

**TOWN OF FARMINGTON
BOARD OF SELECTMEN
PUBLIC MEETING MINUTES
Monday, April 11, 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, Code Enforcement Officer Dennis Roseberry, Public Works Director Scott Hazelton, Recreation Program Supervisor Carla Smith and Water/Wastewater Superintendent Dale Sprague.

Public Present: Neil Johnson, Art Hoover, Steve McDuffee, Ed Leonard and Elizabeth Johnson

Chairman King called the meeting to order at 6:13pm.

1. Public Comment:

A. Paula stated that she has been asked by several residents when the cutoff will be for using clear trash bags at the landfill. Scott Hazelton replied that a cutoff date was not set but they have asked residents to utilize what bags they have and then go to clear bags. He would like to set a cutoff date at this time because residents should have had ample time to use up their clear bags. Effective Sunday, May 1, 2011 only clear bags will be accepted at the landfill.

2. Review of Minutes:

A. *Joan Funk motioned to accept the public minutes of March 28, 2011 as amended, 2nd Jim Horgan. Motion withdrawn*

B. *Joan Funk motioned to table the public minutes of March 28, 2011, 2nd Gerry McCarthy. Motion carried with all in favor.*

C. *Joan Funk motioned to accept the non-public minutes of March 28, 2011 as written, 2nd Jim Horgan. Motion carried with all in favor..*

3. Junkyard Permit Review: 371 NH Rte. 11, Steven McDuffee:

Attorney Art Hoover explained the Mr. McDuffee acknowledges that it is best to reach an agreement with the Town in regards to the use of his property. Mr. McDuffee has repaired the fence so that it meets the statutory provisions. He also will outline parking for up to five customer cars on the left hand side of the garage as you face the building. He will also have parking for his personal vehicles (up to 7), all of which will be registered and inspected for road use, on the right hand side of the structure. Mr. McDuffee noted that he did take care of all the vehicular fluids as requested by Dennis Roseberry. Mr. McDuffee

would like to be able to have one vehicle outside of the fence for sale with the others being behind the fence.

Dennis reminded the Board that the Town has been working with this site for several years now and Town Counsel has reviewed the proposal Mr. McDuffee is presenting and responded in a memo to the Board. Town Counsel responded that it would be wise to keep the sale of vehicles separate from a junkyard permit and therefore recommend that Mr. McDuffee either choose to have a junkyard or sell up to 5 vehicles per year on the site. Charlie asked if best management practice requires the fluids from the vehicles to be drained and Dennis replied NHDES waivers on this and the last opinion he was given was as long as the owner is doing due diligence and making sure there is no leakage from the vehicles then the fluids can stay in. Mr. McDuffee stated that he does not drain the vehicles but he does check his yard. Paula asked what the Junkyard Statute states and Dennis replied that the statute states best management practice is followed and that definition states the fluids must be drained.

Charlie stated that in 2008 Mr. McDuffee's junkyard permit was approved under the condition that no vehicles are to be for sale on the property and yet he continues to do so and is not in compliance. The Board denied Mr. McDuffee junkyard permit application in August 2010. Gerry stated he would be in favor of continuing the discussion on the permit if Mr. McDuffee can provide information pertaining to the claim that the sale of vehicles on the site is "grandfathered." Several Board members agreed and noted they would be willing to look at further information. Dennis stated that he does not believe sales slip will be sufficient to prove grandfathered status and they would need permits/licenses for used car sales. The Board will re-visit this application on April 25, 2011 as long as the public notification requirement is met otherwise it will be on the next available meeting.

At 7:23pm, *Gerry McCarthy motioned for a short recess, 2nd Jim Horgan. Motion carried with all in favor.*

At 7:37pm the Board reconvened.

4. Waste Water Treatment Plant:

- A. **Update on Phase 1** – Ed Leonard of Wright- Pierce, stated that there were several mutually agreed upon punch list items that were deferred for completion to Spring 2011 (primarily exterior painting) and NHDES has requested that the contract time be adjusted. SUR/Apex agreed to a no-cost change order extending the Final Completion date to May 13, 2011. *Jim Horgan motioned to authorize Gary Stenhouse, Interim Town Administrator, to sign Change Order #5, 2nd Joan Funk. Motion carried with all in favor.* Ed then reported that Dale received the PSNH rebate in the amount of \$3000 for the Effluent Pump Station and these funds are in the sewer department general fund.

