

Town of Farmington
Board of Selectmen – Public Meeting Minutes
Monday, August 1, 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

Attorney Katherine Miller, Donahue, Tucker and Ciandella

Scott Brooks, TDS Telecom

Ron Shroyer, TDS Telecom

Residents Stephen Henry, Elizabeth Johnson, Randy Orvis, Ed Weigle

1). Call to Order/Pledge:

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

2). Public Input:

Mr. Capello told the viewers that National Night Out would take place on Tuesday, August 2, 2016 from 6 p.m. to 8 p.m. at Fernald Park. He said this event is an opportunity for residents to meet members of the Police and Fire Depts. as well as representatives from Farmington Response and Circle of Hope and to enjoy food, raffles and entertainment.

3). Review of Minutes:

July 25, 2016- Public Session:

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

July 18, 2016- Public Session:

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

July 18, 2016- Non-Public Session E:

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

July 25, 2016- Non-Public Sessions A through H:

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

July 25, 2016- Non-Public Session B:

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

July 25, 2016- Non-Public Session C:

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

4). Fire Dept. Equipment:

Chief James Reinert returned to the board to follow up on the discussion begun at the previous meeting regarding new equipment for the Public Safety Building.

Gear Racks- Chief Reinert gave the board specification sheets detailing the two rack systems he is considering for storage of turn-out gear. Discussion included the sturdiness and durability of the "Ready Rack" and the "Red Rack" systems, free standing or wall mounted units, cost difference between the systems and the number of units needed.

Motion: (King, second Horgan) to authorize Chief Reinert to purchase 35 Red Rack units at \$950 per unit passed 5-0.

Gear Extractor- Chief Reinert said most of the depts. he contacted own a gear extractor which is essentially a commercial grade washer that can be programmed to meet NFPA standards for the maintenance of protective gear. Discussion included prices for new and refurbished machines, warranties, available discounts, if additional wiring will be needed. Randy Orvis asked if the amount of wastewater generated by this process is included in the configuration of the septic system at the Public Safety Building. Selectmen asked the Chief send additional information to the board for the next meeting. Mr Capello said the wastewater is included in the system capacity.

Fill Station- The Chief provided a comparison between the Bauer 10H and 13H models showing that the 10H model has a smaller compressor which will not meet the dept.'s needs as it will take longer to replenish air to the storage tanks and breathing apparatus bottles. He added the price quote was reduced by removing the remote fill connection.

Motion: (Johnson, second Horgan) to go with the 13H, 6,000 psi model at a cost of \$55,568 passed 5-0.

Grants Update- Chief Reinert said it does not look like any of the grant applications he submitted for Scott Paks breathing apparatus, the pumper tanker or thermal imaging camera will be approved. He will resubmit the applications and should hear about their status in March or April.

5). Public Hearing for TDS Agreement:

Chairman King opened the hearing at 6:30 p.m. and stated the purpose of the hearing.

He then introduced Attorney Katherine Miller of Donahue, Tucker & Ciandella who is representing the Town regarding the cable franchise renewal. Ms. Miller said TDS filed a request for a franchise agreement to operate a cable TV system with the Town in March. She said the incumbent cable TV provider, MetroCast, has been providing cable TV service in Farmington for many years but under state law, the Town has the authority to grant franchises to more than one cable TV provider.

Ms. Miller said there is a short time frame for the board to act on the TDS proposal for a competitive franchise and the current extension goes until August 12. She said that the hardest part of the proposal has been resolving the engineering issues and negotiating a connection agreement between MetroCast and TDS to allow TDS to receive the local access (PEG) channels signals from MetroCast and then re-broadcast them over the TDS system. She added this has been

“tricky” as TDS plans to offer cable TV service only in the western part of town where they currently offer telephone service. TDS and MetroCast representatives reviewed their service areas to find an existing “overlap” in the coverage areas for a connection point where TDS can receive the signals. The connection agreement is between the two companies and the Town is not involved in those negotiations she said.

Chairman King then noted this franchise agreement only covers cable TV service and does not include phone or internet services or set rates for the service.

Ms. Miller said the Town can tax the company for use of any public right-of-way and set a franchise fee up to 5%. MetroCast currently pays a 3% franchise fee Mr. King said.

TDS Manager Scott Brooks came forward and introduced himself and Ron Shroyer to the board. He told the board that TDS has been providing telephone service in Farmington for more than 100 years and plans to upgrade the existing copper cables to fiber to provide cable TV service to all customers within the company’s current footprint. This will also allow the company to offer additional phone and internet services at some future point he said.

Additional discussion included service prices are not in the board’s control, future expansion plans may take three to five years and the location of town-owned poles.

Resident Steve Henry said he is in favor of anything that will bring competitive pressure to improve prices.

Resident Ed Weigle expressed his dissatisfaction with prices and service from satellite and cable providers. He said another competitor in town may help bring prices down and said he was looking for anyone to come in and help us out.

Resident Randy Orvis noted he hasn’t had cable TV service for years and watches programming through Roku on the Internet.

