

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

Selectmen Members Present: Paula Proulx, Charlie King, Gerry McCarthy, Joan Funk and Jim Horgan

Town Staff Present: Interim Town Administrator Gary Stenhouse, Deputy Fire Chief James Reinert, Police Chief Scott Roberge, Recreation Director Rick Conway and Public Works Director Scott Hazelton

Public Present: Neil Johnson and Elizabeth Johnson

Chairman Proulx called the meeting to order at 6:30pm.

1. Public Comment:

A. none

2. Review of Minutes:

A. *Charlie King motioned to accept the public minutes of March 14, 2011 as amended to correct the spelling of Closson, 2nd Gerry McCarthy. Motion carried with Joan Funk abstaining.*

3. Re-Organization of the Board:

A. Paula turned the meeting over to Gary Stenhouse to run the elections. *Joan Funk nominated Charlie King for Chairman of the Board, 2nd Gerry McCarthy. There were no other nominations so Gerry McCarthy motioned to close the nominations, 2nd Charlie King. Motion carried with all in favor. The vote to seat Charlie King as Chair was taken and passed unanimously.*

B. Charlie took over the meeting as Chair.

C. *Gerry McCarthy motioned to nominate Paula Proulx as the Vice-Chair, 2nd Charlie King. Jim Horgan motioned to nominate Joan Funk as the Vice-Chair, 2nd Paula Proulx. Nominations closed. Vote was taken with Paula Proulx receiving three votes in favor and Joan Funk receiving two votes. Paula Proulx is the Vice-Chair.*

D. *Paula Proulx nominated Charlie King as the Planning Board representative, 2nd Gerry McCarthy. Motion carried with all in favor.*

E. *Paula Proulx nominated Jim Horgan as the Economic Development Committee liaison, 2nd Gerry McCarthy. Motion carried with all in favor.*

F. *Gerry McCarthy nominated Paula Proulx as the Budget Committee liaison, 2nd Joan Funk. Motion carried with all in favor.*

- G. *Jim Horgan nominated Gerry McCarthy as the Capital Improvement Committee liaison, 2nd Paula Proulx. Motion carried with all in favor.*
- H. *Gerry McCarthy nominated Joan Funk as the Downtown and Business Committee liaison, 2nd Jim Horgan. Motion carried with all in favor.*

4. Police Department:

- A. **Taser Policy** – Scott Roberge explained that he originally reviewed the policy with Alan Gould, previous interim town administrator, and he was in favor of the policy as written. Also the revised policy includes the Board’s changes discussed at an earlier meeting. He would like the Board to approve the final draft so that the Police Department can order the three tasers and issue them in time for their busy season. Charlie stated that he would like to see the number of times a person can be tazed limited to three and Scott replied that it is not recommended (by the State) to set a limit because different people respond to the tazing in different ways.

Charlie then stated that he would also like to see age limits for tazing so that young children and elderly are not tazed. Scott replied the police department has policies strictly regarding children and elderly but he would not want to further restrict the policy because 10 year children have been armed and killed officers.

Joan Funk motioned to accept the x26 Taser Policy as presented, 2nd Jim Horgan. Discussion followed where Paula asked Scott to document all taser use and report back to the Board so they can follow the use. Scott replied they document all this anyway and he will add this to his monthly report. Paula asked if the three tasers will be issued to the three frontline vehicles. Scott replied he plans to order each officer a taser holster and when they come on duty the officers can sign one out if it is available and return it at the end of their shift. *Motion carried with all in favor.* The Board gave Scott the okay to purchase the three tasers with cameras for the department.

5. Acceptance of Irrevocable Letter of Credit: Regarding Governors Road and Dodge Cross Road.

Gary informed the Board that he reviewed the letter of credit with the Road Agent and he said the amount was correct as calculated. Paula noted the letter of credit will be in place through December 31, 2012. *Jim Horgan motioned to accept the letter of credit regarding Governors Road and Dodge Cross Road, 2nd Gerry McCarthy. Motion carried with Charlie King abstaining.*

6. Fire Department:

- A. Deputy James Reinhardt explained the Chief Fowler would like to purchase the three sets of turnout gear as budgeted for and presented three quotes for the gear. The most competitive bid was for \$1425 from Bergeron Protective Clothing. *Gerry McCarthy motioned to*

approve the purchase of fire turnout gear from Bergeron Protective Clothing, 2nd Jim Horgan. Discussion followed where Joan asked if this is to replace damaged gear and James replied the gear is supposed to be recycled every 10 years so this purchase would be in line with that. *Motion carried with all in favor.*

7. Public Works Department:

A. CMA Engineers Proposal for Landfill Cap & Closure and Water Quality Monitoring - Scott explained when he was first hired he requested these proposals from CMA and they can back with a figure of \$81,481. Scott asked them to go back and review the proposal because he felt it was too high. CMA Engineers has since come back with the proposals presented tonight for a total of \$59,078. If you add in the surveying and wetland scientist surveying the total cost will be \$68,378 which is still a significant savings. Scott would like the Board to approve the proposals contingent upon the license being approved.

