

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, January 11, 2021

Board Members Present:

Paula Proulx, Chairman
Neil Johnson, Vice Chairman
TJ Place
Gerry Vachon

Board Members Excused:

Dave Connolly

Others Present:

John Drury, Police Chief
James Reinert, Fire Chief
Becky Dickie, Town Clerk
Pam Merrill, Finance Administrator
Scott Orlando, Police Captain
Matt Embrey, Police Lieutenant

1). Call to Order:

Chairman Proulx called the meeting to order at 6 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Public Input:

Chairman Proulx said the Selectmen's Secretary asked her remind residents that they can sign up for e-mail alerts from the Town website and if you have any trouble signing up you can call the Town Office at 755-2208 for assistance.

4). Review of Minutes:

December 7, 2020 – Public Session – No errors or omissions

Motion: (Johnson, second Vachon) to accept the minutes as written passed 4-0.

Mr. Vachon said Water Dept. Supervisor Chuck Tiffany gave him the information he requested previously and there are 21 miles of water mains and 8.9 miles of sewer mains in town.

December 14, 2020 – Public Session - No errors or omissions

Motion: (Johnson, second Place) to accept the minutes as written passed 4-0.

December 14, 2020 – Non-Public Session A –No errors or omissions

Motion: (Place, second Vachon) to accept the minutes as written passed 4-0.

December 28, 2020 – Public Session – No errors or omissions

Motion: (Johnson, second Vachon) to accept the minutes as written passed 4-0.

December 28, 2020- Non-Public Sessions A & B – No errors or omissions

Motion: (Johnson, second Place) to accept the minutes as written passed 4-0.

Motion: (Johnson, second Place) to unseal the Monday, Dec. 28, 2020 Non-Public Session B minutes passed 4-0.

5). Finalize Requested Budget for 2021:

a).Add Encumbrance – Chairman Proulx said there is one more encumbrance to add for guardrails. She said the invoice is dated 12/30/2020 in the amount of \$5,863.07 payable to CWS Fence & Guardrail and they have the contract and approval by the auditors.

Motion: (Johnson, second Vachon) to encumber \$5,863.07 for the purchase of guardrails from CWS Fence & Guardrail passed 4-0.

b). Estimated Tax Impacts - Chairman Proulx said the board received a tax impact sheet that shows the proposed 2021 operating budget (\$6,122,520) and that is with the current War Credits (\$216,750) which would result in a 49 cent tax rate increase from \$6.40 to \$6.89. She said the second group of boxes shows the additional amount of money for war credits and overlays requested by a petitioned warrant article (add \$291,500) which if approved would result in a 62 cent tax rate increase (from \$6.40 to \$7.02). Neither of these tax rate increases includes the warrant articles she said.

She said tax impact for the other warrant articles is shown below the boxes and if all of them are approved it would add another 30 cents to the tax rate. She said if the operating budget without the added war credits (49 cents) and the warrant articles (30 cents) were funded from taxation the tax impact would be 79 cents.

She said the last section on the page shows that if the operating budget with the added war credits (62 cents) and the warrant articles (30 cents) were funded from taxation the tax impact would be 92 cents. That is how it's laid out at the moment she said.

Chairman Proulx then turned to the 2021 Revenue Estimate sheet and noted one change made from the last review was they added approx. \$30,000 to the Motor Vehicle Permits because of the amount of revenue that came in this year. She said the other change appears on the reverse side of the page where the line for the Farmington Library budget was reduced by another \$20,000 (to \$200,837 requested for 2021).

c). Juvenile Diversion Program –Chairman Proulx asked Chief Drury and Lt. Embrey to come forward and explain a potential \$3,000 addition to the 2021 Police Dept. budget.

Lt. Matt Embrey said it's better to catch a kid committing criminal acts early and steer him in the right direction than to send him to court and the town has had a mix of juvenile diversion programs over the last 20 years. He said it is now statutorily required to try to divert a juvenile and the court is expecting that we won't send them to court and that we will try to work with them to find a way to redirect their energy to something useful.

He gave the board a history of the past diversion programs and explained that when a kid commits a misdemeanor level crime they would file a petition with the court, the kid goes before a judge and the judge decides what to do. Now when they get a prosecutable case he would slate it for diversion and contact the parents and the kid to begin the intake process and since they are required to do this they have decided to start putting together an in-house program again with him as the case manager he said.

