the month when they are supposed to be in at the third meeting and then they got them all again at the second meeting of the month for last month.

Mr. Capello said he would hold the dept. reports and give them to the board at the last meeting of the month.

Mr. Vachon said they are supposed to get them at the 3rd meeting of the month.

Mr. Capello agreed to do so but said that won't happen now because they are not meeting every week through the summer.

Mr. Vachon said on the third Monday in August they have a meeting scheduled.

d). Curtis Road – Mr. Vachon said Curtis Road needs a street name sign and a No Outlet sign.

Mr. Capello asked for the street location and if it is a Town road.

Mr. Vachon said it is off of Silver Street and he was told it is a Town road.

Chairman Proulx asked Mr. Capello to check on that before they take any action.

Mr. Vachon asked if it is confirmed that it's a Town road if it is on the grading list. He said the resident said he hasn't seen a grader there in over 3 years. The York rake has been up there but the grader hasn't been there to cut the holes and if you don't cut the holes you might as well not do it at all. I know it's a dead end street with 3 houses but it's still a Town maintained road if you verify it is he said.

Mr. Capello said he would verify the status of the road.

Mr. Vachon said the residents were making phone calls to Public Works and nothing came of it. He said a non-resident who was assisting one of the residents went down to Public Works and said the customer service was not the greatest. He asked Mr. Capello to remind the Public Works staff that they work for the public and to please check their attitudes.

Mr. Capello said he will do that.

e). Information Request – Mr. Vachon said on June 30 he requested some additional information for answers to some questions he asked on June 28 and he has still not received it. He said the request was in his e-mail about a line of sight and taking a loader out to grade some roads and touching them up whenever they can because that takes 1 person not a whole crew. Mr. Capello said he didn't know if there is a formula for light of sight.

Mr. Vachon said there is a formula and a state regulation regarding the formula. He said Central

Street is a state road so it has to adhere to state standards.

Mr. Capello asked him to get him that formula.

Mr. Vachon said those trees are a line of sight issue and if the Town doesn't have a standard formula for line of sight they need to adopt one.

Mr. Capello said that's a state road so that would be a state issue to trim them back. He said the Town does not have a line of sight method and asked Mr. Vachon to please get him one.

Mr. Vachon said it is a very simple formula and he would e-mail it to him.

f). Potholes – Mr. Capello said they don't have the crews to pull somebody off to go do a pothole. He said if they get a complaint about a pothole they go out to review it and follow the RSA and put a cone in or do something within 72 hours. He said when you are down 2 people and have people on vacations to pull the bucket loader out to fix a pothole doesn't make fiscal sense. If the board chooses to take that practice on then we will do that but if we get a complaint we review it and if it's something that needs to be addressed right away we address it right away he said.

Chairman Proulx said the best way to get follow up on something like a line of sight or a pothole is to fill out a complaint form so the board sees it and can follow up on it to see if it's been done. She said residents can call the front desk and fill out the form on the phone or fill it out online and submit it through the Town website.

g). Live Streaming – Mr. Johnson asked when the live broadcasts of the meetings would begin.

Mr. Capello said the installation would be done the 1st week in August and then it would take 1-2 days to get everything up and running. We're on target with what we originally set he said.

9). Non-Public Session A:

Motion: (Johnson, second Dickie) 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 6:55 p.m.

Motion: (Proulx, second Vachon) to come out of non-public session passed 5-0 at 7:10 p.m.

10). Acceptance of Bid:

Mr. Capello said he received a text message from Mr. Coyle stating he planned to bid \$78,501 for the Bunker Street property plus the \$5,000 to be put in escrow.

Motion: (Johnson, second Vachon) to accept the bid for 29 Bunker Street from Kevin Coyle in the amount of \$78,501 plus \$5,000 to be placed in escrow passed 5-0.

11). Non-Public Session B:

Motion: (Johnson, second Dickie) to enter non-public session under RSA 91-A: 3 II (b, c) Hiring of a Public Employee, Reputation passed 5-0 by a roll call vote (Proulx, Johnson, Vachon, Dickie, Staples-aye) at 7:10 p.m.

Motion: (Vachon, second Johnson) to come out of non-public session passed 5-0 at 7:35 p.m.

Motion: (Johnson, second Dickie) to seal the minutes as disclosure would adversely affect the reputation of a person other than a member of the board passed 5-0 by a roll call vote (Proulx, Johnson, Vachon, Dickie, Staples-aye).

13). Non-Public Session C:

Motion: (Johnson, second Vachon) 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 7:35 p.m.

Motion: (Johnson, second Vachon) to come out of non-public session passed 5-0 at 7:50 p.m.

Motion: (Johnson, second Dickie) 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).

14). Going Over the Speed Bumps Again:

Mr. Vachon turned the board's attention to Chief Drury's report from the speed trailer that was in place at the Hornetown Road Bridge and said it showed some vehicles going as fast as 50-60 mph over the bridge and that was the reason why the speed bumps were put in place.

After some discussion consensus of the board was to remove the speed bumps as requested but to put the speed trailer back at the bridge for 2 weeks, collect the data and revisit the issue.

Mr. Capello said he would coordinate their request with the Police Chief and the DPW Director.

15). Adjournment:

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

Respectively submitted

Kathleen Magoon

Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

Gerry Vachon

Ken Dickie

Douglas Staples