

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, October 3, 2016

Board Members Present:

Charlie King, Chairman
Neil Johnson, Vice Chairman
Jim Horgan
Paula Proulx
Ann Titus

Others Present:

Town Administrator Arthur Capello
Recreation Dept. Director Rick Conway
Attorney Katherine Miller
Steven Murdough, MetroCast, Sr. VP
Resident Elizabeth Johnson

School Board Members/Administrators Present:

Joel Chagnon, Chairman
Penny Morin, Vice Chairman
Angie Cardinal
Joe Pitre
Stan Freeda
Superintendent Ruth Ellen Vaughn
Business Administrator Laurie Verville

1). Call to Order/Pledge of Allegiance:

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

2). Public Input: None.

3). Review of Minutes: Tabled until the next meeting.

4).Joint Meeting with the Farmington School Board/School District Administrators:

School Board Chairman Joel Chagnon opened the School Board portion of the joint meeting with Selectmen. He said the School Board requested the meeting following Selectmen's previous discussion about having the Town take over the fiscal management of the FAMEE program at the district's three schools. He said the School Board recently adopted the program as a school program but with the stipulation that it would not impact the school budget. Paraprofessionals who work the after school program are considered part time employees with no benefits due to the budget cuts over the last 2 years with the withdrawal of Middleton students from the Farmington School District. He said there is not enough money in the school budget to pay their benefits. Legal counsel has advised that the work they do after school is not different enough to be considered 2 different jobs so the benefits would kick in over time if the School District remains as the fiscal agent and employer for the program employees. He said the best case scenario to continue the program would be to find a different fiscal agent for the grant.

Selectmen reviewed copies of the NH Dept. of Education application forms for the program grant for the current year (7/2016-6/2017) that listed a grant total of \$246,525.

Chairman King asked for the makeup and total number of staff needed for the program.

Superintendent Vaughn said there is a Program Director, three Site Coordinators, 15-17

Paraprofessionals, paid high school students and 1 teacher for each building to oversee the curriculum pieces.

Mr. King asked how many students are participating in the program.

Ms. Vaughn said there are roughly 70-80 student participants from all 3 schools.

Mr. King asked about the way the grant is split up into several sections.

Ms. Vaughn said the grant is set up is by cost code and activity and the staffing pieces are at the end of each section. She said there is money in the grant for the fiscal agent to cover the cost of payroll and processing paperwork (3.4% or \$8,056).

Mr. King asked if the Town would take over only the fiscal portion of the program.

Ms. Vaughn said technically the Town would handle the "money part" and the employees would work for the Town. She said she would be willing to supervise part of that and provide any oversight the board would like to see.

Discussion included funding for benefits, options to keep the program going, finishing the last 2 years of the 5 year grant, hiring, firing and personnel issues and potentially combining the grant program with the Rec. Dept. program.

Selectmen also asked about School District/Town responsibilities under the program, potential liability, reimbursement for Workers Compensation and legal expenses, differences between school/town hiring policies and job descriptions/expectations.

Ms. Proulx said she would like a written outline of what the Town and School District would each be responsible for and suggested it also state that the Rec. Dept. program would not be included this year.

Ms. Vaughn said the district would need to re-write the Memorandum of Understanding for that including the other agencies working with the program that also have a MOU with the district and the in-kind contributions for the grant such as providing the space, heat, lights and the buses for the program.

Mr. King said he was not opposed to revisiting the proposal to see if the liability issues can be addressed with some draft language and then look at the costs for the town to become fiscal agent for the program. He said he was not ready to make a decision at this meeting.

Mr. Chagnon asked if the School District can begin to draft a MOU so Selectmen can review the proposal.

Mr. King said he would like to see a draft of the MOU for Selectmen to consider and suggested Mr. Capello act as the point of contact for the board.

Mr. Chagnon thanked the board for taking the time to meet with them.

Recess- Motion: (King, second Horgan) to take a 5 minute recess passed unanimously at 6:50 p.m. The meeting reconvened at 6:55 p.m.

5). Metrocast Public Hearing:

Mr. King opened the Public Hearing at 6:56 p.m. and read the following notice that was posted for the hearing:

**Notice
Public Hearing
Town of Farmington, NH**

As part of the cable franchise renewal proceedings between the Town of Farmington, NH and Metrocast, pursuant to NH RSA 53-C: 3-a, the Town will be holding a public hearing on the proposal for renewal of the cable television franchise agreement on Monday, October 3, 2016 at 6:30 p.m. in Farmington, NH in the Selectmen's Chambers at 356 Main Street.