Mr. Johnson asked about the budget portion of this proposal.

Lt. Embrey said they would receive \$3,000 in seed money from the NH Juvenile Diversion Network to get the program going for letterhead and a subscription service to do contracts and remote video. He said the network is a non-profit organization that receives federal funding through the state and the amount of money available changes yearly. After the network receives their funding in June they will set aside a pool of money for Farmington and we will receive \$250 per case that we divert up from that pool up to that maximum amount he said. He said the money is not critical to the program and that they could do this within the dept. budget because he will be working on the cases to either prosecute or divert them and if they want to give us money for diversions it seems like a win-win for the town.

Mr. Johnson said the increase to the budget bottom line would be 0 because we're looking at a \$3,000 increase in income and budgeting \$3,000 for expenditures and anything over that would come from the regular budget.

Lt. Embrey said that is correct.

Chairman Proulx asked if this would take any extra hours outside of what he normally does.

Lt. Embrey said a diversion case would take about an hour more of his time than a regular prosecution but there's time in the schedule and with this money there's an ability to fund overtime but he didn't think it would be necessary.

Police Chief Jay Drury said this would keep the program localized so they would be able to see our own juveniles that are diverted and see the progress they've made and we can hold them accountable if they don't complete the program. He said hopefully they will get through the program with no problems and never reoffend but if they do we have taken this step in diversion to show the court that we tried this, it didn't work and now we need their assistance.

Lt. Embrey said when he worked with the county program he still had to screen the cases, give them to the county and then monitor them to make sure they weren't falling through and then close them out or bring them to court. I was doing the work anyway and they were doing a little work and getting all the money he said.

Mr. Johnson said he was concerned that the county is not doing their job and getting the money and we're undertaking it and it's going to be an impact on our tax base because we can't guarantee this \$3,000 is going to come in every year.

Chairman Proulx said it potentially could cost us a little more because if goes above the \$3,000 they would have to find that somewhere in their budget.

Chief Drury said the \$250 per diversion in addition to the \$3,000 seed money would help offset any expenses.

Mr. Johnson said the organization providing the money is a non-profit dependent on their funding so we can't guarantee that we will get it.

Lt. Embrey said all of this trickles down from the federal government and they're not going to cut juvenile justice funding and it's something that has seen a steady increase over the years.

Even if all of the money went away I don't think it's going to cost us \$3,000 to do this and we could address within the dept. if after a year this is too much of our time and we're not reaping the benefits we thought we were going to. Doing this still serves the community and is within our core mission and makes sense for us to be doing even if we don't get the money he said.

Chairman Proulx asked how the program is invoiced.

Lt. Embrey said they will receive the \$3,000 sometime in the next week or so and will never get it again. He said in June the network will get their funding and at that point they will allocate a pool of money for us up to \$5,000 and for every diversion done that follows through to where the case is closed we will get \$250. If we have 10 cases over the course of the year we'll get \$2,500 and they will keep the rest of the money and we won't get the full \$5,000 he said.

He said he has a spread sheet where tracks his time spent on various projects so he can tell the board at any given Selectmen's meeting the weekly, monthly or year-to-date amount of time that has been spent on diversion case management.

Mr. Johnson said if they have to do this anyway and they are going to give us money for it we might as well take it. He said they should create a budget line for the revenue from the grant and an expenditure line for it on the outgoing side of the budget.

Mr. Vachon said it seems like the program would pretty much self fund if we are going to get funds for every case that goes through it.

Chairman Proulx said as long as it doesn't become time cumbersome for the Lt. and asked the Chief to keep an eye on that to make sure he is not overwhelmed.

She said the board is in agreement and that Mrs. Merrill added a line to the Police Dept. budget which can be found on page 5 of the general fund budget report (printed 01/11/21) Line 01-4210-20-833 Police Diversion Program and that the \$3,000 would be put in that line and would have to be added to the total Police Dept. budget requested for 2021.

Mr. Johnson said that brings the Police Dept. budget request to \$1,563,630, the total Town budget request to \$6,125,520 and the 2021 revenue estimate to \$2,503,709.

