

Town of Farmington
Board of Selectmen – Public Meeting Minutes
Monday, June 6, 2016
Selectmen's Chambers
356 Main Street

Board Members Present:

Charlie King, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Paula Proulx

Ann Titus

Others Present:

Town Administrator Arthur Capello

Fire Chief James Reinert

Rep. James Gray

Resident Elizabeth Johnson

1). Call to order/Pledge of Allegiance:

Chairman King called the meeting to order at 6:05 p.m. All present stood for the Pledge of Allegiance.

2). Public Input:

Rep. James Gray, (Rochester, Ward 6) came before the board to introduce himself and discuss the Tax Consultant for the Elderly program. He said that presently there is no one providing this free service in Farmington and urged residents to consider getting involved in the volunteer program. The training is provided free of charge by the IRS and someone with some computer skills and some general knowledge of tax laws would be a good candidate for the position he said.

Rep. Gray, who is also a Rochester City Councilman, a member of the Farmington Country Club and provides tax consultant services at the Holy Rosary Credit Union, announced he is running for the State Senate in the Republican primary in September.

Mrs. Titus will contact Economic Development Committee Chairman Resta Detwiler and suggest Rep. Gray be invited to attend an upcoming EDC workshop.

3). Review of Minutes:

May 23, 2016- Public Session- Page 1, Public Input, A). Disposal Fees-add "per year" following "\$800"; Page 6, #13, Additional Board Business, A). 79-e District E-mails- remove ""the e-mails regarding" and change "were" to "was" in the first sentence, add "the 2014" before "Town Meeting".

Motion: (Johnson, second Horgan) to approve the minutes as amended passed 5-0.

May 16, 2016- Non-Public Session A:

Motion: (Titus, second Johnson) to approve the minutes as written passed 5-0.

May 16, 2016- Non-Public Session B:

Motion: (King, second Proulx) to approve the minutes as written passed 5-0.

Motion: (Johnson, second Horgan) to unseal the minutes. After some discussion no vote was taken and the motion and the second were withdrawn. Consensus of the board was to table the matter and discuss the content in non-public session.

Motion: (King, second Titus) to table the matter passed 5-0.

May 23, 2016- Non-Public Session A-

Motion: (Titus, second King) to approve the minutes as written passed 5-0.

4). Policy Review:

A). Vehicle Policy- Selectmen asked Mr. Capello to further clarify the reimbursement of mileage for use of personal vehicles on town time and return it for additional review by the board.

B). Conduct of Raffles/Tagging- The board reviewed proposed rules and regulations, application for a permit and a copy of RSA 287-A. They then suggested the following additions/changes:

Line 4- include permits should be “displayed” on premises, Line 5- each applicant must comply with RSA 287-A, Line 7- add all raffle tickets must comply with state law, Line 11- include what level of prosecution will result for failure to obtain a valid permit, add a line for length of term for the permit and on Page 3-change “swears and takes oath” to “swears and affirms”.

C). Procedure for Responding to a Request for Information- Selectmen reviewed the revised policy to be adopted to assist the town in compliance with the Right to Know law (RSA 91-A). Selectmen suggested Section 4 be clarified to read the town must respond within 5 days as to when the requested material will be available if it is not available immediately. If the request is regarding the Town Administrator the Selectmen will handle the response. In Section 6 add “pages” after 25 and add language to clarify when a fee is/is not charged.

D). Complaint Procedure- Selectmen discussed that the shortened procedure is missing some of the direction given in the original procedure. Consensus of the board was to request Mr. Capello put back in all of the procedures from the original procedure and to include language on the complaint form and the town web site notifying the complainant that the alleged violator will be provided with information on who complained if requested.

E). Town Sponsored Face Book Page Policy- Selectmen reviewed a draft policy meant to provide guidelines for a proposed official town Face Book page. Concerns included the new page won’t reach the whole town, it’s not the right time to start an official page, the town web site does not display well on phones, this policy is inconsistent with the practice allowed on other dept. Face Book pages (comments are allowed), cost/time involved for a town employee to post on and maintain the page and the posts would need to be reviewed before posting. Mr. Capello will obtain the cost estimates for the page and the current number of subscribers to the town e-mail notifications system and provide the information to Selectmen.

