

**TOWN OF FARMINGTON
BOARD OF SELECTMEN
PUBLIC MEETING MINUTES
Monday, December 20, 2010
356 Main Street, Farmington, NH**

Selectmen Members Present: Paula Proulx, Gerry McCarthy (arrived at 5:36pm), Charlie King, Gail Ellis and Joan Funk (arrived at 7:45pm).

Town Staff Present: Interim Town Administrator Alan Gould, Public Works Director Scott Hazelton and Water/Wastewater Superintendant Dale Sprague.

Public Present: Neil Johnson and Jerry Hauser

Chairman Proulx called the meeting to order at 5:30pm.

Charlie King motioned to go in non-public under RSA 91.A. 3.II (c), 2nd Gail Ellis. Roll call – Paula Proulx (yes), Charlie King (yes), and Gail Ellis (yes).

The Board reconvened at 6:18pm and Paula announced that the non-public minutes were sealed with a unanimous vote.

1. Review of Minutes:

- A. Charlie King motioned to approve the public minutes of 12-6-10 as amended, 2nd Gail Ellis. Motion carried with all in favor.*
- B. Charlie King motioned to approve the non-public minutes of 12-6-10 part A as written, 2nd Gail Ellis. Motion carried with Paula Proulx abstaining because she was excused from the meeting.*
- C. Gail Ellis motioned to approve the non-public minutes of 12-6-10 part B as written, 2nd Charlie King. Motion carried with Paula Proulx abstaining because she was excused from the meeting.*

2. Public Comment:

None

3. Budget Review/Encumbrances:

- A. Paula asked Alan if Pam Merrill has reviewed all these encumbrances and agrees there are funds to back them up and Alan replied yes.*
- B. The Planning Department presented an encumbrance for \$59,336.95 for the safe routes to school grant reimbursement line. Charlie King motioned to approve the \$59,336.95 encumbrance for the safe routes to school grant line, 2nd Gail Ellis. Motion carried with all in favor.*

- C. *Gail Ellis motioned to accept the encumbrance of \$3,994.00 from the police department new equipment line for a new telephone system, 2nd Charlie King. Motion carried with all in favor.*
- D. *Charlie King motioned to tentatively approve the encumbrance of \$5,000 from the water department new equipment line for new radio systems for the well houses #6 contingent upon the system being approved by the Selectmen and a contract for the system being put in place, 2nd Gerry McCarthy. Motion carried with all in favor.*
- E. *Gail Ellis motioned to approve the encumbrance of \$9,219.19 for the Emery-Garrett contract for groundwater study, 2nd Charlie King. Motion carried with all in favor.*
- F. *Charlie King motioned to approve the encumbrance of \$2,546.26 from the water department grants line for the security grant to install fencing and other security measures at the wells, 2nd Gerry McCarthy. Motion carried with all in favor.*
- G. Alan explained that Rick Conway requested three encumbrances for repairs to the Old Town Hall. One encumbrance is for \$600 for floor repairs in the gym, the second encumbrance is for \$900 for wall repairs and painting and the third is for \$900 for removing the carpet and floor tacks in the office. Several Board members recall already approving the \$900 for Wooden Images for the office floor. *Charlie King motioned to approve the two painting encumbrances for the Recreation department for a total of \$1500, 2nd Gail Ellis. Motion carried with all in favor.*
- H. *Gail Ellis motioned to accept the encumbrance from the sidewalks line out of the public works budget for \$3,037.50 for paving of sidewalk from Elm Street to the fire station, 2nd Charlie King. Motion carried with all in favor.*
- I. *Charlie King motioned to accept the encumbrance from the guardrail line out of the public works budget for \$5,500 based upon contract for guardrails and their installation from C & W Fence and Guardrail for Sheepboro Road, 2nd Gerry McCarthy. Motion carried with all in favor.*
- J. *Charlie King motioned to approve the encumbrance from the catch basin line for \$17,879.83 (for 12 catch basins, frame and grate for each basin, drainage pipe for each basin and paving), 2nd Gerry McCarthy. Motion carried with all in favor.*
- K. *Charlie King motioned to approve the encumbrance for \$8,125 for line striping, 2nd Gail Ellis. Motion carried with all in favor.*
- L. *Charlie King motioned to approve the encumbrance for \$33,552 for highway salt, 2nd Gail Ellis. Motion carried with all in favor.*
- M. *Charlie King motioned to approve the encumbrance for \$11,200 for highway cutting edges, 2nd Gail Ellis. Motion carried with all in favor.*