Chairman Proulx asked the board if there were any adjustments they wanted to make and to go to those lines instead of going step by step through the whole thing again.

Page 13, Other Culture & Recreation – Mr. Johnson said he would like a line added to this section containing \$200 to fund the water usage by the 500 Club to keep track of it and get it off the water rate payers. He said he picked that amount because it is 50,000 gallons of water.

Goodwin Library -He said the Library Trustees cut their budget by an additional \$20,000 off of their 2020 budget for their 2021 requested budget and they didn't receive an accounting of what was spent from each line and their projections for 2021 like what is done by the Town and the School District. He said they didn't get it because they didn't ask for it but in order not to hold up the budget process he would vote for the budget as it stands now with the caveat that when it goes to the Budget Committee he will ask for that information and he may change his vote at that time. I want it to be clear to the board members my vote on the final budget is

going to depend on what comes out of the Budget Committee as far as the library line and the rest of the lines I will support whatever we vote here he said.

Rec. Dept. - Mr. Vachon said he expressed his concerns about how much the Rec. Dept. budget was cut at the last meeting and that it's going to be hard to make up that money when we want to re-fund it.

Chairman Proulx said she thinks we will refund it and the Town Administrator received the report on the UNH Rec. Dept. study and when he returns it will be brought forward to the board. She said the first year the dept. will probably only be open for a half year by the time they get to it and the Town Administrator is trying to be conservative with the revenues being low this year as well. I'll tell you that I'll support going back to what we need to she said.

Mr. Vachon said if they bring it back up next year it will be \$91,000 out of the taxpayers.

Mr. Johnson said they are hoping that by next year the revenues will match it. If we do it now we're taking 18 cents per \$1,000 valuation out of somebody's pocket and not using it he said.

Chairman Proulx said depending on the state revenues received it could possibly be a wash. I hear you but I think we'll be okay she said.

Transfer of Encumbrances – Chairman Proulx said at the previous meeting there were questions about whether 2 encumbrances were actually put in from last year because they couldn't find them on the list of Trust Funds. She said the Equipment Purchase and Repair CRF and the Replacement HVAC CRF were established in 2020, the money was transferred into the CRF's by the board and the money is there as shown on the Report of the Trust Funds for October 31, 2020.

d). Finalize Warrant Article Funding for 2021 – Chairman Proulx said the board has to decide how to fund the articles and where to fund them from. She returned to the tax impact sheet and pointed out that out the Town Administrator has recommended taking 2 (SCBA & Town Revaluation) of the 6 articles listed from the undesignated fund balance and the rest from taxation. She said the board must declare how they will be funded tonight and if they would recommend them.

Repurpose Employee Financial Obligation Fund – to change the purpose of the existing Capital Reserve Fund (CRF) from paying vacation, sick and other leave for long term Town employees leaving employment to paying vacation, sick and other leave for any eligible Town employee leaving employment and to name the Selectmen as agents to expend from the fund.

Chairman Proulx said this article has no tax impact and board only makes recommendations on the money articles.

Mr. Johnson said the Selectmen can recommend or not recommend any warrant articles not just the financial ones. We would recommend this because we want it to pass he said.

Chairman Proulx asked if that would include the petitioned warrant articles.

Consensus of the board was to make a recommendation on all of the articles.

Mr. Johnson read the article aloud and then said there is no tax impact because they are just

changing the purpose of the fund because the long term employees have been paid and this would take that out of the operating budget and pay it out of this fund if an employee leaves.

Motion: (Johnson, second Vachon) to recommend this article passed 4-0.

Add to Highway Dept. Motorized Equipment CRF – to raise and appropriate \$5,000 to be added to the previously established CRF for the replacement of highway equipment.

Mr. Johnson read there is currently \$106,286 in the fund and \$5,000 is about 1 cent on the tax rate. He recommended the article be funded from the unassigned fund balance.

He said they are anticipating over \$300,000 will be available to buy down the taxes and to take it out of there to reduce the impact on the taxpayers.

Motion: (Johnson, second Place) to fund the \$5,000 out of the unassigned fund balance passed 4-0.

Motion: (Johnson, second Place) to recommend the article passed 4-0.

