

**TOWN OF FARMINGTON
BOARD OF SELECTMEN
PUBLIC MEETING MINUTES
Monday, April 25, 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, Public Works Director Scott Hazelton, Fire Chief Richard Fowler and Code Enforcement Officer Dennis Roseberry.

Public Present: Neil Johnson, John Scruton, Alan Gould, Gary Thornton, Steven McDuffee, Art Hoover and Elizabeth Johnson

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

1. Public Comment:

A. none

2. Review of Minutes:

- A. *Paula Proulx motioned to accept the public minutes of April 11, 2011 as amended, 2nd Joan Funk. Motion carried with all in favor.*
- B. *Joan Funk motioned to accept the non-public minutes of April 11, 2011 part A as amended, 2nd Jim Horgan. Motion carried with all in favor.*
- C. *Joan Funk motioned to accept the non-public minutes of April 11, 2011 part B as written, 2nd Jim Horgan. Motion carried with all in favor.*
- D. *Joan Funk motioned to accept the non-public minutes of April 11, 2011 part C as written, 2nd Jim Horgan. Motion carried with all in favor.*

3. Wage & Benefit Study:

Alan Gould and Gary Thornton of Municipal Resources Inc. explained to the Board that they would like the Board's input on what towns/municipalities they would like MRI to include in the wage and benefit study. Mr. Thornton explained that it is his understanding the Board would like to include all benefits in the study, not just insurances. Paula said the Board also wanted to make sure the demographics of the town were looked at also. Mr. Gould stated that income, minority groups and such will also be looked at. He is thinking towns like Barrington, Alton, New Durham, Somersworth, Milton, Epping and Wakefield would be good for comparison. Gerry replied that Milton and Wakefield have a lot of summer residences which add to their tax roles. Mr. Gould replied that their medium

incomes, family sizes and such are all determined by year round residencies. The Board was in agreement that Epping, Berwick, Wakefield, Milton (though it needs to be looked at closer because of their summer residents), Somersworth (tax base concerns) and Barrington are probably the best suited for comparison. MRI will report back to the Board in regards to the compatibility of these towns for comparison after doing some further research for the May 9, 2011 meeting. MRI will also be sending a letter to all Farmington employees informing them of what is going to be occurring, sample questions they could be asked and also set up interviews with the employees.

4. Junkyard License: 371 NH Rte 11, Steven McDuffee:

Art Hoover, Attorney for Steven McDuffee, explained that Mr. McDuffee has applied for a 2011 Junkyard License and they are seeking approval. Since 1979, Mr. McDuffee has owned the said property at 371 NH Rte. 11 and has had eight different businesses on the site since then. It is their position that the sale of vehicles on the property does not have anything to do with the Junkyard License. Mr. Hoover stated that Mr. McDuffee has received a junkyard license approval for 15 years up to 2009 without any concern with the sale of vehicles and they would like to know what has changed. Mr. Hoover also provided a letter from a local person stating Mr. McDuffee has been selling vehicles for as long as he can remember. They also provided fifteen additional letters from people stating they have been purchasing vehicles from Mr. McDuffee for many years. They are not looking for a dealership license but believe the RSA gives them the legal right to sell up to four vehicles per year without a dealership license.

Mr. McDuffee would like to propose a compromise to continue his junkyard with an approved junkyard license with the ability to sell up to 4 vehicles per year from the property, while only having one vehicle outside the fence for sale at a time. Dennis Roseberry, Code Enforcement Officer, stated the Junkyard Statute states there should not be any vehicles or parts outside of a fenced in area nor shall there be any vehicles for sale on the property. Dennis further stated he posed the question to town counsel with regards to the statute that allows the four vehicles per year to be for sale and their response was that the Junkyard permit would supersede the sale of vehicle statute. Paula asked Dennis how long the Junkyard permit statute has been in place with regards to the “no sale of vehicles” and Dennis said he would have to research that. Dennis also distinguished the fact that the sale of vehicles wouldn’t be grandfathered because Mr. McDuffee never had a used car dealership license.

