

**TOWN OF FARMINGTON
BOARD OF SELECTMEN
PUBLIC MEETING MINUTES
Monday, February 28, 2011
356 Main Street, Farmington, NH**

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

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

Public Present: Dave Connolly, Anna Boudreau, George Szirbik and Ed Leonard

Chairman Proulx called the meeting to order at 6:02pm.

1. Public Comment:

A. None

2. Review of Minutes:

- A. *Charlie King motioned to accept the public minutes of February 7, 2011 as amended, 2nd Gail Ellis. Motion carried with Joan Funk abstaining.*
- B. *Joan Funk motioned to accept the public minutes of February 16, 2011 as written, 2nd Charlie King. Motion carried with all in favor.*
- C. *Joan Funk motioned to accept the non-public minutes of February 7, 2011 as written, 2nd Charlie King. Motion carried with all in favor.*
- D. *Charlie King motioned to reconsider the minutes of February 16, 2011, 2nd Gerry McCarthy. Motion carried with all in favor.*
- E. *Charlie King motioned to approve the minutes of February 16, 2011 as amended, 2nd Gail Ellis. Motion carried with Joan Funk abstaining.*
- F. *Joan Funk motioned to approve the non-public minutes of February 7, 2011 part B as amended, 2nd Charlie King. Motion carried with all in favor.*
- G. *Joan Funk motioned to approve the non-public minutes of February 7, 2011 part C as written, 2nd Charlie King. Motion carried with all in favor.*
- H. *Joan Funk motioned to approve the non-public minutes of 2-7-11 part D as written, 2nd Charlie King. Motion carried with all in favor.*
- I. *Joan Funk motioned to approve the non-public minutes of 2-16-11 part A as amended, 2nd Charlie King. Motion carried with all in favor.*
- J. *Joan Funk motioned to approve the non-public minutes of 2-16-11 part B as amended, 2nd Charlie King. Motion carried with all in favor.*
- K. *Joan Funk motioned to approve the non-public minutes of 2-16-11 part C as amended, 2nd Charlie King. Motion carried with Gerry McCarthy abstaining.*

3. Bonding for Labrador Road: George Szirbik of Jones Brook LLP:

A. Mr. Szirbik stated he is unsure why a bond is needed for Labrador Road when the town's engineer was on-site during the top coat of paving and top coats of paving are usually not applied for 5-7 years after the initial paving. Scott Hazelton, DPW Director, stated he remains concerned with the amount of time that has elapsed between construction of the pavement binder course and the top course of pavement at the development, and the potential for delamination between the two asphalt courses. Scott recommends a \$40,250 bond because the typical average cost for paving is \$100/ft and the bond should be at a minimum through 2012. This will allow for a full winter and spring of maintenance on the roadway by the Town.

Charlie stated he would like to see the bond posted to be consistent with the road acceptance policy. Mr. Szirbik stated he does not have a problem posting a bond to ensure the quality of the road but he does not want to be responsible for the maintenance. *Gerry McCarthy motioned to recommend the town take ownership of 4600 ft. of roadway known as Labrador Road and Cottontail Lane contingent upon a \$40,250 bond being put in place through 2012, 2nd Charlie King. Motion carried with all in favor.*

4. Whittum Conservation Project: Discussion with Anna Boudreau of the Strafford Rivers Conservancy:

Ms. Boudreau explained that the language of the easement deed was approved at the February 2011 Conservation Commission and she is looking for a vote of the Selectmen to accept the executory interest of the 98acre Whittum Conservation Easement. Dave Connolly, Chairman of the Conservation Commission, stated the Commission is satisfied with the easement as it is now written. It was discussed that Mr. Whittum reserved the right to post the area of land around his home closest to the road against hunting and wheeled vehicles. Charlie noted that he noticed in section 2-10 it says no motorized or wheeled vehicles are allowed but he questioned if the intent was to restrict bicycles as they are wheeled vehicles. Ms. Boudreau noted that was not the intent and they would need to look at the wording to include bicycles.

Charlie then stated under Section 3-2-10 appears to be out of place. Ms. Boudreau explained this section was changed a little and she will go back and expand to explain the "said equipment." Ms. Boudreau then stated that Mr. Whittum cannot sign the deed until he receives the subordination from the bank and he is actively working on this. Gail commented the town may want to reserve a right to draw water on conserved lands if they have potential for a town water source. The Board noted this would be a good idea though it would not apply to this easement (Dale Sprague stated there wouldn't be a viable water source here).