The proposed cable television franchise renewal agreement is available for review at the front desk of the Municipal Building at 356 Main Street, Farmington, NH, Monday – Friday 8:00 AM – 5:00 PM. Board of Selectmen, Town of Farmington, NH

Attorney Katherine Miller of Donahue, Tucker and Ciandella came before the board and gave a brief synopsis of the key provisions included in the agreement. She said at their last meeting she recommended the board schedule a public hearing because the agreement covers the issues that are within the board's jurisdiction in a way that meets the town's needs and interests. She reminded residents that pricing and channel selection are not in the board's jurisdiction.

The board has to grant and renew a franchise agreement, if they choose to do so, so that the company can use the town's right-of-ways to bring the cable service to subscribers. She said that once there is a cable company in town, the grounds to not renew the contract are pretty limited. Those grounds include if the cable company is not in compliance with the terms of its existing agreement or if the company does not present a proposal for renewal of the agreement which is reasonable under the circumstances which includes the economic condition of the company. Reasonableness is judged by proposals across the country and if this is judged to be similar to other TV company renewal proposals then it is judged to be reasonable she said.

Mr. King asked about the term of the contract.

Attorney Miller said it is a 10 year agreement and the town will continue to get the franchise fees it is currently receiving from Metrocast which equals 3.5 % of the gross revenues received from the town and is parallel to the franchise fees to be paid by TDS. She said this was done to make sure neither of the companies was getting a better deal than the other. This fee provides for taxation from cable companies as users of the public right-of-ways as they are required to pay property tax to the town. The contract contains that language, putting them in compliance with state law she said.

She said the service area covers pretty much the whole town so it is pretty well served in terms of build out. The town will continue to have the local access channels it has now. Metrocast is no longer providing studio space for the creation of public programming so the Rochester studio is winding down. They will be available for consultation on the types of equipment needed. The town has a good relationship with Metrocast in terms of the local access channel and they are considered some of the best channels in the state in terms of how they are operated she said. She then asked if there were any questions from the board.

Mr. Johnson asked if the re-transmittal agreement has been signed.

Attorney Miller said it will be signed as soon as this agreement is signed. She said that Metrocast representative Steven Murdough who was also in attendance at the meeting brought a fresh copy of the agreement to sign and then it will be sent over to TDS for their signature and the company will get started on the construction that will allow their customers to receive the local access channels.

Mr. Horgan asked if the transmittal agreement is part of the franchise agreement or if it is a separate agreement.

Attorney Miller said it is an attachment to the franchise agreement which requires collaboration between the 2 companies to provide the local access channels signals. The town was very clear it did not want to sign a franchise agreement that didn't include providing local school and town activities to their users and TDS does not currently have facilities to reach the access point of the signal for that programming. Metrocast was very helpful in figuring out a way to transmit those signals to TDS so they can provide the local channels in their lineup she said.

There were no other questions from the board.

Chairman King opened the hearing for public comment at 7:05 p.m. Hearing no comments/questions from the public he closed the public portion of the hearing.

Ms. Miller provided copies of the franchise agreement to Selectmen for their signatures.

Motion: (Johnson, second Titus) to approve the renewal of the Metrocast franchise agreement for a 10 year term with the stipulation that the re-transmission agreement be signed passed 5-0. Selectmen and Mr. Murdough then signed the agreements.

6). Discussion with Recreation Director Regarding Building Use:

Recreation Dept. Director Rick Conway came before the board to request Selectmen allow the current Police Station building to become part of the Recreation Dept. facilities when the Police Dept. moves to the new Public Safety Building. He said the additional space would allow the dept. to have controlled access to the building during business hours which would be especially beneficial when running after school and summer programs. It would also potentially allow the addition of a teen center, senior center, more storage space and a shower to the main floor. His plan calls for the Rec. Director and Asst. Rec. Director's offices to relocate to the present Police Chief's and Lieutenant's offices and the front doors of the town Hall building would be locked unless there is a program or renter using that portion of the building. All recreation business would then use the entrance on Blouin Ave he said.

The present Rec. Director's office would be used for storage of files and office supplies. The office closet has a hot and cold water supply/drain that could be converted to a shower for emergency use. The office will keep one desk for registrations and could also be used for equipment storage.