Scott further explained that he is working on his re-certification of an OSHA license that allows him to work around hazardous materials which will save the town over \$100,000 because he will be able to do the on-site construction monitoring. *Joan Funk motioned to accept the Amended Agreement for Professional Engineering Services (Farmington Landfill, Closure Engineering Services) with CMA Engineers contingent upon the license being approved and signed and allow the interim administrator, Gary Stenhouse, to sign the contract on behalf of the town, 2nd Jim Horgan. Motion carried with all in favor.*

Scott explained the second agreement is for water quality monitoring which is mandated until the water is below the limits for all contaminants for approximately 2 years consecutively. *Joan Funk motioned to accept the Amended Agreement for Professional Engineering Services (Farmington Landfill, Year 2011 Water Quality Monitoring) with CMA Engineers and allow the interim administrator, Gary Stenhouse, to sign the contract on behalf of the town, 2nd Jim Horgan.* Discussion followed where it was stated that the monitoring is for the monitoring wells that exist in the town currently and a new contract will need to be established once the landfill is capped and new wells are created. Charlie asked if the number of wells will decrease after the capping and Scott replied that he would expect the number of wells to decrease. The agreement was for a total of \$19,101.70 to be paid to Eastern Analytical and \$4,900 to be paid to CMA Engineers. *Charlie King offered a friendly amendment to include the agreement is not to exceed \$19,101.70 to Eastern Analytical and \$4,900 to CMA Engineers. Joan Funk and Jim Horgan accepted the friendly amendment. Motion carried with all in favor.*

B. **Request for Proposals** – Scott presented the Board with draft proposals for Crushing, Catch Basin & Culvert Cleaning, Street Sweeping, Pavement Striping and Cold Storage Building Roofing Project. Scott stated that he recently learned the local newspaper is the Foster's Daily Democrat and he would like to post in that paper instead of the Rochester Times. The Board agreed the Foster's would be more appropriate. *Joan Funk motioned to approve the five proposals to be posted with the correction that they be posted in the Foster's and not the Rochester Times, 2nd Jim Horgan. Motion carried with all in favor.*

8. **Board/ Committee Applications:**

- A. *Joan Funk motioned to re-appoint Dave Kestner to the Planning Board for two years, 2nd Gerry McCarthy. Motion carried with all in favor.*
- B. *Gerry McCarthy motioned to re-appoint Kristie Holtz to the Conservation Commission for one year, 2nd Jim Horgan. Motion carried with all in favor.*
- C. *Jim Horgan motioned to appoint Gail Ellis to the Economic Development Committee, 2nd Gerry McCarthy. Motion carried with all in favor.*
- D. *Gerry McCarthy motioned to re-appoint Butch Barron to the Zoning Board of Adjustment for three years, 2nd Jim Horgan. Motion carried with all in favor.*
- E. *Gerry McCarthy motioned to appoint JoAnn Doke to the Downtown and Business Committee for three years, 2nd Jim Horgan. Motion carried with all in favor.*
- F. *Gerry McCarthy motioned to re-appoint Paul Parker to the Zoning Board of Adjustment for one year as a member, 2nd Jim Horgan. Discussion followed as to whether or not he is a liaison from the Planning Board or a regular member because the Board would not want to overstep the Planning Board appointment. Charlie will check with the Planning Board to verify if Paul was a liaison or regular member in 2010. Motion carried with all in favor.*
- G. *Gerry McCarthy motioned to re-appoint Cindy Snowdon to the Planning Board for three years, 2nd Jim Horgan. Motion carried with all in favor.*
- H. *Joan Funk motioned to appoint Ann Titus to the Downtown Committee for three years, 2nd Jim Horgan. Motion carried with all in favor.*
- I. *Gerry McCarthy motioned to re-appoint Joe Pitre to the Zoning Board of Adjustment for three years, 2nd Jim Horgan. Motion carried with all in favor.*

9. **Review of Town Meeting Budget Action:**

Gary reminded the Board a vote was taken at Town Meeting to put \$8,300 into the budget so that \$4,000 is added to the COAST bus line, \$4,000 is added to the Recreation Department and \$300 for the Boys and Girls Club. *Jim Horgan motioned to place the \$8, 300 back into the budget as proposed (\$4000- COAST, \$4,000 Rec. Dept and \$300 Boys and Girls Club), 2nd Gerry McCarthy.* Discussion followed where Gary pointed out that with the Rec. Department personnel line if the Board puts the Program Supervisor at 40 hours there would be a \$7,000 shortfall and if the position is at 35 hours than there would be a \$3,815 shortfall. Charlie stated he would be opposed to placing the position at 35 hours because the benefits would not be

equitable to other employees in town. Rick Conway pointed out that these numbers are a reflection of 40 weeks and not a full 52 week year because it is now the end of March. Joan stated she would like to stick with the original vote that was taken during the budget process. Rick stated that he is unsure how he would create more hours because there are not more point of service hours to offer. Paula stated she would suggest placing the \$4000 in the Rec. department budget so that it is available to allow the Program Supervisor to be part of additional programs. *Motion withdrawn.*

Gerry McCarthy motioned to place \$300 in the Boys and Girls Club budget line, 2nd Joan Funk. Motion carried with Joan Funk opposed because they have not provided a financial statement like the other non-profits.