Reevaluation CRF – to raise and appropriate \$20,000 to be added to the Town Reevaluation CRF previously established. This sum to come from the unassigned fund balance and will have no estimated tax impact. Total in the fund as of Dec. 2020 is \$8,428.60.

Mr. Johnson said he thought this should come out of the unassigned fund balance for the same reason as the previous article. It's a 4 cent tax impact and if it's voted down we still have reevaluate the town he said.

Chairman Proulx said it has to be paid no matter what.

Motion: (Johnson, second Place) to recommend as written and that it comes out of the unassigned fund balance as written passed 4-0.

Motion: (Johnson, second Place) to recommend the article passed 4-0.

Landfill Closure Fund CRF – to raise and appropriate \$31,429 to test the groundwater at the closed landfill and to authorize the withdrawal of the sum from the CRF. No amount to be raised from taxation. Total in the fund as of Dec. 2020 is \$100,968.43.

Mr. Johnson said this is monitoring required by the state and the EPA annually and we got a grant a few years ago to fund this and there's \$100,000 left of that grant.

Chairman Proulx said this is another one the town must do so the fund is a good place to go.

Motion: (Johnson, second Vachon) to accept the warrant article as written passed 4-0.

Motion: (Johnson, second Place) to recommend the article passed 4-0.

Acceptance of Smith Court (by Petition) – to see if the Town will accept Smith Court Road as a Town owned road.

Motion: (Johnson, second Place) to not recommend the article passed 4-0.

Change the Veteran's Tax Credit (by Petition) – to increase the optional veteran's tax credit from the current \$500 to \$750 which is the maximum allowed by NH RSA 72:28.

Mr. Johnson said the tax impact of this is 13 cents and the estimated cost of this is \$75,000 on the operating budget. I think we have to add the tax impact to that which will probably be worked out and Town Attorney or DRA will decide if it can be added to warrant article he said.

Motion: (Johnson, second Place) that if allowed, to add the tax impact of 13 cents passed 4-0.

Motion: (Johnson, second Place) to recommend the article;

Discussion: Mr. Johnson said he didn't think this is the time for us to do this.

Chairman Proulx said this is something that could be handled from the floor of Town Meeting and help people understand because of the revenue shortage this year that next year might be a good year and they could guarantee that they would sponsor it next year.

Mr. Johnson said he wasn't against this but until they find out what is going on with the state revenues this is not the year for this.

Chairman Proulx said she had no problem with this except for the timing.

Mr. Place agreed.

Vote: The motion failed 1-3 (Vachon-aye; Proulx, Johnson, Place-opposed).

Equipment Purchases and Repair for Transfer Station – to raise and appropriate \$3,000 to be added to the previously established Equipment Purchases and Repair CRF. Tax impact is 1 cent.

Motion: (Johnson, second Place) to fund it from the unassigned fund balance passed 4-0.

Motion: (Johnson, second Place) to recommend the article passed 4-0.

Bridges and Road Design CRF – to raise & appropriate \$100,000 to be added to the previously established CRF; this may be used to pay 20% of the required funding from NH State Bridge Aid. Total in fund as of Dec. 2020 is \$42,617.44. Estimated tax impact is 18 cents.

Mr. Johnson recommended this be funded from taxation and let the voters vote on this.

Motion: (Johnson, second Place) to accept it as written passed 4-0.

Motion: (Johnson, second Place) to recommend the article passed 4-0.

Replacement of HV/AC Units at Municipal Office- to raise and appropriate \$5,000 to be added to the previously established Replacement of HV/AC CRF; Total in the fund as of Dec. 2020 is \$5,000.77. Tax impact is 1 cent.

Motion: (Johnson, second Vachon) to fund this from the unassigned fund balance for \$5,000 passed 4-0.

Motion: (Johnson, second Vachon) to recommend the article passed 4-0.

Farmington Cable TV SRF – to raise and appropriate \$60,000 for staff payroll, cable TV programming, equipment and/or repairs associated with Farmington Cable TV with the funds to come from the Community Television **Special Revenue Fund**. Total in the fund as of Dec. 2020 is approx. \$130,000.

Mr. Johnson said he would like to raise the amount to \$100,000 because there are some upgrades needed and they should start looking into live streaming and improving the quality of some of the transmissions.