- B. **Update on Phase II** - Ed reported that Phase II is on track and 20% complete based on Contract Time and 18% complete based on Contract Price. There is a change order request for a credit of \$5088 for a design change to keep the tanks from freezing. Rural Development and NHDES reviewed the change and found it eligible and acceptable. *Jim Horgan motioned to authorize the change order request as outlined so work can commence for a credit of \$5088, 2nd Joan Funk.* Discussion followed where it was noted that an actual change order will come back to the Board to sign at a later date for this work. *Motion carried with all in favor.*

Ed reminded the Board that during previous discussion the Board decided they wanted Allen-Bradley VFDs. The contract requires all VFDs to be by the same manufacturer but the sub-contractor would like to use Cutler-Hammer VFDs. The Board requested the specifications and cost of each VFD according to manufacturer for comparison.

- C. **Briefing on Phase III** – Ed reported that 90% of the design submittal was sent to the funding agencies as of 3/25/11 and no comments have received back yet. The easements for the 44 parcels are being collected and therefore the letter from Rural Development authorizing the advertising has not been received yet. Charlie asked what the risk is of advertising the project before the letter is received and Ed replied he does not believe there is a ton of risk because they are not funding that piece nor is the Town awarding the bid prior to the letter of authorization. Ed would have Dale contact Rural Development prior to the advertisement. Charlie asked if we could get it in writing that they would not object to the project being advertised and Ed replied he would think so. It was noted that a public hearing regarding Phase III needs to be held and Ed will have a presentation prepared to share along with a handout for residents. The public hearing is scheduled for May 2, 2011 at 7pm at the Opera House. Advertising will not be done until after this presentation and once a letter from Rural Development offers a letter of no objection or approval for the advertisement. Ed asked if the Board still wants to proceed with the bidding as Part A, Part B and Part A and B and the Board was in agreement to continue this way.

Ed provided the Board with the Phase 3 – Sewer Repair and Replacement Construction Phase Engineering Contract with Wright-Pierce. The estimated cost is \$9,600. *Jim Horgan motioned to authorize Gary Stenhouse, Interim Town Administrator to sign the Wright-Pierce Contract for the Phase 3 Construction Phase Engineering, 2nd Gerry McCarthy. Motion carried with all in favor.*

- D. **Requisitions Phase I & II Reimbursements** – Dale informed the Board that NHDES needs the Town to update who is authorized to sign the requisitions forms. *Joan Funk motioned to authorize the town administrator to sign all requisition forms for NHDES for the State Revolving Fund Loans, 2nd Jim Horgan. Motion carried with all in favor.*

5. **Public Works Department:**

A. Paving for 2011 – Scott Hazelton proposed a list of paving projects for 2011 and would like to go out to bid on the projects with Middleton and Milton for a cost savings. The projects will be overseen by the individual towns. Joan asked if the projects are all proposed to come from the paving line in the budget and Scott replied no, which is why he has an opt out clause in the RFP. He is unsure if the town will receive 100% of the paving grant funding. Jim asked if it is legal to proceed with a RFP with other towns and Gary replied that each Selectmen Board from the three towns have to approve the same contractor for it to go forward. Paula asked what would happen if one of the towns couldn't complete all their paving projects and Scott replied there would be no penalty and the towns would have an inter-municipality agreement.

Charlie stated he would like to make sure the Town's bidding process is followed, the opt out clause is included and the awarded contractor should meet the town's payment terms. Scott will get an inter-municipality contract together to lie out all the details and bring it back to the Board for approval for approval at the next meeting.

B. Tree Cutting – Scott explained that he has been marking trees that have been a hazard for several years because of being hit by vehicles and/or the plow trucks. He realizes the Board and the Planning Board need to approve the trees that need to be cut because some of them are on scenic roads. Charlie stated he would like to see the project bided with a daily rate but also a rate to do the total cutting. The Board agreed it would be okay for Scott to post the bid. *Jim Horgan motioned to authorize Scott to post the tree work bid after meeting with the town administrator to reduce the verbiage, 2nd Joan Funk. Motion carried with all in favor.*

6. Regionalization Resolution:

Gary reminded the Board that last summer the Board received information about an effort to regionalize some services like dispatch, welfare, assessing and such. Gary suggested the Board participate in the project as it is not binding. *Gerry McCarthy motioned to participate in the Regionalization Resolution, 2nd Joan Funk. Motion carried with all in favor.*

7. COAST Bus Board of Directors Appointment:

Gary said that Rad Nichols of COAST stated the Town can name a representative to sit on the Board of Directors. Charlie suggested posting the vacancy for several weeks to see if there is any interest from the public and the Board agreed.

8. Revisit Facilities Request for Carwash in Municipal Parking Lot for April 9, 16, 23 & 30:

Jim Horgan motioned to approve the facilities request for a carwash for the FHS Softball team for April 16, 23 and 30, 2011, 2nd Gerry McCarthy. Motion carried with all in favor.

