

Town of Farmington  
Board of Selectmen Public Meeting Minutes  
Monday, May 16, 2022  
Selectmen's Chambers  
356 Main Street

**Board Members Present:**

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

**Others Present:**

Mike Farrell, Interim Town Administrator  
Scott Orlando, Interim Police Chief  
Becky Dickie, Town Clerk  
Erica Rogers, Rec. Dept. Director

**1). Call to Order:**

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

**2). Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**3). Non-Public Session A:**

**Motion:** (King, second Morin) to enter non-public session under RSA 91-A:3 II (a) Compensation of Public Employees passed 5-0 by a roll call vote (Dickie, Vachon, Staples, Morin, King-aye) at 5 p.m.

**Motion:** (Vachon, second Staples) to come out of non-public session passed 5-0 at 5:33 p.m.

**Motion:** (Morin, second King) to offer Cameron Drew a full time position at \$22 an hour starting July 1 passed 5-0.

**Motion:** (King, second Morin) to offer Christopher Waite a full time position at \$22 an hour to start contingent upon his passing the Candidate Physical Agility Test and to authorize the Chief to increase his wage rate by \$1 an hour upon passing the test passed 5-0.

**4). Non-Public Session B:**

**Motion:** (King, second Morin) to enter non-public session under RSA 91-A: 3 II (a) Compensation of Public Employees passed 5-0 by a roll call vote (Dickie, Vachon, Staples, Morin, King-aye) at 5:40 p.m.

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

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

**Motion:** (Morin, second King) to enter non-public session under RSA 91-A: 3 II (d) Acquisition, Sale or Lease of Property passed 5-0 by a roll call vote (Dickie, Vachon, Staples, Morin, King-aye) at 5:56 p.m.

**Motion:** (Vachon, second Staples) to come out of non-public session passed 5-0 at 6:32 p.m.

**6). Reconvene Public Session:**

Chairman Dickie reconvened the public portion of the meeting at 6:40 p.m.

**7). Old Business:**

**a). Swearing-in Ceremony –** Interim Police Chief Scott Orlando said the Farmington Police Dept. would like to proudly announce 2 members that are starting today and one is Evan Favor who will be serving as a Captain for the Police Dept. and the next is Nicholas Naraganakis who will be serving as a Patrol Officer. He said today is their first day and they would like to introduce them to the public and have them sworn in and asked Mr. Favor to come forward. Town Clerk Becky Dickie asked Mr. Favor to raise his right hand and read the oath aloud. Capt. Favor did so and then thanked the board and the board welcomed him to Farmington. Chief Orlando said Capt. Favor comes from a neighboring community with 17 years of law enforcement experience and will be an asset to the community and to the Town of Farmington. He said Officer Naraganakis also comes from a neighboring community with many years of law enforcement experience and as an additional tool for our dept. and will serve our community well and then asked him to come forward and be sworn in.

Patrol Officer Naraganakis raised his right hand and read the oath aloud. He said he was looking forward to getting to know everyone and thanked the board.

Selectmen thanked him for coming to Farmington.

Mrs. Dickie, the officers and the board then signed the required paperwork.

**b). Town Flags-** Mrs. Morin asked Mr. Farrell if the new American flags had been ordered. Mr. Farrell said no.

Mr. King said Memorial Day is in 2 weeks and it is imperative that we have a new flag up for that day. He asked Mr. Vachon if he had a chance to send his vendor contact to Mr. Farrell. Mr. Vachon said he was doing that right now.

**c). Tappan Street Fence-** Mrs. Morin asked for an update on the fence.

Mr. Farrell said he spoke to the DPW Director about it and he thought it was repaired.

Mrs. Morin said okay and that she didn't drive by it.

**d). Resident Fee Inquiry-** Mr. King said a resident contacted him to express concern about increasing the fees and they sent him some information. He said the resident did some research to see if RSA 41:9, Establishment of Fees applies and whether the Town was authorized to raise those fees without meeting certain requirements. He gave the information to Mr. Farrell and asked him to meet with Mrs. Dickie to review it.

He said the other piece of information was a question and answer from the NH Municipal Assoc. that asks if there are instances where the Board of Selectmen is authorized to adopt fees. He said their answer was yes there is authorization found in RSA 41:9a – the Town may adopt at an Annual or Special Meeting a warrant article that gives the Board of Selectmen the authority to establish and amend fees at any time without further vote from the town.

