

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, March 13, 2023
356 Main Street-Farmington, NH 03835

Board Members Present:

Gerry Vachon, Chairman
Charlie King, Vice Chairman
Ann Titus
Doug Staples
Penny Morin

Others Present:

Ken Dickie, Town Administrator

1). Call to Order:

Chairman Vachon called the meeting to order at 5:30 p.m.

2). Non-Public Session A:

Motion: (King, second Titus) to enter non-public session under RSA 91-A: 3 II (a, c) Investigation of Charges, Reputation passed 5-0 by a roll call vote (Vachon, King, Titus, Staples, Morin-aye) at 5:30 p.m.

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

3). Non-Public Session B:

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 (Vachon, King, Titus, Staples, Morin-aye) at 5:35 p.m.

Motion: (Morin, second Staples) to come out of non-public session passed 5-0 at 5:40 p.m.

4). Non-Public Session C:

Motion: (Morin, second Staples) to enter non-public session under RSA 91-A: 3 II (d) Acquisition of Property passed 5-0 by a roll call vote (Vachon, King, Morin, Staples, Titus-aye) at 5:41 p.m.

Motion: (Morin, second Staples) to come out of non-public session passed 5-0 at 5:45 p.m.

5). Non-Public Session D:

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 (Vachon, King, Titus, Staples, Morin-aye) at 5:45 p.m.

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

6). Reconvene Public Session:

Chairman Vachon reconvened the public session at 6 p.m.

7). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

8).Public Input: None

9). Review of Minutes:

March 6, 2023-Non-Public Sessions A & B- No errors or omissions

Motion: (Titus, second Morin) to accept the minutes as written passed 5-0

March 13, 2023- Non-Public Session A

Motion: (King, second Staples) to seal the minutes of Non-Public Session A for one year 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 (Vachon, King, Staples, Titus, Morin-aye).

March 6, 2023-Non-Public Session B-

Motion: (Morin, second Staples) to seal the minutes of Non-Public Session B for one year 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 (Vachon, King, Morin, Staples, Titus-aye).

10). Old Business:

Selectmen Pro-Tem for Elections- Mr. Dickie said this was included on this agenda because tomorrow would have been the elections but it has been postponed to March 28 from 8 a.m. to 7 p.m. due to the storm coming in tomorrow. He said he put it on there in case the board wanted to name anyone to represent them at the table. He said according to the information he received from the Town Attorney Mrs. Titus and Mr. Vachon are all set because they are running unopposed. He said they can sit at the table but they are not to handle any ballots but where Mr. King is running opposed he would have to name someone to replace him.

Mrs. Morin asked if it can't be a Town employee.

Mr. Dickie said it can't be a Town employee and has to be a resident who is a registered voter.

Mr. King asked if one of them does not have a person they appoint it appears that the Moderator is authorized to appoint someone if necessary.

Mr. Dickie said that's correct and he provided that so if they wanted to name someone they could and they have a couple of weeks to think about it.

Mr. Vachon said they have to name at least one person because there are 3 board members on the ballot and 3 members have to sign and that only leaves 2 members.

Mrs. Morin said she thought they could still sign if they're running because they're not touching any of the ballots they're signing the tapes.

Mr. King said they are signing that the boxes were sealed.

Mr. Dickie said he could run that by legal counsel just to make sure.

Mrs. Morin asked if the School Board members were planning on being there all day as well.

Mr. King said he didn't know and asked if they are saying that's a requirement now.

Mrs. Morin said yes and that she spoke to the School Board Chair about it.

Mr. King said the Chair would let the board members know.

Mr. Vachon said he would still like to designate a pro-tem for himself because we don't know

what the weather is going to bring and he may have to be at work even if it's not a snow storm big enough to cancel the elections.

Mrs. Morin said he could give that name to Mr. Dickie and he would give it to the Moderator or give it to her and she will give it to him (Town Moderator Mike Morin).

Mr. Vachon asked if that has to be a motion the board agrees on.