Charlie asked if the Board would like to provide Town Counsel with the information that was provided tonight from Attorney Hoover in regards to the historical sale of used vehicles and pose the question if the sale of vehicles information provides Mr. McDuffee with “grandfathered status.” Attorney Hoover also posed the question if the two separate businesses (junkyard and sale of vehicles) can co-exist. Jim and Paula stated they feel town counsel was very clear that the state statute regarding a junkyard license does not allow the sale of vehicles.

Charlie King motioned to table the final decision on the Junkyard Permit for Steven McDuffee in order to pose the question of Town Counsel if based upon the evidence provided tonight, would the sale of vehicles be grandfathered and therefore be allowed to co-exist with the junkyard license, 2nd Joan Funk. Charlie King amended the motion to state the final decision is continued and Joan Funk accepted the amendment. Motion carried with Gerry McCarthy opposed.

5. Class VI Road: Request for Building Permit By John Scruton:

John Scruton explained that RSA 674:41 states a Board of Selectmen can approve a building permit on a Class VI road after review and recommendation by the Planning Board. Mr. Scruton requested the Board approve the Building Permit with the condition that the road is brought up to town specifications and a liability waiver be filed with the town. Mr. Scruton attended the Planning Board meeting and they motioned to recommend the Selectmen grant the building permit with the conditions he stated regarding the road and the waiver. Paula read the Planning Board minutes where Kathy Menici stated approval should not be granted for a building permit that has not actually been applied for. Charlie stated he is concerned with binding a future Board to approve a permit that has never been applied for.

Jim Horgan motioned to approve the Planning Board recommendation to approve the verbal request for a building permit by John Scruton, 2nd Charlie King. Motion failed with Jim Horgan in favor.

Paula Proulx motioned to recognize the Board would look favorably on the issuance of a building permit if the road was to be brought up to current road specifications, the ability to provide emergency services is available and a waiver of liability is provided to the town, and further recognize this opinion is non-binding for future boards, 2nd Joan Funk. Motion carried with all in favor.

6. Intent to Excavate:

Charlie informed the Board that both Pike Industries and M. Bradsher Inc. have submitted notices of intent to excavate for various parcels in Farmington. Staff has been working with both Pike and Bradsher over the past year to determine grandfathered status and to bring the excavation sites into compliance with the Town's Excavation Regulations and RSA 155:E. Mr. Bradsher has submitted all required application materials and the Planning Board held the required public hearings and approved the excavation plans as presented. In the Town's review of Pike excavation sites, staff determined that three parcels (R-20, Lot 8 and R-14, Lot 6 & 7) are grandfathered and three parcels (R-14, Lot 6; R-14, Lot 7 and R-35, Lot 7) require new permits. Mary Pinkham-Langer, State Gravel Tax Appraiser, suggested adding the following language to the Notice of Intent for both Pike and Bradsher, "The Board of

Selectmen reserve the right to rescind their signatures for failure to comply with the requirements of RSA 155-E and RSA 485-A:17.”

It was questioned if Pike is in compliance on R-35, Lot 7 and would like Dennis Roseberry, Code Enforcement Officer, to check the status of this lot. Gerry stated even if a lot is grandfathered an operator cannot continually excavate without reclaiming.

Joan Funk motioned to approve the Notice of Intent for all six Pike Parcels noted/discussed tonight with the condition that they comply with the requirements of RSA 155-E and RSA 485-A:17 and with the caveat that the Selectmen shall reserve the right to rescind their signatures for failure to comply with the requirements of RSA 155-E and RSA 485-A:17, 2nd Charlie King. Discussion followed where Jim stated he is not in favor of approving the sites that are not grandfathered because all the appropriate materials have not been provided to the town and he feels they have had ample time to do so. Gerry said he would not mind approving with the condition that Code Enforcement visits the parcels in 30 days to check for compliance. Charlie stated he feels denying the Intents at this time might setback the progress that has been made thus far. ***Charlie King offered a friendly amendment to have monthly review by the Code Enforcement Officer (monthly reports to Selectmen) for compliance and Joan Funk accepted it.*** Discussion followed where Paula asked if Pike is excavating on the non-grandfathered lots and Charlie said yes, originally Pike claimed the parcels were all grandfathered but it has since been proved to be not true and they have continued to excavate under the good faith that the town will approve their Notice of Intents. If the monthly reports from Code Enforcement state Pike is not working on getting into compliance in any given month then the Board will vote to rescind their signatures. ***Motion carried with Joan Funk, Charlie King and Gerry McCarthy in favor and Paula Proulx and Jim Horgan opposed.***