Gerry McCarthy motioned to place \$4,000 in the COAST Bus line, 2nd Joan Funk. Motion carried with all in favor.

Gerry McCarthy motioned to place \$4,000 in the Rec. Department with the intent to change the Program Supervisor to a full-time (40 hr./wk.) employee, 2nd Paula Proulx. Discussion followed where Jim asked if it is too late for the Board to restore the position back to 40 hrs. Gary replied the Board can do this but there will be an \$8,000 shortfall which will have to come from cut programs. Rick explained that the \$8,000 could come from the Rec. Revolving Fund but the program fees would increase dramatically or programs could be cut. *Motion failed with Gerry McCarthy in favor and all other opposed.*

Joan Funk motioned to place \$4,000 in the Rec. Department with the intent for it to be used for the Program Supervisor to participate in additional programs as available, 2nd Jim Horgan. Motion carried with Gerry McCarthy opposed.

10. Other Business To Come Before the Board:

A. Gerry asked Rick Conway why the Hummer limousine was hired for the Celtic game during these tight budget times. Rick replied that when the trip was advertised it was noted that this would be the transportation style and the additional cost was covered with the Rec. fundraisers. Rick also noted the limousine service was provided at a reduced cost. Paula asked if it is reasonable to allow people to back out of these big trips at the last moment. Rick replied that he used to require full payment but the Board directed him to only collect a \$5 deposit. The Board was in consensus that they would like Rick to meet with Gary and review the policies for payment of trips.

B. Facilities Use Request – *Joan Funk motioned to approve the application by the High School Softball team for a carwash for the first two Saturdays in April with additional consideration for the remaining Saturdays if there are no other applications and*

*contingent upon the certificate of insurance being on file with the Town, 2nd Jim Horgan.
Motion carried with all in favor.*

- C. Gary informed the Board that the auditors have requested the Selectmen fill out a survey on their services.
- D. Gary informed the Board that the Barrington Board of Selectmen forwarded a letter to the Board stating they are not going to request a special election to fill their vacant position.
- E. Gary informed the Board that a timber harvest application from Leighton Logging, Inc. was received and the logger requested a waiver of the bond noting he would not remove any logs until the posting of the road is lifted. Scott Hazelton stated he has not reviewed this application and would like the opportunity to do so. The Board agreed to wait on this application until more information is available.
- F. Paula asked how the enforcement of the road posting is going and Scott Hazelton replied that the police department has been assisting him and he has added additional signage so that everyone can see them. Scott stated that he was informed that there is no formal agreement with NH DOT District 6 and the Town and the classification of the road is what mandates the State is responsible for the maintenance of Charles Street especially.
- G. Gerry stated there is a hanging chandelier over the stairs outside the Recreation Department and it is not working so it should be addressed/repared. Gary replied he would look into it.
- H. Jim updated on the Board of the Conservation Commission efforts on the French Property. The timber harvest is complete and should bring approximately \$8,000 in revenue. The area that was cleared is the potential site for the parking area on Hornetown Road. Also a new agreement between the Powder Mill Snowmobile Club and the Town is being drafted. Joan noted that she appreciates Jim's report and would like the Board to get back in the habit of reporting to each other once a month on their corresponding committees.
- I. It was noted that the Board would like the monthly department reports from the Water/Wastewater, Public Works, Fire, Police and Rec. Departments that includes what they worked on/current issues over the month and what they are intending to do or expecting.
- J. Charlie asked if the Board would like to write a letter to the court on the current status of the pump station since the Board has received a letter from Cindy Snowdon and the recent town meeting warrants failed. Joan stated that Alan Gould, previous interim administrator recommended the Town not do anything and allow the Homeowner's Association to inform the court since they are the complainant. Paula asked if the Board should notify the court

that the Town has not been notified that the maintenance of the pump has been completed and therefore the Town cannot certify the maintenance. Gary will review the court order to see where the Town's liability and responsibility lies.

K. Gary stated that Scott Hazelton had time to review the timber harvest application by Leighton Logging and since all logging is planned to exit in Rochester he would agree to waive the bond requirement with the understanding the hauling does not cross Farmington town roads. After further reading it was noted that some hauling would be in Farmington so Scott will review it further. *Jim Horgan motioned to table the timber harvest application, 2nd Joan Funk.*

At 9:25pm, Jim Horgan motioned to go in non-public session under RSA 91A.3II (a), 2nd Gerry McCarthy. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 9:35pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

L. Jim asked if the Board is scheduling a free demolition debris day at the landfill and Scott said he was just made aware of these and will look at possible dates.

At 9:41pm, Jim Horgan motioned to adjourn, 2nd Gerry McCarthy. Motion carried with all in favor.

Respectfully Submitted,

Brandy Sanger

Recording Secretary

Chairman Paula Proulx

Jim Horgan

Joan A. Funk

Gerald McCarthy

Approved 4-11-2011

Charlie King