Mr. King said it doesn't appear they have any part in that and read from Att. Keriann Roman's e-mail that per RSA 658:21-a "...the Selectman is authorized to appoint a Selectman pro tem to perform his or her duties. If one or more Selectmen are absent or unable to perform their duties and have not appointed Selectmen pro tem or if a Selectmen pro tem is absent or unable to perform his or her duties for all or any part of the day the Moderator is authorized to appoint Selectmen pro tem to perform their duties." He said the only question would be is whether your selection is excluded by state law and that would be up to the Moderator to determine if they meet the legal requirements.

Mr. Vachon said according to legal his selection is perfectly fine and he already asked Att. Roman just to be sure and the person is a registered voter and a Farmington resident.

Mrs. Morin asked if the person has to be a registered voter.

Mr. Dickie said you have to be a registered voter to be an elected official.

Mr. Vachon asked if the pro tem would have to come down and be sworn in for the day.

Mrs. Morin said they would have to get sworn in by the Moderator according to the bottom of the attorney's e-mail.

Third Party Engineering Firm for Planning Board- Mr. Dickie said he gave the board copies of the information that came from Planning Director Kyle Pimental and that he, Mr. Pimental, Mr. King and Bldg. Insp. Ron LeMere interviewed 5 engineering firms and narrowed it down to Dubois & King and Tighe & Bond. He said their thought was to go with both firms as they both have their unique abilities- Tighe & Bond has the levee ability and Dubois & King has survey abilities.

Mr. King said Dubois & King have an in-house surveyor and an in-house wetland scientist and has broad experience and that everybody picked these 2 firms as their top two. He suggested they both be put on a retainer contract as it is an as-needed service and to start Dubois & King with the Planning Board responsibilities and if they lack some expertise they can reach out to Tighe & Bond but also to kick off the levee review with Tighe & Bond based on their experience to give us second opinion on our issues with FEMA.

He said it also gives us the flexibility the first year to make sure they're performing the way we want without having to search for somebody else. He said they had quite a few subcontractors that were good and these came up to the pick of the litter for what we felt we needed but time will tell. He said they need to look at some other engineering firms on a project basis and we could use a second set of eyes for levees and bridges.

Mrs. Morin asked if we only have the paperwork for Tighe & Bond.

Mr. Dickie said that is because of the levee and he was looking for support to allow them to spend the \$3,500 to have them start their investigation of the levee.

Motion: (King, second Vachon) to authorize the Town Administrator to sign on behalf of the board to execute a contract for levee services in the amount of \$3,500 passed 5-0.

Motion: (King, second Morin) to enter into an as-needed contract for Planning Board services with Dubois & King for 12 months;

Discussion: Mr. King said almost all these fees would be paid by the applicant at the Planning Board reviews but at times the Town may want to enlist their services for other stuff we may need that would have to come back here to approve unless they authorize Mr. Dickie to do it.

Vote: The motion passed 5-0.

Plodzik & Sanderson Board Questionnaire- Mr. Dickie said he received the audit firm's board questionnaire and the audit starts on March 27 and he would like to have the questionnaire completed before the audit starts and asked the board if they wanted to do it tonight or at the March 20 board meeting.

Consensus of the board was to do it now. Mr. Dickie then read the questions aloud as follows:

1). Do you have knowledge of any fraud or suspicions of fraud affecting your entity? A: No

2). Have you received any communications from employees, former employees, regulators or others alleging fraud? A: No

3). Have you identified any specific risk of fraud within the entity? A: No

4). Has the board adopted a universal code of ethics for members and employees to follow? A: Yes

5). If yes does the document prohibit elected officials and employees from doing business with the Town? A: No

Mr. Vachon said he didn't believe it does because they put things out to bid by sealed bid.

Mr. King said the question was not specific enough to answer correctly because they don't know what they are referring to as business. He said they have a code of conduct and conflict of interest requirements and if it doesn't violate them it would be allowed because it doesn't describe what type of business it is. He asked for clarification on exactly what the question is with a couple of scenarios. Mr. Dickie said he would ask about this.

6). Have you or a related party of yours had any interest direct or indirect in any of the following transactions, pending or incomplete transactions since Jan. 1, 2022 to which the Town or any retirement, savings, pension or other similar plan was or is to be a party: sale purchase, exchange or leasing of property? (No); receiving or furnishing goods, services or facilities? (No); transfer or receipt of income or assets? (No); maintenance of bank balances, compensating balances for the benefit of another? (No) or other transactions? (No)

7). Does the board have any concerns about known related party relationships? A: No

8). Does the board formally authorize all disbursements of both vendor and payroll prior to the release of funds? A: Yes

Mr. King said yes with the caveat of "or their designee" as the board may designate Mr. Dickie to release them on behalf of the board.