Charlie King motioned to accept the executor interest of the Whittum Conservation contingent upon amendments to Section 2.10 (non-wheeled vehicles) and Section 3.10 as discussed and review by town legal, 2nd Gerry McCarthy. Motion carried with all in favor.

5. **Applications to the Conservation Commission: David Connolly and Scott Kobbe:**

- A. *Joan Funk motioned to appoint Dave Connolly to the Conservation Commission for a three year term, 2nd Gerry McCarthy. Motion carried with all in favor.*
- B. *Joan Funk motioned to appoint Scott Kobbe to the Conservation Commission for a three year term, 2nd Gerry McCarthy. Motion carried with all in favor.*

6. **Discussion with Wright-Pierce on Wastewater Project Update:**

- A. Ed Leonard reported Phase 1 was substantially complete on February 4, 2011 which was within the time frame granted in the previous change order. The project is expected to be completed at approximately 78% of the allocated project budget.
- B. Mr. Leonard reported a Construction contract for Phase 2 was executed on November 10, 2010. As of January 26, 2011 construction is 12% complete for contract time and 8% on price. Two claim items have been submitted by a subcontractor to date: 1) ownership of excess excavated materials (this was rejected and the materials are currently being stockpiled in town. The subcontractor has rejected this but work is proceeding). 2) differing subsurface groundwater conditions (this was again rejected but work is proceeding.) Documentation was provided on these items.

During the October 2010 meeting with the Board a \$75,000 cap was placed on the construction engineering contract and through January 28, 2011 Wright-Pierce is currently at \$66,100. Given the construction activities, heavy shop drawing load, drafting of the O & M manual and start-up assistance Wright-Pierce expects to exceed the current cap within the next few days. Mr. Leonard explained he would expect a reasonable cap to be \$200,000 for the continued contract through July. *Joan Funk motioned to approve funding of up to \$200,000 for Wright-Pierce construction engineering contract for Phase 2, 2nd Gerry McCarthy. Motion carried with all in favor.*

- C. Mr. Leonard reported that Wright-Pierce has completed the field survey and completed the 50% Design Memo (Bay Road). In general the design is as they expected. The proposing to replace the sewer main on Bay Road and install a clean-out on each service within the right-of-way. Charlie asked if the town has clean-outs in other parts of town and Dale replied yes. Mr. Leonard stated they are also proposing storm drain upgrades on the north side of Bay Road along with a trench patch. Charlie asked how many open cuts are in the plan and Mr. Leonard stated separate from Bay Road there are five open cuts. There are also 20 or so manhole locations that need to be repaired.

Mr. Leonard also stated they found 44 locations of clear water infiltration and have made plans to rectify this. He further explained that CDBG funding allows for funds to be spent on private properties to rectify infiltration situations like this as long as certain items are met. Gerry asked if there would be a cost to the homeowner and Mr. Leonard explained CDBG will fund the projects for families that have low or moderate income but others would be brought back to the town for decision on how to proceed. There are a few ways

to approach this infiltration; one way is to pre-survey the sites and determine what repairs are needed at each site or decide to go in to each site and line the pipe in its entirety. Mr. Leonard stated that either solution will work and will be approximately the same cost.

Charlie suggested bidding these items out as separate contracts instead of as one project so that the town will not pay the mark-up for subbing out the specialty work. Mr. Leonard replied that there are pros and cons to having smaller projects in that there is oversight over several contractors but there might be a small cost savings. Charlie stated he would like to see the projects bid both ways to see the cost savings. Mr. Leonard will finalize the specifications for the bids and bring them back to the Town for review, noting that the Board decided pre-surveying to determine the work before bidding for repairs is not needed and should be done within the bid.

Mr. Leonard then questioned who the Board would like to invite to the public hearing for the Bay Road sewer line repairs and the Board decided all property owners of Bay Road along with the 44 homes that were identified with leaks should receive public hearing notifications along with “regular” public notice.

D. Mr. Leonard provided the Board with the project budget summary thus far.

At 8:03pm, Charlie King motioned for a recess, 2nd Gerry McCarthy. Motion carried with all in favor.

At 8:12pm the meeting was reconvened.

7. DOT Safety Audit:

Gerry McCarthy motioned to accept the road safety audit by NH DOT as long as there is no cost to the town of Farmington, 2nd Paula Proulx. Discussion followed where Gail asked if other items came up and Alan said no, plus the only sole responsibility of the town is speed enforcement. ***Motion carried with all in favor.***

8. Discussion of Letter from Assessing Clerk regarding the Selection of the Assessing Firm:

Joan Funk motioned to go with the Assessing Clerk’s recommendation of Cross Country Appraisal, 2nd Gerry McCarthy. Motion carried with all in favor.