F). Fee Schedules- Mr. Capello said he asked Planning and Codes Secretary Diana Proulx and Building Inspector Dennis Roseberry to review planning and building fees. He said Mrs. Proulx informed him that publishing costs to post legal notices/ads depend on the size of the notice/ad and that actual costs are not in line with fees charged. She proposed an increase from \$75 to a \$180 charge upon submission of an application to cover those expenses.

He said Mr. Roseberry suggested the electrical and plumbing permit fees be increased by \$25 to \$50 per permit to better reflect the true cost to the town. Mr. Roseberry also suggested implementing a \$250 “after the fact” fine for work begun without a permit Capello said.

Discussion included finding a cheaper option to post notices, setting floating fees depending on actual cost to the town, not harming the “little guy” who is unaware of the requirements, the after the fact violator will have to pay the fine and

the permit fee, dealing with habitual offenders, put a value on the construction and put the new fine/changes in writing so the Building Inspector and Police Dept. can enforce it. Mr. Capello said he will write a draft of the proposed changes and if the board decides to move forward with the changes a Public Hearing will be scheduled.

Recess- Motion: (Horgan, second Johnson) to take a five minute recess passed 5-0 at 7:05 p.m. The meeting reconvened at 7:15 p.m.

6). AED's and Heart Safe Town:

Fire Chief James Reinert came to the board to discuss the process and associated costs in making Farmington a Heart Safe Community. He said the program would increase the potential to save lives by getting town employees CPR/AED certified, includes purchasing five Automatic External Defibrillators (AED's) to be placed in town buildings and provides free training classes to the community throughout the year. He said the start up costs would not exceed \$5,000 for all the necessary equipment and CPR training and upkeep of the equipment will come from the Fire Dept.'s annual operating budget going forward if approved. Discussion included increasing a person's survival rate from cardiac arrest by use of an AED before EMS personnel arrive, bystanders who act with due diligence and common sense are covered by the "Good Samaritan" law, each battery has a five to seven year life span, there is little long term maintenance of the machines, the school district has three AED's, the Goodwin Library is interested in participating in the program, compile a list of local businesses with AED's on site and if approved the Town Administrator/Fire Chief will figure out a way to pay for it. Mr. Capello then suggested the town may be able to take \$5,000 from the expected reimbursement from the Chief Fowler embezzlement case to pay for the program.

Motion: (King, second Johnson) to approve spending up to \$5,000 to bring the town up to being a Heart Safe Community to include the purchase of five AED's and accessory equipment passed 5-0.

Grant Updates- Selectmen also asked the Chief for a status report on the grants available for thermal imaging/air pacs and the pumper tanker. Chief Reinert said the application for the FEMA grant to be used to purchase air pacs was not the highest score in the group of agency applications but it was not removed from the list. He said the application may get "tweaked" and will still be eligible in the next round of awards in August or September.

Chief Reinert then said he was informed that the application for grant for the pumper tanker scored the highest score ever seen by the peer review but the application has been "kicked back" possibly due to some technical issue. He said the town is still in the running for the pumper and he plans to re-submit the application in August.

Resignation- Chief Reinert also forwarded the letter of resignation from Mike Nadeau to the board.

Motion: (King, second Horgan) to accept the resignation of Mike Nadeau with regret passed 5-0.

7). Groen Construction Contract and Update:

Mr. Capello told the board that following a review by the construction company and their lawyers the contract for the new Public Safety Building was signed and delivered to the town. No changes were made he said.

Mr. Capello also told Selectmen that during the meeting with Fenton Groen and Jeff Greenhaugh an offer was made to forgo a performance bond and to sign a guarantee on behalf of the company and personally by the owners that the project will be completed as stated in the contract. This would save the town about \$70,000 Capello said. Discussion included a guarantee would require an asset be secured as collateral in the event the construction company went out of business or failed to comply with the contract, not gambling on behalf of the taxpayers, a decision needs to be made quickly as the company is in the process of getting the bond and to get more information from the company.

