

Town of Farmington  
Board of Selectmen Public Meeting Minutes  
Monday, April 2, 2018

**Board Members Present:**

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

**Others Present:**

Arthur Capello, Town Administrator  
Residents Elizabeth Johnson, Jason  
Lauze, Jo Kenney, Michelle Forest

**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:**

**Jason Lauze** said he came before the board to request that the Selectmen consult with the Town's legal counsel to determine if there was validity to the claim made by Angela Cardinal that she had overheard members of the Budget Committee (enough to form a quorum) discussing committee business prior to the meeting. He said he was not present before the meeting to witness the discussion but there were statements made by members of the committee in which they admitted to discussing some pieces of committee business, but denied discussing others.

Mr. Lauze said that an opinion from legal counsel would allow the members to determine if there is an issue and how to address it or if there is no valid issue to bring the matter to a close. Mr. Capello said he checked with the NH Municipal Association (NHMA) which offers general free legal advice to its member towns. He said they advised that there cannot be a conversation about committee business prior to the meeting with a full quorum of the board. He said he was present at that meeting and there were three or four different conversations going on at the same time and it wasn't all six people engaged in the same conversation.

Mr. Lauze asked if there were any plans to make a formal statement that the issue was discussed with legal counsel.

Mr. Capello said he could bring up NHMA's response during the Public Input portion of the next Budget Committee meeting. He said the Bud Com is its own entity and the Board of Selectmen has no control over them because they are an elected board.

**Jo Kenney** said that the minutes from last week's board meeting are wrong as she did not say that Rec. Director Rick Conway would change the Recreation Advisory Committee meetings. She said she stated that if the board asked him he may change the meeting time.

Mr. Johnson said there were other issues with the minutes and that Ms. Kenney's concern would be addressed during the review of the meeting minutes.

**Michelle Forest** said she came before the board to discuss the invasive plant species known as the Japanese Knotweed. She said she was bringing the matter to the board's attention because it is presently found on Ten Rod Road and is coming up Russell Lane and it could have a huge impact on property values.

Ms. Forest said the NH Dept. of Agriculture handout describes two methods to try to control the Knotweed. Smothering is the first method which requires the placement of several feet of tarp on and around the plants which is difficult to do on the road sides. The second method involves cutting the canes and treating the plants with herbicide. The cuttings are dried and can then be composted she said.

Ms. Forest offered to assist with the identification of Knotweed locations in town, developing a yearly management, removal and storage plan and asked for some assistance from the Highway Dept.

Mr. Johnson said they don't have the authority to cut the plants along Route 11 as that is a state road. He added the Town would need permission to cut from all of the landowners around the levy to address the problem there.

Mr. Capello said the Town owns a right-of-way along the levy so landowner permission is not necessary.

Ms. Proulx noted it is the Town's responsibility to keep the right-of-way clear of vegetation.

Mr. Capello said he would discuss the issue with the Interim DPW Director and see if there is a safe place to store the cuttings at the landfill especially with the plans to install a solar garden there. He said he would contact Ms. Forest following that discussion.

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

**March 26, 2018- Public Meeting Minutes-** Page 1, Strike Ms. Kenney from the list of those present as she did not arrive at the meeting until after the board had voted to go into non-public session.

Page 8, Public Input- Strike the entire paragraph regarding Ms. Kenney's discussion with the board because it did not take place in public session or non-public session.

Page 8, item #10- Mr. Connolly said he did not cast a vote on the third motion so the vote should not be recorded as 5-0.

Mr. Johnson said the vote should be recorded as 4-0-1 (Connolly abstained).

Mr. Connolly said he would have voted as opposed but it was never asked.

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

**Non-Public Session Meeting Minutes A-E** – Session A, add the date to the title

**Motion:** (Johnson, second Titus) to accept Non-Public Session A as amended and to accept Non-Public Sessions B-E as written passed 5-0.

**Motion:** (Johnson, second Titus) to unseal Non-Public Session B passed 5-0.

### **5). RFP for Fireworks:**

Mr. Capello said this is the typical request for proposals sent out each year for fireworks for Hay Day except for changing the date.