4. Water/Sewer Department:

A. Contract for Materials Testing –

Dale informed the Board that materials testing is required per the contract documents for phase 2 of the Waste Water Treatment Facility Plant upgrade in order to ensure that certain

materials and field conditions meet the specifications. Three proposals were submitted to the town;

	w/engineering	w/o engineering
John Turner Consulting, Inc	\$17,480	\$13,730
S.W. Cole Engineering, Inc	\$31,530	\$27,530
Miller Engineering & Testing, Inc	\$40,455	\$34,665

Gail questioned why some companies quoted with half day rates and others used full day rates and Dale explained that the RFP did not specify and the proposals included figures in which the companies felt they could accomplish the tasks. The Board also questioned what would be considered overtime and Dale said he would speak to Ed Leonard of Wright-Pierce to find out the answers to these two questions.

B. Transfer of Funds for Sewer Department –

Dale explained that he anticipated transferring \$10,000 out of the operating budget to the capital reserve and he needs a vote to have the transfer occur. *Charlie King motioned to approve the \$10,000 transfer from the waste water operating budget to the capital reserve, 2nd Gerry McCarthy. Motion carried with all in favor.*

C. Other – Dale explained that each month invoices are submitted to NHDES for payments for the sewer projects. The contracts call for a 45 day pay period and due to NHDES being slow in turning the payments back to the town, the town has been charged late fees. Knowing this, there is a rather large payment of \$72,441 due this weekend and Dale questioned if the Board would like to use the capital reserve funds to make the initial payment and then reimburse the account when it is paid to the Town from NHDES to avoid the penalty fees and charges. It was discussed that the Town is forwarding the requisitions in a timely manner and NHDES has been contacted with this problem but their comment is they realize this is an issue and they are doing the best they can. Charlie stated that he feels if we have large bills like this, then they should be sent overnight to the state. The Board did not feel this was necessary but maybe Dale can contact a State Representative or the Commissioner making them aware of the situation and the incurring costs that are a result of the late payments. Dale will draft a letter for the Board to review and forward. *Charlie King motioned to authorize the payment of \$72,441 out of the cash reserve account if it is needed, 2nd Gerry McCarthy. Motion carried with all in favor.*

D. Water/Sewer Abatement Request – Dale explained that Mr. Jerry Hauser filed for an abatement of his water and sewer fees over and above his average bill for the 1/2010 and 4/2010 billings. Mr. Hauser clearly had a leak that probably started in mid November 2009 and continued through March 2010. Dale stated that the usage is back to normal and therefore the “leak” has been repaired or has stopped. **(Joan Funk arrived at meeting at 7:45pm)** Mr. Hauser stated that he did find a leak in the shower and toilet in the first

billing cycle in question and made those repairs but cannot find any reason for the excessive water usage during the second billing cycle. Mr. Hauser then stated he is only challenging the 4/2010 billing. Dale stated that historically the Board has not abated the water usage because the water was used but the sewer portion has been abated historically when it was documented that there was an issue and the water did not get returned to the sewer. *Charlie King motioned to follow Dale's recommendation and deny the abatement request by Jerry Hauser, 2nd Gail Ellis. Motion carried with Gerry McCarthy opposed and Joan Funk recusing herself from the vote because she was not present for the entire conversation.*

5. Old Business:

A. **Campbell Common Sewer Pump Station** – Dale stated that he has been informed that the court order regarding the sewer pump station at Campbell Commons maintenance is not being followed. Alan stated that he contacted Attorney Mitchell and asked for advice regarding this manner and a meeting might need to be scheduled with him. Gerry asked for a copy of the court order and Alan replied he would get one to him. Charlie stated that a petition should be sent to the court requesting funds from the escrow account be released so that a contractor can be hired to do the scheduled maintenance. When the contractor is scheduled then Dale should be notified so that he can document the maintenance in case of failure.