Motion: (Johnson, second Place) to increase the amount to \$100,000 passed 4-0.

Motion: (Johnson, second Place) to accept the article as amended passed 4-0.

Motion: (Johnson, second Place) to recommend the article passed 4-0.

Fund Future Technology Improvements CRF – to raise and appropriate \$7,000 to be added to

the previously established CRF with the funds to come from the TDS Franchise Fees and no amount to be raised by taxation. Total in the fund as of Dec. 2020 is \$8,124.17.

Motion: (Johnson, second Vachon) to accept the article as written passed 4-0.

Motion: (Johnson, second Vachon) to recommend the article passed 4-0.

Building Inspector Position SRF – to raise and appropriate \$80,000 to pay the Building Inspector and to authorize the withdrawal of the sum from the previously established SRF. No amount to be raised by taxation.

Mr. Johnson said he didn't know the total in the fund now but this seems to be the standard amount we have been funding for this for the past few years.

Chairman Proulx said the position has been self-funded for the past few years.

Motion: (Johnson, second Place) to accept the article as written passed 4-0.

Motion: (Johnson, second Place) to recommend the article passed 4-0.

Self-Contained Breathing Apparatus – to raise and appropriate \$15,000 to be added to the SCBA CRF previously established with this sum to come from the unassigned fund balance. No amount to be raised from taxation. Total in the fund as of Dec. 2020 is \$46,287.73.

Fire Chief James Reinert said this is to purchase new air packs in 13 years.

Mr. Johnson said the town took a \$300,000 "hit" when we purchased air packs 2 years ago.

Motion: (Johnson, second Place) to accept the article as written passed 4-0.

Motion: (Vachon, second Place) to recommend the article passed 4-0.

Fireworks Ordinance (by Petition) –to adopt a fireworks ordinance as stated in the article

Motion: (Johnson, second Place) to recommend the fireworks ordinance;

Discussion: Mr. Johnson said in his opinion a lot of work has to be done with this proposed ordinance. He said this affects the entire town and not just the downtown district. Some of the provisions are a little onerous and we can't modify this enough to fix it from the floor without spending another day talking about it and I would recommend we not recommend it and fix it next year ourselves and then put it back on (the warrant) he said.

Chairman Proulx said they might be able to do it from the floor of the meeting with help from the Town Attorney.

Chief Drury said that was his impression but it will take time from the floor depending on what they want to change.

Vote: The motion failed 1-3 (Proulx-aye; Johnson, Place, Vachon-opposed).

Noise Ordinance (by Petition) – to adopt a noise ordinance as stated in the article

Motion: (Johnson, second Vachon) to recommend the article;

Discussion: Mr. Johnson said he thinks this is unenforceable and it is leaving who decides if it's noisy or not up to the Police Officer. He said there are exceptions that aren't covered for some of the companies, farms and individuals located in the rural areas and the hours and noise restrictions may not be conducive to some of that. I would be opposed to this as well he said.

Chief Drury said there is a decibel meter that can be purchased but they have to be calibrated

every year. He said it is one way to go and most towns that have this ordinance use the complainant and then use the Officer to verify it. He said they tried to use what would offend a person of reasonable sensibilities similar to the provisions for a disorderly conduct offense. He said he believed this would hold up in court but they would have to see how that goes.

Vote: The motion failed 0-4.

Agents to Expend – to appoint the Selectmen as agents to expend from the previously established Emergency Medical Motorized Equipment CRF- Total in the fund is \$1,300.

Motion: (Johnson, second Place) to accept the article as written passed 4-0.

Motion: (Johnson, second Vachon) to recommend the article passed 4-0.

Agents to Expend – to appoint the Selectmen as agents to expend from the previously established Recreation Equipment CRF- Total in the fund is \$20,000.

Motion: (Johnson, second Place) to accept the article as written passed 4-0.

Motion: (Johnson, second Place) to recommend the article passed 4-0.

Water/Wastewater Dept. Budgets – Chairman Proulx asked if there was anything anyone needed to speak to on these two budgets.

There were no comments, questions or changes made to the budgets.

Motion: Johnson, second Place) to accept the amended Town budget and the Water and Sewer budgets passed 4-0.

