

**TOWN OF FARMINGTON  
BOARD OF SELECTMEN  
PUBLIC MEETING MINUTES  
Monday, October 25, 2010  
356 Main Street, Farmington, NH**

**Selectmen Members Present:** Paula Proulx, Gerry McCarthy, Charlie King, Gail Ellis and Joan Funk.

**Town Staff Present:** Interim Town Administrator Alan Gould, Water/Wastewater

Superintendent Dale Sprague, Public Works Director Scott Hazelton and Recreation Director Rick Conway.

**Public Present:** Neil Johnson, Heath Todd (APEX Construction) and Joel Moulton.

**Chairman Proulx called the meeting to order at 6:00pm.**

**1. Review of Minutes:**

- A. *Joan Funk motioned to accept the public minutes of 10-18-10 as amended, 2<sup>nd</sup> Charlie King. Motion withdrawn in order to verify the minutes.*
- B. *Joan Funk motioned to table the public minutes of 10-18-10, 2<sup>nd</sup> Charlie King. Motion carried with all in favor.*
- C. *Joan Funk motioned to accept the non-public minutes of 10-18-10 part A as amended, 2<sup>nd</sup> Charlie King. Motion carried with all in favor.*
- D. *Joan Funk motioned to accept the non-public minutes of 10-18-10 part B as written, 2<sup>nd</sup> Charlie King. Motion withdrawn.*
- E. *Joan Funk motioned to table the non-public minutes of 10-18-10 part B until the non-public meeting tonight, 2<sup>nd</sup> Charlie King. Motion carried with all in favor.*
- F. *Charlie King motioned to approve the minutes of 10-20-10 as amended, 2<sup>nd</sup> Gail Ellis. Motion carried with Joan Funk abstaining because she was not present.*

**2. Parks and Rec. Department:**

- A. Alan reminded the Board that they reviewed a memo from Rick last week that requested to take apart the materials at the skate park and also the possibility of relocating the computers to the library and establishing a fitness room in the current computer area. Alan stated that there were two ramps at the skatepark but one was dismantled because it was falling apart and now Rick would like to dismantle the remaining one. Charlie asked Rick what he is proposing to offer the age group for recreation that currently uses the skate park. Rick stated that at this time he would just like to take down the skate park because there are issues with vandalism at the park. Charlie asked how much money Rick has spent doing repairs on the skate park. Rick replied he has not spent any since 2008 but one person who was caught vandalizing the park had to pay for the repairs to his vandalism. Rick then stated he would suggest adding two more basketball

hoops to the current park. Charlie gave Rick a copy of the survey that was collected and resulted in the construction of the original skate park. Rick explained that his long range plan is to also add some more playground equipment to encourage families at the park and therefore more adults at the park to help supervise. Joan stated she would like to see Rick organize some fundraisers for the additional playground equipment.

Rick then explained that one of his goals is to promote healthy living for our residents and he would like to provide a fitness room. He stated that he spoke with Deb Christie of the Library to see if there would be room to house the town computers in the library and she said yes and she would be able to hang the donation plaques with them. Joan asked what Rick has done to promote the use of the computers and Rick replied he has not had to promote them because they are used regularly. Charlie commented that if the computers are moved to the library their budget will need to be increased to cover the additional costs, as well as, additional funds would be needed for the fitness room. The Board was in consensus that at this time they do not feel a fitness room would be a good idea.

- B. Alan informed the Board that Mr. DeJulio approached him about the downtown Christmas lights and he would like to know what the Board would like to budget this year on the lights. Last year \$706 was spent on maintenance of these lights and Alan questioned what the Board would be willing to spend this year. The Board was in agreement to not extend the lights any further than last year. The Board agreed to authorize only what is required to repair/maintain the current light sets. Alan will also investigate the cost of a timer for the lights

### 3. Wright-Pierce:

- A. **Wright Pierce: Continuation of discussion on Waste Treatment Plant Upgrade – Phase 1 Change Orders and Amendments** – Ed Leonard, of Wright-Pierce, explained that they had follow-up discussions with APEX Construction as a result of the last meeting. APEX has provided the town with a revised timeline and Wright-Pierce reviewed the timeline and found it appropriate, as the original deadline of November 15, 2010 was not reasonable because the equipment would not be available in time to meet the deadline. Charlie replied that it is not the Town's fault that APEX was not able to contract a vendor that would supply the materials within the appropriate timeline. He then added that APEX picked the "team" and they are responsible to ensure the timeline is met. Ed replied that in hindsight Wright-Pierce put forward an aggressive timeline to get the materials on site and December 31, 2010 would be more realistic. Charlie then replied that he does not feel the Town should be responsible for the costs associated with the delays.