He read that before establishing an amended fee there is a requirement for a public notice

before it is put in place and the authorization remains in effect until rescinded at a future Town Meeting. It allows the Selectmen to react quickly to costs and the authority applies to licensing, regulatory and permitting programs as well as any revenue producing facility as defined under RSA 33b (1) meaning fees used for waterworks and so forth he said.

Mr. King said he didn't believe the resident was in favor of it and raised the question so he was asking if this applies under RSA 41:9 and if the Town has been authorized to do it or has done it for what reason and then gave the information to Mr. Farrell. He said even if they were authorized under RSA 41:9 it may take a public hearing to make that change.

Mrs. Dickie said she would look into it.

**e). Raffle Permit-** Mr. King said at the previous meeting Mary Barron came forward as a representative of the Friends of Farmington regarding a raffle permit application and he didn't know if a board decision was needed.

**Motion:** (Dickie, second Vachon) to approve the Friends of Farmington raffle permit renewal application passed 4-0-1 (King abstained).

**f). Farmington Feud-** Mrs. Morin thanked the FHS Honor Society for having the Selectmen at their Farmington Feud and that she was happy to say that they won. She said she placed the trophy at the center of the table so they could share it with the public.

Mr. King said it was a fun event and that he enjoyed it and that it was held as a fundraiser for a scholarship.

**g). Fernald Park Fence Repair-** Mr. Vachon asked if they had an update on the granite post and the fence at the Fernald ballpark.

Mr. Farrell said it was paid for by Primex but he didn't where the fence post is.

Mr. King asked if he knew if it has been ordered.

Mr. Farrell said he didn't know.

Mr. King suggested that he start with the DPW Director to see if he has the original quotes.

Mr. Vachon asked if Primex paid the Town or if they paid the vendor directly.

Mr. Farrell said the Town got a check from Primex.

**Motion:** (King, second Staples) to authorize the Town Administrator to select the best quote to expedite the process to install a new post passed 5-0.

**h). Transfer Station Quotes-** Mr. Staples asked for the status on getting a project manager for the recycling project at the Transfer Station.

Mr. Dickie said one person applied to be the overseer of the project and has submitted their quote but it hasn't been put back on the agenda yet. He said the board froze the ARPA funds where that was going to be paid from so it's at a standstill until they figure out the ARPA funds.

Mrs. Morin said Rep. Jim Horgan came and spoke with them at the last meeting and asked if they figured out where the \$66 million is that he spoke about.

Mr. Dickie said he didn't get any more information on that.

**i). ARPA Funds Follow-up-** Mr. King said the 2021 Town Report stated that the Town was

awarded \$750,000 of the American Rescue Plan Act funds and the second installment is coming in July.

Mr. Dickie said yes.

Mr. King asked if the second installment is the money they were looking at on the spreadsheet or if that is in addition to the money they froze.

Mr. Dickie said what was on the spreadsheet was the total amount.

Mr. King said the total of that money wasn't \$750,000.

Mr. Dickie said that total was \$730,000 because there is a certain percentage of it that has some stringent criteria for how it can be allocated so it only allows us \$730,000.

Mr. King said out of that \$750,000 which came in 2 payments, the second payment is coming to us but we have been spending out of that and the money that they froze they are potentially down to \$70,000 from the \$730,000.

Mr. Dickie said yes. He said with all the projects on the Excel spreadsheet it was for the total \$730,000.

Mr. King said he would like to see this on next week's agenda to solidify what that list is finalized down to. He said they put it on hold 2 or 3 weeks ago and hopefully they've been able to finalize that list of which items have been purchased, received and waiting on shipment so they can reconvene using the funds because one of the projects they just spoke about is the recycling building but before they can forward with that they need to know where this stands.