Motion: (Horgan, second Johnson) to decline the offer to eliminate the performance bond of \$70,000 failed 1-4. (Horgan- in favor, Johnson, King, Proulx and Titus- opposed).

Motion: (King, second Proulx) to table the matter to allow the company to supply the board with more information passed 4-1 (Horgan opposed).

Mr. Capello then said the clearing of the site for the new building has begun. The town has received the Alteration of Terrain permit but has yet to receive the driveway permit from the state. He added that the DOT has requested more information about the driveway permit application but he does not know if that means the 60 day time frame to approve or deny the permit has been re-started by the request.

The board also discussed plans for the groundbreaking ceremony to be held on Friday, June 24 at 2 p.m. at the site located on Rte. 153 across from the Farmington Country Club. The event will be announced in the newspaper and all area media outlets will be invited to attend Capello said.

Motion: (Horgan, second Johnson) to spend up to \$350 for refreshments for the groundbreaking ceremony passed 5-0.

8). Extra Work Station:

Mr. Capello requested approval to purchase a computer, monitor and software to set up an additional work station in the office used by the Finance Administrator and the Assessing Clerk. He suggested the funds be taken from the Future Technology Capital Reserve Fund.

Motion: (Horgan, second Johnson) to spend up to \$1,000 with the funds to come out of the Future Technology Fund passed 5-0.

Mr. Capello then told the board that the data back-up storage system has been successfully installed in the safe and was completed within the budget set up for the project.

9). Fowler Update:

Mr. Capello said the auditor has completed the audit in reference to the fraud committed by former Fire Chief Fowler. Primex is reviewing the report and it is expected the town will receive approx. \$187,000. Selectmen may decide how the funds will be spent as they are considered undesignated funds and they do not have to hold another Public Hearing based on the motion to accept funds in any amount approved at the Public Hearing held on August 24, 2015. He suggested the board consider spending some of the funds to do something for the Fire Dept. or the tax rate.

Mr. Johnson asked if a copy of the Trustees' Report is available. He noted that minutes from their meetings over the last 2 years have not been posted and he would like to see what is in the Capital Reserve Funds.

Mr. Capello said that the Trustees have probably been taking minutes of their meetings but they have just not been posted. He will request a copy of the report he said.

Mr. Johnson then asked when the town would receive a final determination from Primex and how the incident has affected the town's insurance rates. Mr. Capello said he expects to receive the final decision on how much is owed the town in about a month and said the town took a big hit on insurance premiums this year and will pay increased rates for five years due to this incident.

10). Set Ground Breaking: See Item 7.

11). Motion for Withdrawal from Capital Reserve:

Motion: (Horgan, second Johnson) to withdraw \$14,356.70 from the Landfill Closure Capital Reserve Fund to reimburse the general fund for permits, monitoring and reporting at the landfill passed 5-0.

12). Additional Board Business:

A). Surplus Van- Mr. Capello said the School Board declared a 2005 Ford Freestar van with 267,000 miles as surplus property and Business Administrator Laurie Verville inquired as to the town's interest in taking ownership of the van.

Motion: (King, second Johnson) to accept the van from the School District contingent on approval of the town mechanic that the vehicle is not a mechanical or rust liability passed 5-0.

B). Fire Station Lots- Mr. Capello asked if the board wished to move forward with the sale the lots where the existing Fire Station is located. Mr. Horgan said the board could not move forward until the lot lines and easements for the three properties are satisfied. Mr. Capello suggested a survey is needed and asked the board's permission to obtain a survey of the properties. Chairman King said the survey work may cost a substantial amount and said the work needs to be put out for Request for Proposals (RFP).

Motion: (King, second Horgan) to get an RFP for the survey work passed 5-0.

C). Letter to Reps. and Senator- Mr. Capello told the board that the letter to Reps. Whitehouse and Pitre and Sen. Cataldo seeking their assistance in getting the bill for town services provided at the Trump campaign event paid has been sent out and there has been no response as of yet.

D). Police Reports- Mrs. Titus asked if the Police Dept. files/reports could be put on discs to help alleviate some of the space issues at the current Police Station. Mr. Capello said the dept. must keep paper copies and that they have some additional storage space available until the new building opens.

