

Town of Farmington
Board of Selectmen – Public Meeting Minutes
Monday, , June 20, 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

Goodwin Library Director Tami Larock

Goodwin Library Trustee Linda McElhinney

Residents Elizabeth Johnson, Karen Warburton

1). Non-meeting with Town Counsel from 5:30 p.m. to 6:45 p.m.

2). Call to Order/Pledge of Allegiance:

Chairman King called the meeting to order at 6:55 p.m. All present stood for the Pledge of Allegiance.

3). Public Input:

A). Resident Karen Warburton asked for an addition to the Board of Selectmen minutes of May 23, 2016, (page 4, item 8, Decorating Committee Request). She asked to add a sentence stating "It is not the Committee's intention to return to the taxpayers for more money for the Christmas lights". Consensus of the board was to have the minutes reflect her request.

Ms. Warburton also asked about the Economic Development Committee minutes of April 12, 2016 (page 3, New Business, item A, NH Economic Development Assoc.) that stated Chairman Detwiler did not follow protocol when asking for reimbursement of the cost to join the association on behalf of the committee. She said that as a resident and member of the Decorating Committee she hoped that all board and committee members are following the correct protocol and procedures. Mr. Capello said the board previously discussed this issue and that Ms. Detwiler was reimbursed for the association dues.

Chairman King advised Ms. Warburton to consult with EDC members regarding any changes/additions to their minutes.

Ms. Warburton then asked if the town Social Media Policy applies to board members. Chairman King said the policy is for employees and does not apply to board members as they are volunteers. But he cautioned that members should be careful about expressing their opinions in writing or in person on issues before their committee and not to represent what the board will do before the actual decision is made as the decision could be challenged and dismissed on the grounds that members were pre-disposed in their opinions. There is a procedure for removal of any member that continues to act inappropriately he said.

Ms. Warburton also thanked Vice Chairman Johnson for taking the extra step to keep the public informed about the process involved in constructing the new Public Safety Building. She said she was hesitant when the building was first proposed, but came to support the project following Mr. Johnson's photos of conditions at the current Police and Fire Stations and the informational postings on his blog. She then thanked the board for their service to the community.

B). Goodwin Library Trustee Linda McElhinney came before the board on behalf of the Trustees to introduce the new Library Director, Tami Larock. Ms. McElhinney said Ms. Larock is a long time library employee who has done an “amazing job” as Asst. Director and Interim Director and she has agreed to accept the Director position following the departure of Laura English.

Ms. Larock told the board she has been with the library since 2005 and has a business background. She added that although she does not have a Masters Degree in Library Science she is fully invested in the library and the town of Farmington as she grew up here. She noted that the state does not require library directors to be certified but has recently started a certification process for those who are not certified.

Ms. Larock also told the board that the kick-off for the Summer Reading Program was being held the next evening from 6 p.m. to 8 p.m. and urged everyone to sign up for the program. She added participants who read books and participate in the activities will be eligible for a prize.

She said the library also has a “Celebrity Readers” program where 10 “famous people” from around town read to kids and said there are still openings for readers. Mr. Capello noted that he signed up to be one of the readers in July.

4). Review of Minutes:

June 13, 2016- Public Session:

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

May 16, 2016- Non-Public Session B:

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

June 13, 2016- Non-Public Sessions A, B and C:

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

5). Lancelot Shores Fee:

Selectmen reviewed copies of the 2016 assessments for the six town owned lots in the Lancelot Shores development and a letter from Attorney Robert Ducharme of Ducharme Law, P.L.L.C. who represents the Lancelot Shores Homeowners’ Association. Chairman King started the discussion by stating the town has received a bill for current and past association dues.

Mr. Capello explained that in the past the association did not bill the town for assessment fees used for maintenance/improvements to the common areas of the development but has decided not only to bill for the 2016 assessment but also to back bill for the past years the town has owned the lots. The 2016 assessment is \$350 per lot, plus the outstanding balance for each lot for a total of \$7,700 claimed to be owed to the association. He added that some of lots were billed back to 2012 but the association may only back bill for three years as per state statute so the amount said to be owed to them may be reduced.

Chairman King said that the subdivision was created before the town adopted zoning and some of the requirements would not pass muster under current zoning or even by zoning regulations in 1976. He noted that the town took the lots for back taxes and did not purchase them nor were they given to the town. He suggested the matter needs legal review by town counsel.

Selectmen Horgan said the first step is find out if there is a document stating a legal association exists, that it is in good standing and the date the association was formed. If there is no association then there is no bill he said.

Selectman Proulx said she would like to know if the funds were being spent and invested properly. Chairman King said if the town is a member of the association, the board could request to audit their books going back seven years.

Mr. Capello said the association's attorney advised that as long as there is a chain of payment, whether the town is the original owner of the lots or not, the town is liable for fee payments going forward. Selectmen Johnson and Proulx said they did not agree with the attorney's determination and also asked to have the matter reviewed by the town's attorney.