At 5:14pm, Charlie King motioned for a short recess, 2nd Joan Funk. Motion carried with all in favor.

The Board reconvened at 5:19pm.

B. **Landfill Update** – Alan informed the Board that he and Scott Hazelton met today with NHDES in regards to keeping the landfill open for another year and feel it had a good result. NHDES representatives told them that the Town could continue to use the landfill until the Town receives written notice to stop its use. Alan continued by stating that he feels the meeting was positive and that NHDES will allow the Town to use the landfill for an additional year though the Town will need to address how the funds will be raised to cap the landfill. Currently the Town is short \$400,000 for the capping and with the current fees at the landfill approximately \$165,000 is raised each year through bags and recycling. The Board stated that they would like the capping to be bid out so that a true figure for the capping is being worked with. Charlie asked if there is a shortfall next year with the cost of the capping can a warrant be written to pay the shortfall out of the undesignated fund balance (the Town is potentially depositing \$400,000 in the undesignated fund balance this year.) Alan replied that this could be an option but he would urge the Board to make the project fund itself. Alan and Scott will get together and go over the figures to come up with a plan to meet the capping costs.

- C. **Wage and Class Proposals** – Interviews were held last week with the potential firms and Alan suggested the Board encumber the funds from the 2010 bottom line. Charlie stated he believes Municipal Resources Inc. would provide the most complete study with the complete package including holidays, sick time, insurances and more and Joan agreed and noted that she was impressed the way they include the Town’s “make-up” when making their suggestions. Gerry stated that he is in favor of completing the study but reminded the Board that it make take several years to make the suggested changes to the salaries. *Charlie King motioned to contract with Municipal Resources for Wage and Class Study for option B which is to include the job descriptions and contingent upon their acceptance of the Town’s standard payment policy, 2nd Gail Ellis. Motion carried with all in favor.*
- D. **Assessing Proposals** – Alan reviewed the totals for the assessing proposals. The Board reviewed the proposals and decided to interview Cross Country Appraisers, Avatar, Commerford, Neider and Perkins and Municipal Resources, Inc. Alan will set these interviews up for the end of January.

6. New Business:

- A. Gail announced that the budget committee set the date for the town budget review for January 22 starting at 9am.

7. Updates:

- A. Alan updated the Board in that Attorney Clauson has filed the challenge against certain positions tentatively being included in the police department union.
- B. The Board held a discussion on what budgets they will be reviewing next week and how they are going to address employee raises for next year. Alan will have Pam put together the numbers of what certain increases will do to the budget for the Board to review.

At 9:38pm, Charlie King motioned to go in non-public session under RSA 91A.3.II (a), 2nd Gerry McCarthy. Roll Call – Paula Proulx (yes), Gail Ellis (yes), Charlie King (yes), Joan Funk (yes) and Gerry McCarthy (yes).

At 9:44pm the Board came back into public session and Paula stated the minutes were sealed from the non-public session with a unanimous vote. Paula excused herself from the remainder of the meeting.

At 9:44pm, Gail Ellis motioned to go in non-public session under RSA 91A.3.II (b), 2nd Charlie King. Roll Call – Gail Ellis (yes), Charlie King (yes), Joan Funk (yes) and Gerry McCarthy (yes).

At 10:33pm the Board came back into public session and Gail stated the minutes were sealed from the non-public session with a unanimous vote.

At 10:33pm, Joan Funk motioned to adjourn, 2nd 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