Mr. Johnson said the budgets now get forwarded to the Bud Com for next week's presentation.

6). COVID-19 Update:

Chief Reinert encouraged any business in town to follow the Governor's orders on the Safer at Home 2.0 for their reopening. He said they are fielding more complaints and while they're not out looking for violations they do get reported to the Fire Dept. or the Police Dept. and they have to look into them. They then get reported to the Att. General's Office who determines if the alleged violations are true and if there are multiple complaints the business owner can incur a financial cost and/or have their business shut down. I hope everyone takes this seriously so we can get through this and move along he said.

Mr. Vachon asked how the case numbers are looking in Farmington.

Chief Reinert said according to WMUR-TV there were 200 cases overall confirmed the other day and 13 active cases.

7). Town Administrator's Business:

a). Trustees Letter – Chairman Proulx said there were some problems with trying to get some funds from the Trustees of the Trust Funds and the Town Administrator has put together a rebuttal list to their denial and included the backup documentation supporting his points. She said they now need to approve sending his letter to the Trustees with their signatures.

Mr. Johnson said there are lots of things he would like to change about the letter as he feels it is too "namby-pamby" and that he would be more direct. He said they could let it go as is and

then do his version of the letter if it does no good. If it comes to a second letter I would not be opposed to bringing legal action he said.

He recalled that at least 2 of those funds specifically outline who the agents to expend the funds are and there are no limits on them other than they must be used for the Town good or for municipal uses. He said he would like to see those documents to ensure his memory is right. Consensus of the board was that backup information provided established the Town Administrator's points. Chairman Proulx asked for a motion to move forward with his letter.

Motion: (Johnson, second Place) to approve the letter to the Trustees of the Trust Funds passed 4-0. Selectmen then signed the letter.

Tax Rate Update:

Mr. Johnson said with the changes the board made on the warrant articles if everything is approved as it is now without the Veteran's tax credit being passed it would be a potential 67 cents tax increase and if the Veteran's credit passes it would be an 80 cents increase. So we cut 12 cents off the estimated tax rate by funding items from the unassigned fund balance and that's about \$66,000 from the fund balance which leaves about \$240,000 in the fund he said.

8). Non-Public Session A:

Motion: (Johnson, second Place) to enter non-public session under RSA 91-A: 3 II (a, b) Compensation, Hiring passed 4-0 by a roll call vote (Proulx, Johnson, Place, Vachon-yes) at 7:30 p.m.

Motion: (Vachon, second Johnson) to come out of non-public session passed 4-0 at 8:20 p.m.

Motion: (Johnson, second Place) to offer Conner Sutherland a position as a Patrolman at a wage rate of \$21.98 an hour contingent upon the successful completion of the employment requirements and signing a minimum one year employment contract passed 4-0.

9). Abatements:

Chairman Proulx reported that the Town received a request from two residents to abate the cost of 2 sewer deduct meters as they have never been used and they returned them.

Motion: (Johnson, second Place) to abate the cost for 2 deduct water meters to Tom Cameron and Robin Simard at \$65 each passed 4-0.

10). Revisit Meeting Minutes:

Chairman Proulx said she received a text from Mr. Connolly informing her of a mistake in the Dec. 28 Non-Public Session A minutes in recording the vote on the motion which states the motion passed 4-0 (Connolly-opposed) and should state the motion passed 4-1 (Connolly-opposed).

Motion: (Johnson, second Place) to revisit the Dec. 28, 2020 Non-Public Session A minutes passed 4-0.

Motion: (Johnson, second Vachon) to accept the minutes as amended passed 4-0.

11). Non-Public Session B:

Motion: (Johnson, second Vachon) to enter non-public session under RSA 91-A: 3 II (I) Consideration of Legal Advice passed 4-0 by a roll call vote (Proulx, Johnson, Place, Vachon-yes) at 8:27 p.m.

Motion: (Johnson, second Vachon) to come out of non-public session passed 4-0 at 8:37 p.m.

12). Next Meeting: Monday, Jan. 25, 2021

13). Adjournment:

Motion: Johnson, second Place) to adjourn the meeting passed 4-0 at 8:37 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

TJ Place

Gerry Vachon