Mr. Johnson asked if the taxpayers are going pay assessment fees would they be allowed to use the beaches. Mr. Capello said both the town and the association attorneys have advised that the taxpayers would have access to the beaches as property owners.

Chairman King said in the past, people who are town residents but not residents of Lancelot Shores were told to leave the beaches. He said the town has not participated in the association in past and if the town is forced to participate he would favor allowing taxpayers to use the beaches with some sort of a pass system. He added that the vacant lots owned by the town could be used as seasonal camp sites.

Selectman Titus suggested that someone from the town attend the association meetings. Mr. Capello said the meetings are open to the public and then offered to attend the meetings on behalf of the town.

Consensus of the board was to request proof that there is a legal association in good standing, to audit the association's books for the past seven years and documentation that past bills have been paid on these properties. Once the requested information has been received Mr. Capello will move forward with the board's request for a legal review by the town attorney.

6). Tree Damage Claim:

At the previous meeting Selectmen requested Mr. Capello check with the Local Government Center regarding the town's liability for damages to a Rochester resident's car caused by a falling tree branch on Hornetown Road. An e-mail from NH Municipal Assoc. Attorney Margaret Byrnes stated if the tree was within the town's right-of-way and the town knew it was potentially dangerous and did not take reasonable corrective action the town could be liable for the damages. Mr. Capello said it was determined that the tree is in the town's right-of-way but Mr. Horgan stated the town has an easement for access to the property but the tree is not the town's responsibility. Chairman King agreed that the landowner owns the tree and asked what the town has done historically about this type of situation.

Mr. Capello said he believes there is no liability as the RSA states that if the town knew of the potential danger (in writing) it has 48 hours to come up with a plan to resolve the danger. He said the town did not receive notice of a potential danger there and that every year the Public Works Director has a plan of action to identify any hazardous trees and have them taken down. Discussion also included the town must have permission to enter the property and to remove the tree from the landowner and the claimant may want to take up the matter with the owner.

Motion: (King, second Johnson) to not reimburse the resident for damage to the vehicle passed 5-0.

7). Hardship Request:

After a brief discussion the board decided this matter should be discussed in non-public session.

Motion: (King, second Johnson) to table the matter to non-public session passed 5-0.

8). Bond Documents:

Selectmen viewed and signed documents related to the issuance of the bond for the new Public Safety Building. The Personal Guarantee for Performance contract is not back from legal review.

Parking for the groundbreaking ceremony on June 24 will be on site and Mr. Capello will also ask permission from the Farmington Country Club to use their parking lot for the event. He thanked the Farmington Police and Fire Depts. and the Women's Club for their donation of the refreshments for the ceremony.

Town Signs-Chairman King suggested the Women's Club provide an update on fundraising for the replacement of the two "Welcome to Farmington" signs. Mr. Capello said according to the sign in front of the Municipal Building the group has raised \$3,600 so far and needs \$6,000 to purchase the signs. Chairman King said the club has put a deposit down on the signs and will present a design proposal to the board for approval.

9). Policy Review:

A). Vehicle Policy- Selectmen conducted the second review of the policy with the changes as suggested at the previous meeting. No additional changes were made. Consensus of the board was to accept the policy as written.

Motion: (King, second Horgan) to re-adopt the Town of Farmington Vehicle Policy passed 5-0.

B). Procedures for Responding to a Request for Information per RSA 91-A:

Selectmen reviewed the procedures and made the following changes/additions:

Item 2, second line- change "hopefully" to "preferably but not required".

Item 5, second line- change "have access" to "be provided access".

Item 6, second sentence- the letter "r" at the end of the word "number" is on the next line. Change the last line to read "If the requested information is available in electronic form and doesn't require format modification, conversion or redaction there will be no fee assessed. Any conversion, translation or formatting is not the responsibility of the town."

Mr. Capello will make the requested changes and return the draft to the board for review.

10). M.O.U. Draft:

The board completed the first review of the draft Memorandum of Understanding between the Town of Farmington and the Farmington School District regarding reimbursement of expenses for special events. Discussion included add "for Special Events" to the title and in place of "non-school events", the purpose of the M.O. U. is to ensure an understanding of who is responsible for reimbursement to the town/school district for services/facilities used, change "school" facilities to "public" facilities, lack of communication/notice between the town and school district, ask the School board to consider modifying the facility rental contract, the costs for special events are beyond what is budgeted, have a conversation with the School Board, the Town Administrator should be notified when town services are needed in time to plan to provide those services and who will provide an estimate of the cost for the requested services. Consensus of the board was to request that Mr. Capello provide the board with a copy of the school district facilities rental contract and return to the board with a revised M.O.U. draft. Chairman King suggested that once the draft is approved by Selectmen it should be forwarded to School Board Chairman Joel Chagnon for discussion and review by the School Board members.

11). Fee Schedule for Planning and Codes:

Mr. Capello told the board he revised the fee schedule as requested at the last meeting. He said required legal notice advertising costs the town \$110 and up and the applicant pays \$75. The revised fee schedule will be changed to require payment of the actual cost of the advertising.