9. Discussion Regarding Continuation of Services with Municipal Resources Inc.:

A. *Joan Funk motioned to continue services with Municipal Resources under the terms of the new contract of 24 hours a week at \$65/hr, 2nd Gerry McCarthy.* Discussion followed where Gerry stated that MRI has done a good job with providing the town with an interim town administrator and feels it would be a good step for the town to continue with their services (even with another representative). Gerry stated the Board still needs to continue with the search for a permanent administrator. ***Motion carried with Paula Proulx***

abstaining. Charlie asked when Gary Stenhouse will be starting and Alan replied Monday though he will be working with Gary (at no additional cost) next week to get him antiquated.

10. Other Business:

- A. Gerry read a memo from Pam Merrill stating she has agreed to be the Deputy Treasurer for the Town of Milton. The Board noted they did not have any issues with this as long as it does not interfere with the day to day operations here. *Gail Ellis motioned to accept/agree to Pam Merrill being the Deputy Treasurer for the Town of Milton as long as it does not interfere with the day to day operation in Farmington, 2nd Charlie King. Motion carried with all in favor.*
- B. Gerry noted there is a problem with the traffic pattern at the landfill on the weekends. Alan said Scott suggested not writing receipts for the stickers and just running the sales through the register. Gail stated she would rather the receipts continue to be written and maybe having the person running the scale house assisting with the line. Gail then noted the Budget Committee suggested the Town create a written agreement between the Town and merchants who sell the landfill stickers that defines the selling price and such. Alan stated the Board should develop an internal policy to stop sales of bulk stickers once the Board makes the decision to make a rate increase.
- C. Gerry asked for an update on the clock repairs and Alan said he would look into it.
- D. Gail asked for an update on Strafford Dispatch and Alan replied that Rich Fowler stated he would like to speak with the Dispatch supervisor before moving forward.
- E. Gail asked if Rick Conway has created a volunteer “policy” and Alan replied he spoke with Rick about this last Friday and he said he was organizing his thoughts on volunteers and how to best utilize them and will get back to the Board.
- F. Charlie noted the Budget Committee cut the agency donations down to 70% and hopefully the Town can get it back to 80% at town meeting. The Board was in agreement and noted the initial cut was thoughtful and carefully decided. Gail asked if information from COAST came in on how their services will be affected with the proposed cuts. Alan stated he would follow-up with Rad Nichols of COAST.
- G. Paula stated the town moderator asked if legal counsel will be at town meeting as there are some questions that might be raised that would require their opinions. Alan stated that he has never done a town meeting without counsel and in his opinion it is important. The Board was in agreement that town counsel should be present at town meeting. Paula asked Alan to contact Diane Parker, moderator, to let her know counsel would be present.

- H.** Paula asked if the town is replacing the mailboxes that are being damaged due to snowplowing because the town has a policy regarding replacement of mailboxes unless it is clearly determined it is the town's fault. Alan asked if there are guidelines for mailbox placement and the Board said yes, the DPW secretary should know where it is. Paula also asked Alan to find out how many mailboxes the town has replaced thus far. Gail asked how the budget for the DPW is looking and Alan said the salt line looks good but the overtime line is overspent.
- I.** Brandy asked if Boy Scout Troop 188 can hold a bake sale at town meeting to raise funds for the troop and hopefully for Kyle Sanger's eagle project though this is awaiting approval through the Scout Council. The Board was in agreement this would be okay.

At 8:55pm, Gail Ellis motioned to go in non-public session under RSA91A:3.II(a), 2nd Charlie King. Roll call – Paula Proulx (yes), Joan Funk (yes), Charlie King (yes), Gail Ellis (yes) and Gerry McCarthy (yes).

At 9:19pm the Board came back into public session and Paula announced the non-public minutes were sealed.

At 9:20pm, Gail Ellis motioned to go in non-public session under RSA91A:2.3(c), 2nd Joan Funk. Roll call – Paula Proulx (yes), Joan Funk (yes), Charlie King (yes), Gail Ellis (yes) and Gerry McCarthy (yes).

At 9:34pm the Board came back into public session and Paula announced the non-public minutes were sealed.

At 9:34pm, Joan Funk motioned to adjourn, 2nd Charlie King. Motion carried with all in favor.

Respectfully Submitted,

Brandy Sanger

Recording Secretary

Chairman Paula Proulx

Vice-Chairman, Gail Ellis

Amended and accepted 3-14-11

Joan A. Funk

Gerald McCarthy

Charlie King