9. Any Other Business To Come Before the Board:

- A. Adult Senior Recreation Program Payment Policy** – Rick forwarded a memo to the Board regarding payment policies for senior programs in surrounding communities. Charlie reminded the Board that when the \$5 registration fee was imposed the reasoning was it was difficult to pay 100% of the fees for multiple trips at the beginning of the season. Gary stated he would be willing to draft a policy that would consider a lot of the circumstances.
- B. Free Dump Day** – Scott stated it will be Saturday, May 14, 2011 for household construction and yard waste debris.
- C. Wage and Classification Meeting** – Gary stated this meeting with Municipal Resources Incorporated is scheduled for April 25, 2011.
- D. Application for Committee Appointments** –
Charlie turned the meeting over to Vice-Chairman Paula Proulx.
Gerry McCarthy motioned to appoint Kathleen King to the EDC for one year, 2nd Jim Horgan. Motion carried with Charlie King abstaining.
- Charlie took back over the chairing of the meeting.**
- Gerry McCarthy motioned to appoint Art LeClair to the Conservation Commission, 2nd Jim Horgan. Motion carried with all in favor.*
- E. Primex Agreement** – Gary informed the Board that an agreement from Primex Continuation Assurance Program Agreement which limits the town's contribution to 7%.
Joan Funk motioned to authorize the interim town administrator to sign the Primex Contribution Agreement, 2nd Jim Horgan. Motion carried with all in favor.
- F.** Charlie asked Gary to look into training on Responsible Behavior in the workplace and Gary stated he would follow up with Alan Gould on this.
- G.** Scott Hazelton stated he recently learned that the town is under contract with UniFirst for uniforms and towels until 2013. Charlie asked who authorized the contract and Scott replied Joel Moulton signed the contract. UniFirst told Scott that he cannot cancel the contract but can reduce the current contract by cutting the clothing line in half. Charlie stated he would like Gary to see if he can get a new contract with the reduced cost which is non-renewing/non-revolving and if they say no then the Town will have to move forward with the knowledge that the person who signed the contract was not authorized to do so.
- H.** Scott Hazelton reported that he has a meeting with NHDOT on Wednesday regarding the road swap and it looks favorable to the town.

- I. Gerry asked Gary if he looked at the light that is out at the Opera House and Gary replied he would get to it this week.
- J. Jim asked Scott Hazelton if he can create a policy to allow public use of the scale at the landfill for a fee. Scott stated he would work on it but noted that a tractor trailer cannot turn around in the landfill.
- K. Gerry asked for information regarding the Planet Aid container at the landfill. Scott replied the container has been there since he has been in the town and they were there today picking up the donated materials. The Board instructed Scott to get the key for the landfill gate back from Planet Aid as soon as possible. Scott stated he would like to see the container removed from the town and the Board agreed he can do as he sees fit.
- L. Jim announced that his work schedule will be changing for the summer and he was wondering if the Board would consider changing the meeting time to start at 6:30pm. The Board was in agreement that this would be acceptable.
- M. Paula stated a resident stopped her and asked if the town owns the gate on Winter Street. Gary noted the Town was waiting for better weather because the gate was vandalized, to do the repairs. The town has a key to the gate for emergency and plowing purposes but the Board believes the park owns the gate and in which case the park would be responsible for the repairs.
- N. The Economic Development Committee will hold their first meeting on May 10, 2011 at 7pm. There are currently four members and the meeting can be held with just these members because they would be a quorum.

At 10:02pm, Joan Funk motioned to go in non-public under RSA91A.3.II. (a), 2nd Jim Horgan. Roll call – Joan Funk (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Gerry McCarthy (yes).

At 10:37pm, the Board came back into public session and Charlie announced the non-public minutes are sealed.

At 10:38pm, Joan Funk motioned to go in non-public under RSA91A.3.II. (d), 2nd Jim Horgan. Roll call – Joan Funk (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Gerry McCarthy (yes).

At 10:48pm, the Board came back into public session and Charlie announced the non-public minutes are sealed.

At 10:48pm, Joan Funk motioned to go in non-public under RSA91A.3.II. (a), 2nd Jim Horgan. Roll call – Joan Funk (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Gerry McCarthy (yes).

At 10:50pm, the Board came back into public session and Charlie announced the non-public minutes are sealed.

At 10:50pm, Jim Horgan motioned to adjourn, 2nd Gerry McCarthy. Motion carried with all in favor.

Respectfully Submitted,

Brandy Sanger

Recording Secretary

Chairman Charlie King

Vice Chairman Paula Proulx

Joan A. Funk

Gerald McCarthy

Jim Horgan