9). Describe how the board stays informed with the latest changes in the laws and regulations pertaining to the Town. A: the Town is a member of the NH Municipal Assoc., through notifications brought to the board by the Town Administrator, through the media-newspapers, internet and TV

10). Does the board review comparative reports of estimated and actual revenues, appropriations and expenditures? A: Yes

11). What procedure does the board follow in reviewing these reports? For example does the board normally meet with the dept. heads as part of this process? A: the Selectmen and Budget Committee receive monthly reports, ask questions or for additional information from Mr. Dickie and if needed call in a dept. head to meet with the board.

12). Has the board approved a disaster recovery plan in the event of loss or interruption of the IT functions? A: Mr. King said this needs a review so they can figure out how to answer the question. Mr. Dickie said Admin. Asst. Erica Dickie-Yelle is completing that and it won't be spilled out to the employees but it's in process and they will have the procedures completed. Mr. King asked if that would be done before this is due.

Mr. Dickie said the plan is to get it done and to the March 20 board meeting so they can look at it before the audit starts.

13). Is there a written investment policy adopted? A: Yes Mr. King said they should dig that out but he believes the answer should be yes. Mr. Dickie said he would look into it.

14). Have you adopted the use of credit or debit cards by employees? A: Yes

15). Does the board have knowledge of any funds or bank accounts that are not in the custody of the Treasurer? A: Mr. King asked about the accounts held by the Trustees of the Trust Funds and that they manage those accounts and have authorization to disperse them.

Mr. Dickie said he would put down yes and the Treasurer and the Trustees of the Funds.

16). Has the board approved a fund balance policy in compliance with fund balance reporting and government funds type definitions? A: Mr. King said they should review it if they have one. He said they have an historical pattern of how they manage the fund balance but he didn't know how well it's been documented as into a policy. He said it has been pretty consistent with 8% as being the bottom.

Mr. Dickie said there is a fund balance policy that was voted on by the board to maintain an 8% fund balance and no lower than 5%.

Mr. King said then the answer would yes but some of these policies they're pointing to they may want to pull them out and see if the board wants to readopt/edit them especially the investment policy because they don't invest the taxpayers' money it's typically sitting in a bank account or money market and what that is asking is if we invest in stocks and bonds and we don't do that and it should state that.

Mrs. Morin said they may just need to look at what they have for policies and that she is not up to date with the policies.

17). Provide your years of service and a brief description of your background.

Mr. Dickie said the board could send that information to him and he would write it in for them. He said this is the first time he has seen that and the board members noted that this was the first time they have been asked for that information.

Mr. King suggested Mr. Dickie send an e-mail to everyone asking them to answer this question.

Mr. Dickie said then they could reply it back and he would fill it out.

Governor's Road – Mrs. Titus said a resident said that Governor's Road seems to be the last to be plowed and she didn't know if that was true or not. She said she wanted to bring it to the board to see if anybody knew how Governor's Road gets plowed.

Mr. Staples said he plows a few driveways up there and it's not one of the worst plowed roads in town.

Mr. Dickie said during the last storm we had 4 trucks down so all the roads weren't plowed in a timely fashion.

Mr. Staples said the last road he has seen plowed is Dick Dame Lane and he had to drive through 8" of snow the last time to get to the driveways he plows up there.

Mr. Vachon said it should be on the way back from Rochester on Chestnut Hill and they should go up Dodge Cross Rd., take a right on Governor's Rd., go all the way down to Rochester, turn around and come back and do Richard's Way, Labrador and all of those up there as they go, go all the way to Milton and turn around and go back down Dodge Cross Rd. back out to Chestnut Hill Rd. All plow trucks should turn right especially with a wing on them he said.

He said with the storm expected tomorrow it could be up to an inch an hour and when it gets that heavy and that fast it may seem like it doesn't get plowed but it will get plowed and by the time the truck gets back around it's probably going to have 3" on it because it's probably going to take the trucks 3 hours to get around a route one time depending on how hard it's snowing.