Mr. Johnson said the first bulleted item on the RFP states "Length of show should be up to 20 minutes" and that they should be setting a minimum not a maximum for the length of the show.

Consensus of the board was to amend the wording to state "Length of show should be at least 20 minutes".

Mrs. Titus asked if a request for donations could be included in the RFP.

Mr. Capello said that donations can't be requested in a Request for Proposals.

Mrs. Titus asked if the Recreation Director has the entire amount budgeted for the fireworks show (maximum cost of show is \$3,000).

Mr. Capello said he did not know the total amount on hand for the fireworks.

Consensus of the board was to approve sending out the RFP as amended.

### **6). Start Water Meter Discussion:**

Mr. Capello said the Town has been approved for a low interest loan of approx. 2% (1% during construction with an increase to 2% after) to replace the water meters in town which are over 20 years old. He said the existing meter is no longer manufactured so they must be replaced. The money is coming from the state's court case against Exxon and the loan application must be submitted by June he said.

Mr. Capello said the estimated the cost for cellular point meters is \$480,000 which would allow customers to check their water usage on their phones and the Water Dept. would not have to physically read the meters for billing. He said he is also researching prices for mechanical meters which would be physically read with a reading "gun" as well as other options for meters.

Mr. Capello the payment options include applying for the special revenue fund loan with a quarterly fee on the water bills or to raise the water/sewer rates to pay back the loan. He said that is discussion for the board and that they need to decide how to move forward.

He said the first loan payment would not be due until one year after the completion of the project (2020) and that it would take one year to complete all of the installations if the meters are all replaced at once.

Chairman Proulx said she was waiting to see the estimated costs for the other meter options. She said she wanted to make sure it is worth taking out the loan as opposed to financing it another way.

Mr. Capello said that so far preliminary estimates have ranged from \$350,000 to \$580,000.

Chairman Proulx said those are the collective figures for each model type and that she would like to see the cost per meter per household.

Mr. Connolly asked about the warrant article at Town Meeting regarding financing the meters.

Mr. Capello said warrant article is not binding and explained that the way the law is written the

warrant article had to be approved by voters for the Selectmen to even consider taking a loan out from the special revenue fund. The Selectmen are not bound to take out the loan but if the article failed or was not presented to the voters, the loan would be off the table he said. Chairman Proulx requested that the new Selectmen be given the information previously provided by the former DPW Director.

Mr. Capello said the pricing information would be available in a few weeks and the replacement plan information would be included in the new members' packets for the next meeting.

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

**A). Wage Study Discussion-** Mr. Capello gave the board revised copies of the wage study with the union positions removed and the addition of a column that contains the difference between the Farmington maximum wage and the max average of the other responding towns. The lines with no changes are because Farmington is the only town in this study that has that particular position he said.

Consensus of the board was take the positions line by line and decide if there are any changes to be made to the minimum and/or maximum hourly wage amounts for each position. The board proposed the following changes:

Crossing Guard (not currently filled): keep the min. at \$12.50, increase the max to \$16.75

Dog Officer (not currently filled): keep the min. at \$12.99, increase the max to \$18.00

Admin. Clerk (currently not filled): (min. \$12.99, max. \$16.25) - set aside

Clerk Asst. TC/TC: keep the min. at \$12.99, increase the max to \$17.25

Planning Secretary: keep the min. at \$13.52, increase the max to \$18.00

Recreation Program Director: keep the min. at \$13.52, increase the max to \$18.00

Police Secretary: increase min. to \$15.00, increase max to \$24.35

Custodian: no change (current min. \$13.52, max \$16.89)

Assessing Clerk: keep the min. at \$13.52, increase the max to \$22.00

Minutes Clerk: keep the min. at \$13.52, increase the max to \$18

PT TC/TC: keep the min. at \$13.52, increase the max to \$18

Selectmen's Secretary: keep the min. at \$14.06, increase the max to \$20.00

Welfare Director: increase the min. to \$15.00, increase the max to \$20.00

Asst. Rec. Director: keep the min. at \$14.62, increase the max to \$19.00

Deputy TC/TC: keep the min. at \$14.62, increase the max to \$22.00

PD Admin. Asst.: (currently not filled) current min. is \$15.20, max is \$19.00- no change

Deputy Fire Chief: review per diem rates for the Fire Dept. and revisit it at the next meeting

SRO Officer: Mr. Capello will check the contract to verify if this is a union position.