Mr. Brooks said TDS has received the TDA Agreement proposal from MetroCast which is undergoing legal review. The connection point will be located on Hornetown Road and once agreement has been reached the company plans to complete construction of the PEG station within 90-120 days.

Discussion then included to add the definition of “head-end” to the franchise proposal, including Town buildings in future expansion plans, there is no incentive to complete the construction as quickly as possible and there is nothing stopping TDS from providing internet and additional phone services once the system is updated.

Chairman King closed the public comment portion of the hearing at 7:10 p.m.

Ms. Miller said Selectmen can give notice to TDS that the company has 30 days to meet the terms of the agreement, pull the performance bond and start the breach of agreement process if the construction of the PEG station has not been substantially completed by the agreed upon timeframe.

Selectman Proulx suggested the PEG Channel Transport Agreement be made an addendum to the franchise contract. Ms. Miller said she will seek approval from TDS and their lawyers.

Chairman King closed the public hearing at 7:15 p.m.

Recess- Motion: (King, second Horgan) to take a five minute recess passed 5-0 at 7:15 p.m. The meeting reconvened at 7:25 p.m.

6). Public Safety Building Update:

Mr. Capello told the board that the one side of building foundation has been set and poured. He said the rest of the foundation and walls should be completed by next week.

Mr. Johnson suggested this part of the work won't be completed until August 12.

Mr. Capello said that the plumbing and mechanical fixtures have been chosen and the details are available in his office if the board wishes to review them.

He added that he plans to meet with Eversource to discuss the possibility of obtaining energy credits for next year.

7). Town Administrator's Business:

A). Request to Withdraw Funds- Mr. Capello requested board approval to withdraw up to \$1,390 from the Future Technology Fund to pay the cost for a new computer set up for the new DPW Deputy Director. Selectmen discussed sharing an existing set up, assigning an unused computer to his use, purchase the computer with funds from the general operating budget, to include a CAD system for future engineering use and to split the cost among the water, wastewater and highway budgets. Consensus of the board was to table the decision on how to pay for it until next week.

B). New Hire- Chairman King announced that Jason Gagnon has been hired to assist DPW Director Dale Sprague as the new DPW Deputy Director. The board reviewed and signed his employment contract.

C). Request for Release of Funds- Mr. Capello requested the board authorize the request for release of CDBG funds for renovations and energy improvements at the Farmington Child Care Center.

Motion: (Johnson, second Horgan) to authorize the Board of Selectmen Chairman to sign the Request for Release of Funds and Certification for the CDBG funds for the Farmington Child Care Center passed 5-0.

D). Thanks for Your Assistance- In a memo to Fire Chief James Reinert, Rochester Fire Chief Norman Sanborn, Jr. expressed his thanks on behalf of the Rochester Fire Dept. to the Farmington Fire Dept. for their assistance provided during the fires in downtown Gonic on June 19, 2016. Chief Sanborn asked Chief Reinert to let all of the firefighters know how much the Rochester Fire Dept. appreciates all of their efforts in containing the large fire.

E). Staff Complimented- Mr. Capello said the Recreation Dept. staff received compliments for their attention to the children during recreation outings.

F). Letter of Intent- Daniel Woodman requested the board appoint him to the TIF District Advisory Committee as a representative of someone who owns, lives in or adjacent to the TIF District. Mr. Capello advised Selectmen can appoint a representative to the committee as the Town owns property within the district.

G). Fowler Settlement- Mr. Capello said the Town received a check for \$184,544.76 as settlement to the former Fire Chief Richard Fowler's misappropriation of funds case from 2014.

H). Fire Station Survey- Mr. Capello said the contract has been signed with Norway Plains to conduct the survey of the three lots where the current fire station is located.

8). Additional Board Business:

A). National Night Out- Selectman Titus reminded residents that the National Night Out event is scheduled for Tuesday night at Fernald Park.

B). Hay Day Bed Race- Ms. Titus suggested that if board members are unable to participate in the race that they substitute their children or grandchildren in their place. Mr. Capello said a release must be signed if any of the race participants are under 13 years old. Chairman King added the Selectmen's race entry is in process.

9). Next Meeting: Monday, August 8, 2016.

10). Non-Public Session A:

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

Motion: (King, second Horgan) to come out of non-public session passed 5-0 at 7:55 p.m.

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

11). Non-Public Session B:

Motion: (King, second Horgan) to enter non-public session under RSA 91-A: 3 II (e) Litigation passed 5-0 by a roll call vote (King, Johnson, Horgan, Proulx, Titus- yes) at 7:55 p.m.

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

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

12). Non-Public Session C:

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 p.m.

Motion: (King, second Horgan) to come out of non-public session passed 5-0 at 8:15 p.m.

13). Non-Public Session D:

Motion: (King, second Titus) 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 8:15 p.m.

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

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

14). Non-Meeting:

Selectmen discussed union contract negotiations.

15). Adjournment:

Motion: (King, second Titus) 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