Bridge Repairs Engineering- Mr. King said Mr. Dickie said he talked to the bridge engineer about revising the scope of work for the bridge repairs and asked if he ever sent that to him. Mr. Dickie said he contacted him and told him he needs to make sure that the \$105,000 allocated in the American Rescue Plan Act funds is still adequate or if less could be spent and he hasn't seen that back yet.

Mr. King said spring is coming and they need to get that Request for Proposals out at the start of the season to even have a shot at getting any of those repairs done or else people will be booked for the entire summer and fall seasons. Feel free to encourage his efforts if he wants to continue to get paid. This is getting old and he was here in-person and he should have seen our desire to get it done he said.

Mr. Dickie said he would reach back out to him. He said they gave the Town a 60 page contract that had to be weeded down and that was last he saw.

Mr. King said this only involves the Town's money so it's not to the level of the State Bridge Aid requirements and some of the stuff is pretty basic and some of the stuff requires the skill sets for certifications.

Mr. Dickie said he asked the engineer to water it down and in his opinion it should be 10 pages at the most and he would see if it's ready to go back before the board.

Mr. Vachon said they are not building a bridge they're just fixing issues and there's no reason for a huge bid document for that.

Solar RFP- Mr. Vachon asked where they stand with Mr. Pimental and the RFP for solar.

Mr. Dickie said he just started researching today other NE solar companies to send the RFP to.

Mr. King said he received an e-mail from Manny Krasner regarding this and forwarded it to the board so he assumed that was what he was referring to. He said he responded to Mr. Krasner and he had some good points and he wanted to bring to the public record that he thought they should go out to RFP not just consider the people that were before the board and that makes sense. We want to see proposals that are in the best interests of the Town and the taxpayers whether or not they can spill some of that over to the residents or businesses in town as far as savings on the solar or use it for the municipality but they don't know what those scenarios are so that's why we need to put out a Request for Proposals. Let's get cracking on it and maybe these guys will quote or maybe they won't but either way we should consider any and all qualified bidders he said.

Mr. Vachon said he thought they asked them to get with Mr. Pimental and get the RFP drafted for the board.

Mr. Dickie said Mr. Pimental was resisting doing the draft until they got through with the company that came before the board last week (Walden Renewables) and he will contact Mr. Pimental and tell him the board heard their pitch and they still want to go out with the RFP.

Mr. King said they have a major project with a timeline and this would be an additional project and we need to consider them separately and they have a timeline for when they want to get to it. He said the taxpayers had a good point and that he and the board agree they should put this out for this calendar year and see what we can get and if these people want to be in the mix they will put forth a competitive proposal.

Mr. Vachon asked if Mr. Pimental has an RFP done.

Mr. Dickie said he has one he just has to tell him to "pull the trigger" and get it out there.

Consensus of the board was they would like to see it before it goes out.

Mr. Vachon asked to have a copy of it included in their meeting packets and on the agenda for next week's board meeting.

11).New Business:

Bridge- Mr. Dickie said last week he was tasked to go out for potential flexibility because the state funding was specifically slated only for the River Road Bridge and we have a warrant article for that and if that passed we would like to utilize the money for another red listed

bridge which would fall in line with the time line based on construction on this beginning in 2027. He said he sent a letter to NH Dept. of Transportation Municipal Highways Engineer Charles Willeke requesting to let us use the money on any of our red listed bridges and in the 2nd paragraph of Mr. Willeke's response he stated they can't agree to spend the estimated \$1.375 million (shared 80% State/20% Town) on a variety of red listed bridges based on bridge aid rules and the complexity of partially funding multiple bridges to bridge aid standards but they do agree that if one other red listed bridge is a priority for the Town over the River Road Bridge based on local issues and prior plans they could fund that priority bridge instead of the River Road Bridge. Based on your letter we will plan on the Town being interested in funding the Spring Street Bridge over the Cocheco River Mr. Willeke said.

Mr. King asked if they should agree with that and correspond with that. He then asked if that was based upon their analysis that is the next bridge that should be repaired.

Mr. Dickie said it based upon on how they prioritized the bridge based on the conditions of the bridges on the red list.