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

May 2, 2022- Public Session – No errors or omissions

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

May 2, 2022- Non-Public Session A – No errors or omissions

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

#### **9). Parks and Recreation Dept.:**

**a). Senior Center**-Parks & Rec. Dept. Director Erica Rogers said the board should have received copies of the e-mail from Primex (April 27, 2021) and they are ready to open the senior center. She said they did a soft opening and had some seniors go through it and asked how they want to staff or not staff the building. She said it's a low risk program so the Director of Risk Management for Primex said they can have paid staff there, not staff it or use volunteers. She said he gave us a sample Volunteer Services Agreement form and she does have volunteers that are willing to sit over there but they need to get this sorted out so she can get it open. Mr. Dickie said based on what he has been hearing about Bingo they need to at least have a volunteer there with a phone in case a "heated discussion" escalates so they can quickly call someone to defuse the situation.

Mrs. Rogers said her choice would be volunteers and that they planned to pop in there at times to socialize but they can't sit there all day.

Mr. King asked if use of the building would be limited to just the first floor.

Mrs. Rogers said it would be just the first floor and there is nothing upstairs except storage.

Mr. King asked if any volunteers are currently signing this type of liability form and if they have anything like this already.

Mrs. Rogers said not that she is aware of. She said they have a couple of volunteers like Blanche Tanner who helps them out with all kinds of stuff. We haven't had her sign anything and it's never come up before until this she said.

Mr. King asked if they are looking for people to sign a release and what is going to be the threshold where they ask them to sign this.

Mrs. Rogers said it would be where the volunteer is over there in charge of the center.

Mr. King said there should be some sort of designated position and to make this a requirement. He said it should be for any volunteer who is overseeing a building or a site.

Mr. Dickie said it should be required for any volunteer even if they are just helping and asked if they get hurt what the Town's liability would be.

Mr. King said if they put them in a position where they are hurt because of our negligence we're liable. He said this only removes us if it is arising from their negligent, wanton or intentional conduct.

Mr. Dickie said he was talking about someone helping to set up tables, etc. to make it official that they are a volunteer helping us and that they would be covered if it went to court.

Mr. King said that is why he asked what they are doing now and if they are utilizing volunteers if they put this in place for everybody that is helping out for more than one day. He said he was okay with it being all the way across and if we don't do that then they need to define at what level it will be required. The line needs to be clear so it is easy for you to administer he said.

Mrs. Morin asked how she will staff the volunteers if there is going to be regular schedule and if it was only going to be volunteers or if there's going to be an absolute time or just drop in.

Mrs. Rogers said they are looking at that now and she has 6 or 7 people that are willing to volunteer and once they have this settled she will ask them what they are looking to volunteer for and she is hoping some them will have a set schedule. Then we can put that schedule out monthly or depending on what else is going on she said.

Mr. King asked how they are screening volunteers that are around or are working with children.

Mrs. Rogers said they don't have any volunteers working with their children. She said there was one person that asked to and they can't until their background check is completed. She said nobody is around the children unless they are background checked.

Mr. King said another thing Primex mentioned as a concern was building security and the building has locks on the doors and the other one was coffee pots and stoves.

Mrs. Rogers said there is no stove there and there is a Keurig coffee maker and a microwave.

Mr. King said he was concerned about somebody leaving something on that could be a fire hazard.

Mr. Vachon asked if the Building Inspector and Fire Chief gone through the building.

Mrs. Rogers said she has the certificate from the Building Inspector and the Fire Inspector went through while they were getting it set up.

Mr. Vachon asked if she had something signed off from both depts. or if the Fire Dept. just gave them pointers and they haven't cleared it for occupancy.

Mrs. Rogers said she didn't think the Fire Inspector ever sent anything in writing but she could ask him and that she did get something in from writing from the Building Inspector.

Mr. King said the Fire Inspector should at least send her an e-mail stating he visited the site and there were no issues for their files because if an insurance issue comes up that will help prove that we did what we were supposed to do.

Mr. Vachon asked if there is a spot for the Fire Dept. to sign off on the Certificate of Occupancy. He said that is how it is elsewhere the Fire Dept. has to sign off that it is safe enough for occupancy before the CEO can issue the certificate.

Mr. King asked that she make sure they have something from the Fire Dept. saying they were okay with it and then give it to the Building Inspector for their files. He said he was okay with opening the senior center with volunteers with staff checking on them periodically when it works on their schedule to check on the people and to have them sign the appropriate waiver to help run the facility. He asked if the volunteers would be assigned keys to open and close the building or if Mrs. Rogers plans to open and close the building.