Code Enforcement Officer (CEO): current min. is \$18.49, max is \$27.74- no change

Recreation Director: current min. is \$18.49, max is \$27.74 – no change

Planner: keep the min. at \$19.24, increase the max to \$40.00

Finance Admin.: increase the min. to \$23.00, increase the max to \$37.00

Police Lieutenant.: increase the min. to \$25.00, increase the max to \$40.00

Town Clerk Elected: current min. is \$20.81, max is \$31.21 – no change

Wastewater Superintendent: current min. is \$21.63, max is \$32.46 – no change

Fire Chief: increase the min. to \$25.00, increase the max to \$42.00

Public Works Director: increase the min. to \$25.00, increase the max to \$40.00

Police Chief: increase the min. to \$30.00, increase the max to \$50.00

Town Administrator: increase the min. to \$30.00, increase the max to \$55.00

Consensus of the board was vote on the new wage guidelines at the next meeting when all of the information has been finalized.

**B). TIF District Advisory Board-** Mr. Capello said that he is looking for an Economic Development Committee member to become the EDC representative to the TIF Board. He said the Town Planner should also be involved with the TIF Board and that planned to request that Mr. DeSantis attend the TIF Board meetings.

He added that this will be the first year that there is any money in the TIF District account. Chairman Proulx requested that copies of the TIF Board responsibilities be included in their packets for the next meeting.

**C). Face book Page-** Mr. Capello said the new Town Face book page is ready to roll out. He said the page is set up for informational purposes, there will be no comments allowed and any potential postings must go through him.

Chairman Proulx asked how often the page would be reviewed.

Mr. Capello said he planned to review the page as needed.

Mr. Connolly said the Conservation Commission has a Face Book page where postings are added as needed.

Mr. Capello said the Town page will provide a resource for residents to obtain accurate information as opposed to the inaccurate information sometimes posted on the two non-sanctioned Farmington Face book pages.

Mrs. Titus suggested the Town page be reviewed weekly to keep the page current.

**D). Resignation-** Mr. Capello asked the board to accept the resignation of Fire Dept. Lt. Eric Howorth who is resigning because his job will take him out of the country for months at a time.

**Motion:** (Johnson, second Titus) to accept the resignation of Lt. Howorth with regret passed 5-0.

**E). Special Counsel Representation-** Selectmen reviewed the engagement letter from Donahue, Tucker & Ciandella, PLLC to represent the Town in labor and employment matters.

Mr. Capello said the firm was recommended by the current Town Attorney Keriann Roman to handle an employment matter to be discussed in non-public session.

**Motion:** (Johnson, second Titus) to accept DTC as Special Counsel Representation for labor and employment matters passed 5-0.

Selectmen then signed two copies of the agreement.

**F). Reorganization of Municipal Offices-** Mr. Capello proposed moving the Finance Administrator's office upstairs and to move the Town Planner into the current Finance Administrator's office off the Selectmen's Chambers.

Mr. Johnson said he agreed with giving the Planner his own office as he must conduct business on the phone and in person but he did not like the idea of putting the Finance Administrator's office upstairs as there is a benefit to having the offices together in one place.

Chairman Proulx expressed some safety concerns about having an employee working alone on the second floor. She said the board has not decided what will be done with the second floor and asked if the space is intended to be filled in a piece-meal fashion.

Mr. Johnson said the only other solution would be to redesign the current Planning Dept. area.

Mr. Capello said that would be more expensive to complete than to move an office upstairs.

Mrs. Titus said there is no plan for the second floor and that it should be rented out.

Mr. Capello agreed but noted this conversation has been going on for about 7-10 years.

Chairman Proulx said there were things that had to be done along the way such as the upgrade to the second floor bathroom to even consider the use of the space.

Discussion also included creating office spaces by installing cubicles, consideration of building/fire codes and expense for remodeling or moving offices and safety concerns for someone working alone upstairs.

Chairman Proulx said she would like to revisit the issue at the next board meeting to give the board time to consider options for the space.