Charlie reminded the Board the Notice of Intent to excavate by Bradsher Inc. also needs to be voted on and the Planning Board did motion to recommend their approval. ***Jim Horgan motioned to approve the Notice of Intent by M. Bradsher, Inc, 2nd Gerry McCarthy. Motion carried with all in favor.***

At 9:34pm, Jim Horgan motioned for a short recess, 2nd Joan Funk. Motion carried with all in favor.

At 9:45pm the Board reconvened.

7. Public Works Department (Scott Hazelton):

A. Cold Storage Building Roof Installation – Scott received the following bids;

Name	Base Bid Price	cost for siding
JMS Roofing LLC	\$4,200	\$750
North & South Custom Built Homes	\$4,780	\$700
Leighton Roofing	\$4,875	none provided
Bill's Odd Jobs	\$5,000	none provided
A+ Roofing and Siding	\$5,295	\$600
Kevin J. Rouleau Construction	\$5,920	\$2,550

Joan Funk motioned to accept JMS Roofing LLC for the Cold Storage Building Roof Installation with a total cost of \$4,950, 2nd Jim Horgan. Discussion followed where Joan asked if Scott has the money in his budget and Scott replied yes, he has \$9,000 in this budget line. Charlie asked if Scott checked their background and if they have insurance, Scott replied he was unsure. ***Charlie offered the friendly amendment that the acceptance of the bid is conditional upon a favorable background check and the assurance the company has insurance both Joan Funk and Jim Horgan accepted the amendment. Motion carried with all in favor.***

B. Street Sweeping Services – Scott received the following bids;

Name	Hourly Rate	Daily Rate
Immaculate Power Sweeping	\$89	none provided
Labrie Assoc., Inc.	\$95	\$760
Shoem Sweeping Services	\$95	\$760
Granite State Sweeping Services	\$110	none provided

Scott stated he would recommend the Board contract with Granite State Sweeping Services because they were the most responsive bidder as others had additional requirements. Also, Scott was contacted by Granite State Sweeping and they agreed to meet a \$95 hourly rate for the contract. Charlie asked Gary if it is okay that Scott released the rates for competitive companies to Granite State Sweeping and Gary replied yes, it is not against town policy and a lot of communities do it.

Joan Funk motioned to accept the bid by Granite State Sweeping Services for Street Sweeping at \$95/hr., 2nd Jim Horgan. Discussion followed where the Board noted Granite State Sweeping was the only company that met the provisions of the requested bid but in the future they would like Scott to refrain from offering bid information to competitive companies/bidders. ***Motion carried with Charlie King opposed.***

C. Catch Basin Cleaning and Culvert Cleaning – Scott received the following bids;

Name	Hourly Rate	Daily Rate
Felix Septic Service	\$110	\$880

Hartigan Company	\$115	\$920
Bellemore Catch Basin Maintenance	\$120	none provided

Scott noted Hartigan Company worked for the town in this capacity last year, they also called this week and asked if they were low bidder and when they were told no, they said they could match the low bidder's price. However, Felix Septic Service met all specifications of the proposal. Scott stated he has never worked with Felix Septic Service however he did check their references and they were all good. The only concern Scott has is that Felix Septic Service does not have prior knowledge of the town like Hartigan Company would.