Mr. King asked if they knew what the expected repair on the Spring St. Bridge was. He said if they are going to put \$1.375 million to it and it's a \$2 million bridge and it's 20% funding we have to come up with the rest. He asked if they should do some research on this and then at the next meeting say yes that makes sense thank you and please put that to that allocation and then have a board vote because they may want to look at the supporting documents for the Spring St. Bridge. He said some of the repairs in the \$105,000 were slated for the Spring St. Bridge and if it would potentially be redone in 2027 do all of those repairs make sense to do.

Mr. Staples said the Spring St. Bridge had some extreme dangerous things and asked if those were taken care of.

Mr. Vachon said the rebar sticking out of the sidewalk and the sidewalk were taken care of.

Mr. King said if it's slated to be fixed maybe some of those repairs would not get done. He said he would hate to spend \$135,000 on that if it's going to get redone 2 years later.

Mr. Vachon said they will have to dig out the bridge report and it will show how much of the \$105,000 would be for Spring St. and what needs to be done to get it up to par.

Mr. Dickie said he also developed a letter from the board and addressed it to NH DOT Commissioner Bill Cass and read it aloud as follows: "Please accept this letter on behalf of the Town of Farmington as an expression of our gratitude for the NH DOT providing our town with funding of \$1.375 million with 20% match from the Town. This funding will allow the Town to continue the reduction of red listed bridges categorized by the state. The Town has a warrant article going before the voters for a bond to replace Hornetown Rd. (bridge) and relocate the temporary bridge if the warrant article passes. With this allotment of funding the Town will be able to remove 3 of the 5 red listed bridges. As we move forward please keep the Town of Farmington in mind of the remaining red listed bridges and any additional funding as it becomes available. Again, thank you and looking forward to working with you in the future."

Mr. King said he needed to add where it says the relocation of the temporary bridge "to a permanent placement on River Road".

Mr. Dickie said he wanted to send a thank you because we really didn't have an application in because that was all shut down and was one of the reasons we weren't supposed to get money. Having that meeting this summer and having him sit before us was a good move on the board's part and it actually got us in the door and got us some money coming our way so I wanted to say thank you and keep us in mind going forward he said.

He said having the board's signatures speaks louder and he would amend the letter to provide signature spaces and return it to board next week for their signatures and then send it out.

Reporting Policy –Mr. Staples asked what the policy is if our drivers see people blow snow into the roads or plowing it into the roads. He asked if they are supposed to call it into the Police Dept. or call it into the Highway garage to report it.

Mr. Vachon said it should be reported to Highway Dept. Supervisor Ed Brannon who calls it into the PD so the PD is not getting inundated with calls from the drivers.

Mr. Staples said that a driver asked why even bother when he was told the PD is not supposed to leave the station in a snow storm which he finds hard to believe.

Mr. Dickie said they could address it after because it was witnessed by one of the Town employees. He said they had that conversation with Chief Orlando when they had a kickoff meeting before the winter with Mr. Brannon, Water/Sewer Depts. Supervisor Chuck Tiffany, he and Chief Orlando to iron out how to handle different situations and that topic was discussed.

Mr. King said if the residence number is known those residences have phone numbers that may be on file and they can pick up the phone and call them and tell them that that is not allowed and not necessarily have to go there with a cruiser to bang on their door.

Town Meeting- Mr. Vachon said the elections are postponed to 3/28/23 but the Town Meeting is still on for 03/15/23 at 7 p.m. at the Town Hall and just the voting changed due to the storm.

12). Next Meeting: Monday, March 20, 2023

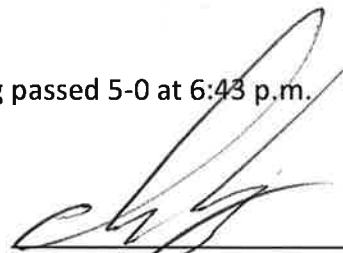
13). Adjournment:

Motion: (Morin, second Staples) to adjourn the meeting passed 5-0 at 6:43 p.m.

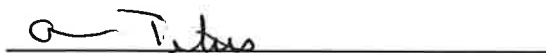
Kathleen Magoon, Recording Secretary



Gerry Vachon, Chairman



Charlie King, Vice Chairman



Ann Titus



Penny Morin



Douglas Staples