**G). Landfill Testing-** Mr. Capello asked the board for a motion to withdraw funds from the Landfill Capital Reserve Fund to conduct testing of the landfill monitoring wells.

**Motion:** (Connolly, second Johnson) to withdraw \$2,357.48 from the Landfill Capital Reserve Fund for the purpose of conducting testing at the Town landfill site passed unanimously.

**H). Future Technology Fund-** Mr. Capello said the board had previously approved a motion to spend up to \$7,000 for the installation of internet service for the Town wells but forgot to include the source of the funding in the motion. He asked the board to re-motion the expense.

**Motion:** (Johnson, second Titus) to withdraw up to \$7,000 from the Future Technology Fund for the purpose of installing communications services to the well pumps at Well #6 and Well #5;

**Discussion:** Mr. Capello explained that this expenditure was originally included in the operating budget but the board decided to fund the project from the Future Technology Fund. He said the project includes the Pound Road and Bay Road sites and the pump houses for Town Wells #6 and #5. The new service will operate more efficiently and save the Town some money when the phone service is removed as the Town gets MetroCast internet service for free he said.

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

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

**A). Streetlights-** Chairman Proulx asked for an update on the street lights that are not functioning properly.

Mr. Capello said the company has a list of the lights provided by the Police Dept. and a crew is scheduled to begin making repairs soon.

**B). Plow Truck Reimbursement-** Ms. Proulx asked about the appraisal breakdown for the plow truck that caught on fire last month.

Mr. Capello said the Town will receive reimbursement of more than \$64,000 and that he and the Interim DPW Director will soon begin discussions about replacement of the truck.

Mr. Connolly asked if the investigation on the cause of the fire has been completed.

Mr. Capello said the investigation is complete but the truck was too badly burned to determine the cause of the fire.

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

**Motion:** (Johnson, second Titus) to enter non-public session under RSA 91-A: 3 II (b) Hiring passed 5-0 by a roll call vote (Proulx, Johnson, Connolly, Place, Titus- yes) at 7:45 p.m.

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

#### **10). Legal Consultation:**

**Motion:** (Johnson, second Connolly) to recess the meeting to consult with the Town Attorney passed unanimously at 8:10 p.m.

The meeting reconvened at 8:33 p.m.

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

**Motion:** (Johnson, second Titus) 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 (Proulx, Johnson, Connolly, Place, Titus-yes) at 8:33 p.m.

**Motion:** (Johnson, second Place) to come out of non-public session passed 5-0 at 8:45 p.m.

**Motion:** (Johnson, second Connolly) to accept the offer from Alan Demasiunas of \$41,611.32 for the purchase of Town owned property located at 39 White Birch Lane (Map U13, Lot 031) contingent upon the clean up and fix up of the property as stated in his offer letter within six months of closing on the property passed 5-0.

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

**Motion:** (Johnson, second Titus) 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, Connolly, Place, Titus-yes) at 8:45 p.m.

**Motion:** (Johnson, second Place) to come out of non-public session passed 5-0 at 8:55 p.m.

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

#### **13). Non-Public Session D:**

**Motion:** (Johnson, Titus) 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, Connolly, Place, Titus-yes) at 8:55

p.m.

**Motion:** (Johnson, second Titus) to come out of non-public session passed 5-0 at 9:08 p.m.

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

**Motion:** (Johnson, second Titus) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 5-0 by a roll call vote (Proulx, Johnson, Connolly, Place, Titus-yes) at 9:08 p.m.

**Motion:** (Titus, second Place) to come out of non-public session passed 5-0 at 9:30 p.m.

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

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

**Motion:** (Johnson, second Titus) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 5-0 by a roll call vote (Proulx, Johnson, Connolly, Place, Titus-yes) at 9:30 p.m.

**Motion:** (Johnson, second Titus) to come out of non-public session passed 5-0 at 9:35 p.m.

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

**16). Next Meeting:** Monday, April 9, 2018 at 6 p.m.

**17). Adjournment:**

**Motion:** (Titus, second Connolly) to adjourn the meeting passed 5-0 at 9:35 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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Paula Proulx, Chairman

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Neil Johnson, Vice Chairman

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Dave Connolly

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TJ Place

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Ann Titus