Gerry McCarthy motioned to accept the proposal for Catch Basin Cleaning and Culvert Cleaning to Felix Septic Service at \$110/hr, 2nd Joan Funk. Motion carried with all in favor.

D. Crushed Material Processing Program – Scott received the following bids;

Name	Unit Price	total est. cost
Nutter Enterprises (crushing & screening)	\$4.16/cubic yd	\$31,200
Nutter Enterprises (winter sand screening)	\$2.07/cubic yd	\$10,350
FL Merrill Const. (crushing & screening)	\$4.25/cubic yd	\$31,875
FL Merrill Const. (winter sand screening)	\$3.00/cubic yd	\$15,000
MB Company, Inc. (crushing & screening)	\$4.22/cubic yd	\$31,650
MB Company, Inc. (winter sand screening)	\$2.83/cubic yd	\$14,150

Scott explained the crushing operations are to crush ½", ¾" and winter sand products at the Sarah Greenfield Business Park. Scott only has \$23,000 in his crushing line and \$10,800 in his winter sand line and therefore the bid would be to not exceed these amounts. Charlie asked if the bidders will accept the contract based on a cost not to exceed and Scott replied he would have to ask them the question.

Charlie King motioned to award the crushing contract to Nutter Enterprises with a cost to not exceed \$33,800, 2nd Joan Funk. Motion carried with all in favor.

E. Four Day Work Week Request – Scott requested permission to have the public works department change to a four 10 hr. day work week in order to work efficiently over the summer months. He has a number of employees out on medical leave but would have liked to have two crews with one that worked Monday through Thursday and the other to work Tuesday through Friday. Gerry said Scott should make sure someone is on call on Fridays in case of an emergency. Charlie stated he is opposed to a four day work

week because he does not feel it is cost effective when the weather does not cooperate on the work days. Joan stated she feels with a four day work week the town can save money because they can complete projects in one day's time and therefore save the travel time that would have been required for an additional day. Paula stated she likes the idea of a 4 day work week but she would not be in favor of it until the department is fully manned.

Joan Funk motioned to authorize a four day work week for the DPW, 2nd Gerry McCarthy. Motion failed with Joan Funk (yes), Paula Proulx (no), Charlie King (no), Jim Horgan (no) and Gerry McCarthy (yes).

- F. Road Swap** – Scott reported he met with Doug Deporter, P.E., NHDOT District 6 Engineer, on Friday, April 15, 2011 in which the purpose of the meeting was to begin discussing potential solutions to facilitate a suitable agreement for the road swap with the NHDOT. The solution they discussed consisted of the Town completing the drainage improvements on Charles Street beginning at the intersection of Webster Street and continuing south along Main Street and South Main Street to the outlet at the Cocheco River (per the recommendations presented in the Stormwater Drainage Study that was completed by Jacobs Engineers in 2010). In return for completing the drainage improvements (anticipated to be complete during the summer of 2012), the NHDOT proposes to complete a full-width roadway rehabilitation and repaving of Route 153 (excluding the parallel parking spaces on Main Street), including reconstruction of Charles Street between Bay Road and Webster Street.

It was discussed that there is nothing on file with any offices that says the Town of Farmington is responsible for the maintenance of Charles Street. The Board would like NHDOT to make the temporary repairs that are needed immediately. The Board directed Scott to continue his discussions with NHDOT and Doug Deporter. Paula asked how much the drainage repairs would cost as proposed and Scott stated he has the figures and will supply them to the Board.

- G. Road Posting** – *Gerry McCarthy motioned to lift the road postings, 2nd Joan Funk. Motion carried with all in favor.*

8. Police Department:

- A. Gary reported that the Police Chief is meeting with State regarding the School Resource Officer (SRO) soon. The School Board has decided to not fund the SRO if the State does not fund the reimbursement for the SRO.
- B. Scott Hazelton provided the Board with a memo regarding the status of the Animal Control Officer vehicle and the old Code Enforcement car. The ACO vehicle will cost

approximately \$2,544 to pass inspection and Dennis' old car will require \$2,513 to pass inspection. Scott Hazelton noted the ACO vehicle is in better shape than the other but still needs extensive repairs.