Wright-Pierce worked with APEX to get \$1795 credited to the Town for review of the additional shop drawings of the spark resistant trolley. However, the on-site review/inspection of the installation of the screen would be the same as if it was completed on time so the Town should bare this cost. The estimated cost is \$5600 for 100 hours of inspection and review of the screen installation which is an increase because it is a different

type of trolley that was originally scoped (this cost was originally associated with Phase 2 and has been moved to Phase 1). Ed stated that Wright-Pierce will monitor the hours on-site and only do what is necessary to certify the equipment for the town and the funding source. Ed provided the option of putting a stop to all construction of Phase 1 on November 15, 2010 and then re-mobilize when the equipment (trolley) arrives which would be around the same time as Phase 2 construction commencement. By doing this Wright-Pierce oversight would be reduced by approximately 15-20% because the on-site review for both phases could be done at the same time.

Ed stated the Board needs to decide if they will accept the credit for the shop drawing and the Board said yes. The Board also needs to decide if they would accept the request for time extension by APEX and pay any additional costs for the oversight. Mr. Todd, of APEX, stated that when they started this change order it appeared that there was pretty much a sole manufacturer that met the specifications and they had no other alternatives. He further explained that the specifications were written around the supplier and no other supplier could meet the unusual channel size. Mr. Todd explained they are sympathetic to the town and are willing to move off-site November 15, 2010 until the materials arrive. Gerry stated he does not feel it would be cost-effective to stop work until the materials arrive and Joan agreed. Paula asked Ed if it is going to cost the Town any additional funds to wait for this part and Ed replied no.

Paula asked Mr. Todd what the expected delivery date of the screen is and he replied December 1, 2010. She then asked what will be held up if APEX needs to wait until the Phase 2 commencement for the installation of the screen. Ed replied the screen is the last part of Phase 1. Charlie commented that he is not impressed that this change order came to the Board as it was clearly a vendor choice made by the contractors and not the town.

***Gerry McCarthy motioned to stop construction as of November 15, 2010 until delivery of the screen which is not later than December 31, 2010 as long as there is no additional expenses to the town and does not interfere with any additional work that needs to be completed on the project, 2<sup>nd</sup> Gail Ellis. Motion carried with all in favor.***

Mr. Todd asked if the extension was granted for the installation of the screen. ***Charlie King motioned to extend the timeline for the substantial completion date to the second week in February 2011, 2<sup>nd</sup> Gerry McCarthy. Motion carried with all in favor.***

***Joan Funk motioned to accept the \$1795 for the credit of the shop drawings, 2<sup>nd</sup> Charlie King. Motion carried with all in favor.***

***Paula Proulx motioned to accept the change order for the explosion proof hoist trolley in the amount of \$1,971.20, 2<sup>nd</sup> Joan Funk.*** Discussion followed in which Gerry asked Ed for a cut sheet for the trolley and the hoist. ***Motion carried with Charlie King opposed.***

Ed then reminded the Board that there is an amendment to the contract for up \$5600 for 100 hours of inspection/review because \$659,000 worth of scope was moved from Phase 2 to Phase 1. ***Charlie King motioned to accept the amendment to the agreement for resident inspection services (Article III.B.2) to increase by approximately 100 hours and the fee***

*shall increase by \$5600 (from \$59,170 to \$64,770), 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.*

- B. Phase 2 Bid Awards** – Paula reviewed the Rural Development letter to Wright-Pierce that reviewed the bid specifications and requested that any such paperwork in the future be forwarded to the Board so that they can respond knowledgeably to candidates requesting a waiver. Ed replied that in hindsight they would have brought this information to the Board and explained that their intent was to quantify “similar” that Rural Development requested. The current Phase 2 contract is for \$6,726,873 to be completed in 22 months. Charlie asked if Ed felt this was adequate time to complete the project and Ed replied yes. Gail asked what the contract statement “delay of this contract will result in federal action” and Ed explained that the federal agency can take action and charge additional fees if the contract is delayed.

*Gerry McCarthy motioned to award the Phase 2 bid for the Waste Water Treatment Facility to APEX Construction of 8 Amarosa Drive of Rochester, NH for \$6,726,873.00, 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.*

*Charlie King motioned to authorize Paula Proulx to sign the Phase 2 notice of award, 2<sup>nd</sup> Gerry McCarthy. Motion carried with all in favor.*

- C.** Ed Leonard requested that the Board raise the cap for construction engineer oversight to \$50,000 or \$75,000 from \$25,000. *Charlie King motioned to raise the funding cap for Wright-Pierce engineering oversight to \$75,000, 2<sup>nd</sup> Gerry McCarthy. Motion carried with all in favor.*
- D. Phase 3** – Ed reminded the Board that the CDBG grant money should be expended by the summer 2011. Earlier this year Ed suggested the Board bring the infiltration/inflow repair work into Phase 1 from Phase 3. At that time the Board requested a cost estimate of the work. The total contractual increase for the engineering for this work is \$10,554 and the total cost of the projects (Bay Rd plus approximately 8 hours of other I/I work) is \$35,980. The design would be funded by Rural Development and the construction would be funded by Rural Development and CDBG. *Charlie King motioned to amend the engineering contract with Wright-Pierce entered on July 22, 2009 by \$10,554 for a new total of \$545,724.00, 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.*
- Charlie King motioned to authorize Paula Proulx to sign the amended Wright-Pierce contract, 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.*