Mrs. Rogers said she was going to open and close the building so they would be the first ones in and the last ones out of the building.

Mr. King said he didn't want to require that she has open and close the building and he was okay with her giving the keys to someone as an exception if she was not going to be around such as when she goes on vacation.

**Motion:** (King, second Morin) to approve opening the Senior Center with volunteers and oversight by staff passed 5-0.

**b). Hay Day-** Mrs. Rogers said she provided an photo of the municipal parking lot on Main Street because Bill Snowden is requesting to hold a car show there during Hay Day and she assumed it would be the Board of Selectmen that would give him permission to do that.

Mrs. Morin asked if that would be a facility use.

Mr. King said it would fall under the purview of this board and that when this came up before he thought it was a great idea because there is an active car club in this area. He said they would need an insurance binder, a waiver of liability and a request to use the space with a narrative for what he proposes to do. He said typically when they let someone use the park they require a certificate of insurance naming the Town as the additional insured.

Mrs. Rogers said the photo shows the proposed layout for the car show.

Mr. King said that a non-profit organization could also sponsor the show and may be able to provide the insurance.

Mr. Farrell said they may want to enter into a license agreement if they are allowing them to use public property.

Mr. King asked how that is any different from when they let people have events at Fernald Park and have them sign the Facility Use Request form, insurance binder and waiver of liability form.

Mrs. Rogers said they only require insurance if an organization or group is renting the space.

Mr. King said they would need his plans for what will go on there that the board would have to approve because Hay Day is a family event and that his event should be family-oriented too.

Mr. Dickie said they would have to understand that the streets are shut down.

Mrs. Rogers said Mr. Snowden said the participants could come in through the back way.

Mr. King said that would have to be coordinated and there may be a time that it makes sense for them to come on the grounds here and then have to leave here.

Mrs. Rogers said typically the roads close early to set up and it's over at 3 p.m. and they have to be cleaned up and off the streets by 4 p.m. but that information will come from the state when they get the permit to close down the roads.

Mr. King said they could provide some guidelines on how to access the lot during certain times and before those times they could come in on Main St. He said Mr. Snowden needs to make a formal application for this and in principle he is in favor of it but they can't approve anything that is not in writing.

Mrs. Rogers said another issue for Hay Day is the bounce house and they have 6 or 7 of them but the Town can't have a bounce house because they are not covered under the Town's insurance. She said PIP Rental will have a section where they will have some other stuff and they're willing to have the bounce house under their insurance and asked if that would be acceptable.

Mr. King said they would have the show the Town as the additional insured. He asked if she knew the value of the bounce houses.

Mrs. Rogers said no.

Mrs. Morin said maybe PIP Rental would like purchase them.

Mr. King said if we have them and we shouldn't they should get rid of them to recoup some of the money that the taxpayers paid for them. He said maybe Hay Day would be a good display day and they could put them up for sale.

Mr. Dickie suggested selling or raffling them off.

Mrs. Rogers said that she and the Asst. Director would have to get them out, inflate them and set them up in the Rec. Center gym (to check on their condition).

Consensus of the board was they were okay with PIP Rental having a bounce house at Hay Day.

**c). Fernald Park Shed-** Mrs. Rogers said she printed 3 quotes and then she was talking to someone from the DPW and he asked some questions she didn't know the answers to so she may need to get more information and if the board had specific questions she could get the specific answers.



Mr. King asked how this was supposed to be paid for.

Mrs. Rogers said it was supposed to come out of the ARPA funds and was approved last year.

Mr. King asked for the amount earmarked for the shed.

Mr. Vachon said it was about \$8,000.

Mrs. Rogers held up the quote from Storage Master Sheds (\$8,394) and she thought that it was that one but the board wanted updated quotes.

Mr. King said the quotes were for \$8,000, \$13,000 and \$20,000 and were nice sheds.

Mrs. Rogers said she was not convinced that the \$8,394 price included installation.

Mr. Dickie asked if these were recent quotes.

Mrs. Rogers said yes and that the Asst. Rec. Director got them last week.

Mrs. Morin asked if this was frozen too and that it was earmarked but there was no purchase order issued.

Mr. Dickie said they were also going to get some cement work done.

Mrs. Rogers said the board discussed putting in a cement pad.

Mr. King asked if that was instead of just putting it on blocks.