Mr. Capello said he also changed the “after the fact” fine for construction work begun without a permit to include that the value of the new construction work must total \$3,500 or more. After a brief discussion, consensus of the board was to increase the value of the work to \$5,000.

Vice Chairman Johnson asked if the board was creating a “grandfathered” situation by changing the fee schedule. Mr. Capello said the changes would not apply to those applications already submitted to the Planning Dept. up to the Public Hearing and when the changes are actually adopted. Selectmen approved the suggested changes and a Public Hearing on the matter will be scheduled for July.

12). Additional Board Business:

A). Solar Company-PILOT Agreement- Mr. Capello said he received an e-mail from the attorney who reviewed the agreement with suggestions for some language changes. He requested the board’s permission to forward the e-mail to the solar company.

Motion: (Proulx, second Horgan) to move the e-mail forward to the solar company passed 5-0.

B). Police Training- Mr. Capello told the board Police Chief Jay Drury requested permission to allow the dept. to participate in online training which is cheaper than in-person training. Selectmen requested to review the matter at the next meeting.

C). Town Administrator’s Contract- Mr. Capello reminded the board that he is approaching the one year mark for his hire date (July 21, 2015). He added if the board takes no action and doesn’t notify him by August 1 his contract will automatically renew for one year.

D). Bathroom Pricing- Mr. Capello said the cost to renovate the second floor bathroom in the Municipal Building to become compliant with the Americans with Disabilities Act is approx. \$16,000. This includes electrical, plumbing and tiling work and a shower stall with the town doing the demo and framing work. He said he included the shower stall so the Health Officer may shower after being exposed to any unhealthy conditions during inspections. Consensus of the board was to eliminate the shower stall from the proposal and to suggest that the Health Officer can shower at the new Public Safety Building which will also be a decontamination site. Mr. Capello will obtain another price estimate without the shower stall for the board to review at a future meeting.

E).Primex Price Cap- Mr. Capello told the board he received an offer from Primex for members in the Workers’ Compensation Program to limit any rate increase to no more than 10% per year over the next three years. He said premiums went up 7.99% over the last few years due to the experience modifier and payroll increases. He added this would allow the board to set a cost number for budgeting purposes and recommended Selectmen sign the agreement.

Discussion included the increase is up to 10% and could be less, if something happens a 10% increase will look good, the company’s incentive to offer the plan, one of two companies that insure town risk pools is going out of business, risk pools keep costs down by sharing the risk among several towns, there is an opt out option in the third year and to consider private insurance companies with Workers’ Compensation coverage. Consensus of the board was to request Mr. Capello investigate competitive rates for Workers’ Compensation insurance and report his findings to the board.

F). Face Book Update- Mr. Capello said he received a response to the board’s question about how much time is spent to update their Face Book pages from Police Chief Jay Drury and Recreation Director Rick Conway. Chief Drury reported the dept. secretary updates their page and that it usually takes about 15 minutes a week. Mr. Conway reported that he spends about 15 minutes a month advertising upcoming events and answering questions. The revised Town Sponsored Face Book Page Policy will soon be coming back to the board he said.

G). Resident Complaint- Selectmen briefly discussed a resident complaint regarding damage done to her fence by a town employee. Further discussion was tabled to non-public session.

H). Driveway Permit- Mr. Johnson asked if there has been any response from the DOT regarding the driveway permit for the new Public Safety Building. Mr. Capello said there has been no response.

I). TIF Advisory Board- There has been no response from the postcards seeking board members that were sent out recently. This item will be included on next week's agenda.

J). Trustees' Meeting Minutes- The Chairman will send the meeting minutes to the Selectmen's Secretary to be posted on the town web site Mr. Capello said.

K). Traffic Analysis- Mr. Capello said the Strafford Regional Planning Commission is conducting a traffic analysis on roads in town. He said the Public Works Director also requested an analysis for some additional roads to help the town plan road maintenance.

L). Quarry Query- An individual interested in opening a rock quarry on Pound Road is scheduled to meet with the board at the next meeting to seek permission for a gravel access to the site.

13). Next Meeting: Monday, June 27, 2016 at 6 p.m.

14). Non-Public Session A:

Motion: (King, second Horgan) to enter non-public session under RSA 91-A: 3 II (a) Compensation passed 5-0 by a roll call vote (King, Johnson, Horgan, Proulx, Titus- yes) at 8:40 p.m.

Motion: (King, second Horgan) to come out of non-public session passed 5-0 at 8:50 p.m.

15). Non-Public Session B:

Motion: (King, second Horgan) 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 8:50 p.m.

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

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

16). Non-Public Session C:

Motion: (King, second Horgan) 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 8:55 p.m.

Motion: (King, second Horgan) to come out of non-public session passed 5-0 at 9:10 p.m.

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

17). Adjournment:

Motion: (King, second Horgan) to adjourn the meeting passed 5-0 at 9:12 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Charlie King

Paula Proulx

Neil Johnson

James Horgan

Ann Titus