Mr. Conway said the present conference room could be renovated into a senior center which would be open 2-3 days a week. A portion of the remaining space could be used for a teen center where teens ages 13-17 could do homework, play games or hang out with their peers. He said after reviewing the bottom floor of the Police Station with a contractor/engineer they will decide if the area is better suited for teen center or the after school and summer programs. Once the board approves the plan, Mr. Conway said he will reach out to contractors for cost estimates so that he can construct a budget for each piece of the project. He will then set fundraising and sponsorship goals. He asked if the board had any questions.

Mr. King asked how much square footage is in the current police station.

Mr. Conway said he did not know how much square footage is in the building as the present configuration of the space is "chopped up" into smaller spaces. He said he would like to look into opening up the space by removing any walls that would be safe to remove and insulate the outside walls and make it more energy efficient.

Discussion included controlling access to the building, monitoring the entrances, residents mistakenly come to the Town Hall to conduct Town business and wander around looking for

help and possible municipal/other uses for the building,

The board also discussed bringing additional revenue to the town from the proposed uses, if the handicapped access/parking meet current codes, legal capacity of the conference room, cost of the proposal, if grants are available for energy improvements or installation of the shower.

Mr. Capello then reported the Police Chief said there is about 3,000 sq. ft. of space in the current Police Station.

Mr. King said he would like to begin with what is proposed, what the hours of operation will be and how it will benefit the community before considering a budget for the plan.

Motion: (Horgan, second Proulx) to authorize the Town Administrator and the Recreation Dept. Director to move forward in developing a plan for the use of the space located at the rear of the Town Hall where the Police Dept. is currently located passed 5-0.

7). Solar Contracts:

Mr. Capello told the board that Andrew Kellar of NH Solar Gardens was unable to attend the meeting and suggested Mr. Johnson report some information he found regarding the proposed solar power contract.

Mr. Johnson said Mr. Capello provided him with a copy of one of the town's electric bills from North American Power where the town is paying 7.59 cents per kilowatt hours for electricity. Under that rate the town would end up paying Solar Garden a penny per kilowatt hour for electricity according to the agreement which guarantees the payment of 8.9 cents per kilowatt hour. That would equal over \$10,000 a year in payment to them based on this rate he said. He suggested Mr. Kellar was comparing the costs to Eversource rates instead of the rates with North American Power and that the board should discuss the matter with him.

Mr. Johnson said he also found that the escalation rate in the agreement with the Town of Milton is 3.5 % per year and the Farmington escalation rate is 5%. The energy charge starts out at 7.59 cents and after the first year it could go to close to 8 cents which is an escalation of 5%. Mr. Johnson said it was not specified if the rate could increase up to 5% or a maximum of 5% or if this would take place every year. He said that would amount to about \$ 1.2 million in increased electricity costs over 25 years.

Mr. Johnson said based on the Eversource number the town would realize about \$900,000 in savings and lose about \$90,000 based on the North American Power rate after 25 years. He added if you go by the Eversource rate including the lease and the payment in lieu of taxes it would result in a savings of about \$900,000 with a 5% increase over 25 years. With a 3.5 % increase its closer to \$1.4 million in savings he said.

Mr. Horgan asked if there is any significant difference in the size of the Farmington and Milton solar power generating facilities.

Mr. Johnson said the Farmington facility could be up to 40% larger depending on whether it will generate 1 megawatt or 2 megawatts of power.

Ms. Proulx said that Farmington is potentially generating more solar power but paying more for it than Milton.

Mr. Johnson added that he didn't think it was intentional on Mr. Kellar's part but that he used the wrong bills to calculate the rates/savings. He said he would also like to ask him what the rates are based on.

Mr. Capello said he will invite Mr. Kellar to the next meeting to address the board's concerns.

8). Review of Policies: Tabled until the next meeting.

9). Public Safety Building Update:

Mr. Capello told the board that the trusses have been installed on half of the building and sheathing has begun.

Mr. Horgan asked if there will be any mold issues with water getting into the openings during the recent rainfall.

Mr. Capello said no mold issues have been reported or are expected.

He reported that the Town will receive a check for \$10,900 in Eversource energy rebates next year for the energy efficient light fixtures which cost the town \$29,074. He said the town will also receive a check for \$1,000 for the furnace and that he expects to hear about potential rebates for the ICF foundation in the next few weeks.