Mr. Vachon said because of the size of it they can't put it on blocks per the ordinance. He said it would have to go on sonic tubes or a slab because of the sq. footage. Its 16' x 20' he said.

Mr. Dickie said he was pretty sure they approved a slab for this last year. He asked Mr. Farrell to look at the ARPA funds to see if they approved the shed and the cement work.

Mr. King said they would have to figure out what it is for the cement work to see if it is feasible as a slab.

Mrs. Morin asked if there is no purchase order issued for this if they are going to un-freeze those funds.

Mr. Dickie said he wasn't here when they took that action so he couldn't answer the question.

Mr. Vachon said it would be \$1,300 just in concrete.

Mr. King said that would be about \$5,000 to have somebody go out there and do it.

Mr. Vachon said they may be able to get one of the 3 concrete companies in town to help her out with that.

Mr. King said the \$8,300 shed would not be attractive in the community and when he looked at it he thought about what they could do to make it look presentable.

Mr. Vachon said the picture provided with the quote is not a true picture of the shed and it has "vinyl benefits" and other options. He said he had some information he would give Mrs. Rogers later about possibly getting a shed without using the ARPA funds or the Rec. Revolving account.

Mr. Dickie asked Mrs. Rogers to bring this back to the board when she gets the additional information.

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

**a). Levee Inspection-** Mr. Farrell said the annual levee inspection will be done tomorrow by the Army Corps of Engineers and Dept. of Transportation and it will take most of the day from what



the DPW Director Gary Rogers said. He said Mr. Rogers said they have been keeping up with the levee and he was not expecting any problems at this point and that the Army Corps has been very good to work with.

Mr. King asked Mr. Farrell if he would be spending some time with them.

Mr. Farrell said the inspection starts at 10 a.m. and he planned to spend most of the day with them so he would be out of the office for the day.

**b). NH DOT Meeting-** Mr. Farrell said after last week's meeting he called the DOT and arranged a meeting with Asst. Commissioner Bill Cass and C.R. Wileke and they are going to come to the Selectmen's meeting on June 27 at 6 p.m.. He said that he also planned to ask Rep. Jim Horgan and DPW Director Gary Rogers to attend the meeting.

Mr. Vachon said there may be some residents in that area that may want to come to that meeting as well.

Mr. Farrell said he also notified Hoyle Tanner & Assoc. Engineer Josif Bicja of the date and time for the meeting so everyone would hear the same thing at the same time.

**11). Next Meeting:** Monday, May 23, 2022

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

**Motion:** (Vachon, second Staples) to enter non-public session under RSA 91-A: 3 II (a) Compensation of Public Employees passed 5-0 by a roll call vote (Dickie, Vachon, Staples, Morin, King-aye) at 7:29 p.m.

**Motion:** (Vachon, second King) to come out of non-public session passed 5-0 at 7:42 p.m.

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

**Motion:** (King, second Morin) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 5-0 by a roll call vote (Dickie, Vachon, Staples, Morin, King-aye) at 7:42 p.m.

**Motion:** (Vachon, second King) to come out of non-public session passed 5-0 at 8:11 p.m.

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

**Motion:** (Vachon, second King) to enter non-public session under RSA 91-A: 3 II (a) Compensation of Public Employees passed 5-0 by a roll call vote (Dickie, Vachon, Staples, Morin, King-aye) at 8:11 p.m.

**Motion:** (Morin, second Staples) to come out of non-public session passed 5-0 at 8:48 p.m.

**Motion:** (Morin, second Vachon) to bring Hunter Roy back on at \$28 an hour passed 5-0.

**Motion:** (King, second Vachon) to grant Chief Orlando's vacation request passed 5-0.

**15). Non-Public Session G:**

**Motion:** (Morin, second Vachon) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 5-0 by a roll call vote (Dickie, Vachon, Staples, Morin, King-aye) at 8:48 p.m.

**Motion:** (Vachon, second Staples) to come out of non-public session passed 5-0 at 8:54 p.m.

**16). Adjournment:**

**Motion:** (Dickie, second Morin) to adjourn the meeting passed 5-0 at 8:54 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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Ken Dickie, Chairman

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Gerry Vachon, Vice Chairman

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Douglas Staples

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Penny Morin

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Charlie King