C. Gary informed the Board the State is considering cutting funding for Domestic Violence prosecution and the Town may need to discuss how they are going to prosecute these cases in the future.

9. **Sarah Greenfield Business Park: Price per acre –**

Gary noted that Megan Fetter, Selectmen Secretary, conducted a good deal of research and as a result he has come to the conclusion that the Selectmen never actually voted to set a price for lots at the Sarah Greenfield Business Park. In 2005 and 2006 there was discussion on the matter including a non-public session where a price of \$39,000 per acre was discussed but an actual vote on a per acre price was not taken. The Board recognized that they need to balance what it wants, up front on a per acre basis with what it hopes to achieve over the long term from the assessed value of the buildings on the lots and the number of jobs created. Charlie summarized that the Board would like to hold the \$39,000 per acre price but the Town is willing to negotiate the cost depending on what the "package" is offering the town and the Economic Development Committee will review the cost.

10. **Board/ Committee Applications:**

- A. *Gerry McCarthy motioned to appoint Theresa Mills to the Economic Development Committee for one year, 2nd Jim Horgan. Motion carried with all in favor.*
- B. *Gerry McCarthy motioned to appoint Ann Titus to the Economic Development Committee for three years, 2nd Joan Funk. Motion carried with all in favor.*
- C. *Jim Horgan motioned to appoint Sharon McKenney to the Economic Development Committee for three years, 2nd Gerry McCarthy. Motion carried with all in favor.*

11. **Facilities Use Request:**

- A. *Jim Horgan motioned to approve the facilities request by First Baptist Church for a carwash on August 20, 2011 with the conditions that the responsible party be noted on the application, insurance waiver be provided with the town added as secondary and the location to be at the Municipal Offices, 2nd Joan Funk. Motion carried with all in favor.*
- B. *Gerry McCarthy motioned to approve the facilities request by Boy Scout Troop 188 for a carwash and yard sale on May 7, 2011, 2nd Joan Funk. Motion carried with all in favor.*

12. **Other Business To Come Before the Board:**

- A. Scott Hazelton reported the Town was granted a \$6000 NH the Beautiful Grant that will purchase the scale at the landfill.

- B. Charlie reminded the Board that they had earlier voted to utilize a temporary, contract town administrator until after town meeting and then re-advertise the permanent position. The Board was in agreement to re-post the position and leave it open for six weeks. Gary will post the ad.
- C. Gary reported that the chandelier at the Old Town Hall was not broken it was actually the spotlights that activate the light and they are being fixed.
- D. Charlie asked what is happening with the UniFirst contract and Gary stated it was his understanding that the Town was going to continue with the contract but next year's contract will have different verbiage as discussed earlier.
- E. Joan informed the Board that the signs the Town is receiving from the State are ready to be installed and the Board needs to decide where they should be placed. Board will discuss at the next meeting.
- F. Scott Hazelton reported that Planet Aid has returned their keys to the landfill. It was also discussed that clear bags will be required as of April 30, 2011 at the landfill. The Board suggested Scott have laminated signs up at the landfill so there is no excuse for residents to not see it.

At 10:26pm, Jim Horgan motioned to go in non-public session under RSA 91A.3II (b), 2nd Gerry McCarthy. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 10:42pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 10:42pm, Jim Horgan motioned to go in non-public session under RSA 91A.3II (b), 2nd Gerry McCarthy. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 10:45pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 10:45pm, Jim Horgan motioned to go in non-public session under RSA 91A.3II (b), 2nd Gerry McCarthy. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 11:18pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 11:18pm, *Jim Horgan motioned to go in non-public session under RSA 91A.3II (b), 2nd Gerry McCarthy. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).*

At 11:26pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

G. Other – The Planning Department Secretary position will be posted.

At 11:32pm, *Jim Horgan motioned to adjourn, 2nd Joan Funk. 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