Mr. Johnson noted this is about a 30 % rebate on the cost of the light fixtures. He said this will not affect the bond cost as it will come as a check and is unanticipated revenue which could be put into the general fund.

Mrs. Titus asked if there are any issues at the building site with people coming to the site to view the progress of the construction so far.

Mr. Capello said nothing has been said to him about any problems with onlookers.

Mr. King said the site is posted for workplace safety and they need to check in at the construction trailer and get their questions answered there.

Mr. Capello said no one will be escorted around the site without prior approval from the board or himself.

Ms. Proulx suggested the people with questions should be referred to the Town Administrator instead of taking up the contractors' time.

Mrs. Titus said she was concerned if there was any damage being done by visitors to the site.

Mr. Capello said there have been no issues so far and noted that there are cameras installed at the construction site.

Mr. Johnson said the first course of asphalt at the site will be laid by Oct. 15. The contractor obtained a 2 week extension for the asphalt installation and as soon as the trusses are completely installed and the sheathing is done the course layer will be laid. They will put the final layer of asphalt on in the spring as the final step so the heavy equipment won't damage the final asphalt layer. They can also test the plowing set up now and determine if any changes are needed.

Mr. Horgan asked if the location for the vehicle impound has been determined.

Mr. Capello said it will be located directly behind the building and will be about 30' x 30' in size.

Mr. Horgan asked if that will be big enough to accommodate a wrecker.

Mr. King said there is no need to fit a wrecker inside the impound as the truck would simply back the vehicle into the impound, deposit it and then drive away so there would be no need for turning space in the impound area.

Mr. Capello said he has asked bond counsel to begin working on potential warrant articles for Town Meeting to access any funds remaining in the Capital Reserve Fund and the bond interest to help offset payment of the bond. He added that by state statute the town has the ability to use any funds left in the bond to buy down the cost of the bond.

10). Set Budget Schedule:

Mr. Capello said he has received the individual dept. budgets with the exception of the DPW budgets. He asked when the board wants to start going through the proposed 2017 dept. budgets and noted that the budgets he has received so far are either level funded or down. He said he told dept. heads he would like all their budgets by mid-October and suggested the beginning of November to begin the budget reviews. Selectmen agreed to begin the budget review in November.

11). Town Administrator's Business:

A). GPS Unit- Mr. Capello told the board the GPS unit that the highway dept. uses to locate sewer line needs an updated license to "talk" to the current GIS system. It is a one- time expense of \$850 he said.

Mr. Horgan asked what is being licensed.

Mr. Capello said they are upgrading the software to get the information off the GPS system and into the town's GIS system.

Mr. King asked what the cost would be for a new GPS system, if a new unit would be compatible with the existing GIS system and the age and condition of the current GPS unit.

Mr. Capello said he will get the answers to Mr. King's questions.

Mr. Capello asked if the board would authorize him to get this done if the price is reasonable.

Mr. Johnson asked if there is money for the upgrade in the budget.

Mr. Capello said that he would find the money for it in the budget and would split the cost among the DPW budgets.

Motion: (Horgan, second Titus) to move forward at a cost not to exceed \$1,000 passed 5-0.

B). Resignation- Mr. Capello informed the board that the Economic Development Committee Chairman Resta Detwiler has submitted her resignation from the EDC.

Motion: (King, second Johnson) to accept the resignation of Resta Detwiler from the EDC passed 5-0.

12). Additional Board Business:

Tax Rate- Ms. Proulx asked if Mr. Capello had heard anything from the School Board regarding the documents needed for setting of the tax rate.

Mr. Capello said he spoke to Business Administrator Laurie Verville who said she hoped to have all of the School District documents completed and signed by the School Board at their meeting this evening. He told the board he hopes the state will set the tax rate by mid-October.

13). Non-Public Session A:

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

Motion: (Johnson, second King) to take a 10 minute recess passed at 8 p.m.

The board returned to non-public session at 8:15 p.m.

Chairman King left the session to take a conference call.

Motion: (Johnson, second Horgan) to come out of non-public session passed 4-0 at 8:25 p.m.

Motion: (Johnson, second Horgan) to seal the minutes indefinitely passed 4-0.

14). Adjournment:

Motion: (Johnson, second Horgan) to adjourn the meeting passed 4-0 at 8:25 p.m.
Selectmen then held 2 non-meetings to discuss union contract negotiations.

Respectively submitted
Kathleen Magoon
Recording Secretary

Charlie King, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Paula Proulx

Ann Titus