*At 8:37pm, Charlie King motioned for a short recess, 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.*

**At 8:41pm the Board reconvened.**

**4. Landfill:**

- A. Hauling Contractors RFPs for the transportation of the Town’s municipal solid waste and recycling commodities** – Scott Hazelton, Public Works Director, provided the Board

with a summary of the waste haulers charges. Paula suggested that Scott look at the tipping fees for each waste receiver and compare them with the hauler and the locations so the town can ensure they are getting the best price. Scott will contact each waste facility for their tipping fees. Charlie suggested Scott review each proposal so that he can review them in their entirety. Paula suggested Scott also look at the costs of purchasing a used hauling truck and the fees associated with hauling our own waste. Gerry stated that Milton hauls their own waste and someone should contact them to find out if it is profitable for them, Alan stated that he or Scott will contact Milton.

**B. Signage** – Scott informed the Board that he received a call last Friday from NHDOT asking if the Town was ready to accept the signage. He asked if the Town had to accept all the proposed signage and the answer was they would be willing to discuss some changes. Joel stated that the list of signs was supposed to be proposed to the town over the summer. Scott stated that the representative from NHDOT requested a decision from the town on whether or not they wanted to participate in the program and the Board decided that Scott should respond that an additional week is needed to review the proposed signage and if NHDOT cannot wait another week for a decision than the answer is no, the town does not want to participate.

**C. Paving of Transfer Station and River Road** – Joel Moulton and Scott both updated the Board with the schedules for the paving of the transfer station and River Road. Scott will contact the subcontractor and let them know that paving is expected to be on Thursday and Friday of this week.

**5. Wage and Class RFP:**

Alan provided the Board with a draft wage and class RFP (request for proposal). He suggested the Board review the document to ensure it includes just what the Board would like to have done. Gail pointed out that the first page is missing the Recreation department and Charlie stated there are more than 40 employees in the town. *Charlie King motioned to table this discussion to the next meeting, 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.*

**6. Assessing RFP:** Alan provided the Board with a draft RFP for assessing services for their review. He also stated that the draft calls for proposals to be addressed to the Board and opened in public because it is a RFP that MRI (Municipal Resources Inc.) would want to bid on. *Charlie King motioned to accept the Assessing RFP as drafted with a three week deadline, 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.*

**7. Road Swap:** The “final” proposed road swap map and verbiage came back to the town for approval. Alan reviewed the paperwork and stated it appears to be all in order. The Board will review and then discuss it again at next week’s meeting.

**8. Updates:**

**A.** Alan informed the Board that the Town Administrator ad is posted again.

**B.** Gerry asked for an accounting report for the Recreation Department Revolving Account.

- C. Alan drafted a memo to be sent out with the tax bills regarding the transfer station changes and the Board agreed the memo is acceptable. Also, the NH DRA tax review will not be available until Thursday, October 28, 2010 which will delay the tax bills going out.
- D. Alan informed the Board that in tomorrow's department head meeting he is putting a "hard" freeze on purchases for the town, which means that all purchases need to be approved by Alan prior to purchase. Charlie stated that he feels the purchase policy should be lowered to \$500 for approval from \$1000. Alan stated that it appears there is a step missing in the purchase order procedure, in that the PO needs to be approved prior to a purchase being made and he will discuss this with the department heads tomorrow. *Charlie King motioned to lower the threshold from \$1000 to \$500 for purchase orders that require prior approval temporarily, 2<sup>nd</sup> Gerry McCarthy. Motion withdrawn so it can be further reviewed and discussed next week.*

**At 10:11pm, Gerry McCarthy motioned to go in non-public session under RSA 91A.3.II (e), 2<sup>nd</sup> Charlie King. Roll Call – Paula Proulx (yes), Gail Ellis (yes), Charlie King (yes), Joan Funk (yes) and Gerry McCarthy (yes).**

**At 10:31pm the Board came back into public session and Paula stated the minutes were sealed with a unanimous vote.**

**At 10:31pm, Gail Ellis motioned to go in non-public session under RSA 91A.3.II (b), 2<sup>nd</sup> Gerry McCarthy. Roll Call – Paula Proulx (yes), Gail Ellis (yes), Charlie King (yes), Joan Funk (yes) and Gerry McCarthy (yes).**

**At 10:49pm the Board came back into public session and Paula stated the minutes were sealed from the non-public session were sealed with a unanimous vote.**

**7. Other Business:**

- A. Paula stated that the PD put out a purchase order for a veterinary bill for the police canine and the town budget line for him is supposed to be just for food. Any vet bills were supposed to be paid for through PD fundraising or be donated by the vet.

**At 10:51pm, Gail Ellis motioned to adjourn, 2<sup>nd</sup> Gerry McCarthy. Motion carried with all in favor.**

*Respectfully Submitted,*

*Brandy Sanger*

*Recording Secretary*

---

Chairman Paula Proulx

---

Vice-Chairman, Gail Ellis

---

Joan A. Funk

---

Gerald McCarthy

---

Charlie King