E). Main Street Parking- Mrs. Titus said some business owners on Main street asked if the missing 2 hour parking signs could be replaced. Mr. Capello said DPW Director Dale Sprague plans to replace the signs when the schedule allows.

F). Cemetery Conditions- Mrs. Titus reported that several residents complained about the conditions at the Farmington Cemetery. She noted that the town has no control over the cemetery and there is an association which owns, operates and maintains it. She advised residents to address their concerns to the Farmington Cemetery Association, P.O. Box 16, Farmington, NH.

G). Town Hall Repairs- Mr. Horgan asked about the progress of repairs to the Town Hall building. Mr. Capello said one gable end of the building has been repaired and the repairs to the other end of the building are in progress. The contractor will then bring the lift to the Municipal Building to begin work on the cupola. The chimney work will begin as soon as he can schedule it he said.

H). Municipal Building Repairs- Mr. Capello said the leak in roof has been fixed, the trim around the windows has been replaced, the back porch vinyl will be repaired and the ceiling tiles on the cupola will be replaced. The Community TV Coordinator's office has been moved from the Town Hall to the second floor of the Municipal Building and some of the area there is also used for storage he said. He added that the second floor bathroom has not yet been brought into ADA compliance and he plans to meet with Building Inspector Dennis Roseberry to discuss costs for the work. Mr. King said the bathroom work must be completed or the space will have to be closed off. Mr. Capello said the space could still be used but it could not be opened to the public if it is not ADA compliant. Mr. Horgan added the security around the Selectmen's Secretary's desk should be addressed if contractors or members of the public will be accessing the area to use the elevator. Mr. Capello will provide a cost estimate for the bathroom work in two weeks.

Mr. Horgan also suggested the telephone wiring on the second floor be enclosed. He then requested an update on the repairs to the fence between the Municipal Building and the adjacent dentist office that was damaged due to an oil leak on the dentist office property. Mr. Capello will speak with the property owner.

I). Police Firing Range- Mr. Horgan asked if the modifications to the former gravel pit turned Police Dept. firing range have been completed. Mr. Capello said the all of the modifications have been completed and the range is up and running.

J). Surplus Equipment- Mr. Horgan asked if there is any town owned surplus equipment left for sale. Mr. Capello said the two Army trucks remain as town property as the previous bidder never picked them up. The last RFP resulted in no response and he suggested the board try again to sell the vehicles.

K). Memorandum of Understanding- Chairman King requested discussion of the rough draft of the M.O.U. between the town and the school district to set the terms for reimbursement to the town for expenses for any non-school function be placed on next week's agenda.

L). TV Disposal Charges- Mr. Johnson requested information on the current TV disposal charges in town and surrounding communities. Mr. Capello will provide the information at the next meeting.

M). Solar Power Proposal- Mr. Johnson requested an update on the proposal to produce electric power at the landfill. Mr. Capello said he sent copies of the town's electric bills to NH Solar Garden and the town attorneys are reviewing the contract proposal. The DPW Director is also working on a cost estimate for brush collection at the Transfer Station he said.

13). Next Meeting: Monday, June 13.

14). Non-Public Session A:

Motion: (King, second Johnson) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 5-0 by a roll call vote (King, Johnson, Horgan, Proulx, Titus- yes) at 8:20 p.m.

Motion: (King, second Horgan) to come out of non-public session passed 5-0 at 8:35 p.m.

Motion: (King, second Horgan) to withdraw the approval of the non-public minutes of May 16 passed 5-0.

Motion: (King, second Titus) to amend the May 16 non-public minutes as per the non-public discussion passed 5-0.

Motion: (Horgan, second King) to seal the minutes of May 16 Sessions B and C passed 5-0.

Motion: (Johnson, second Horgan) to seal the non-public minutes of June 6 passed 5-0.

15). Adjournment:

Motion: (Horgan, second Proulx) to adjourn the meeting passed 5-0 at 8:45 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Charlie King

Paula Proulx

Neil Johnson

James Horgan

Ann Titus