

**TOWN OF FARMINGTON
BOARD OF SELECTMEN
PUBLIC MEETING MINUTES
Monday, August 8, 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 Alan Gould, DPW Director Scott Hazelton, Water/Sewer Superintendent Dale Sprague and Recreation Director Rick Conway.

Public Present: Emmanuel Krasner, Neil Johnson, Gary Mosher and Ed Leonard

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

1. Public Comment:

- A. Emmanuel Krasner explained that at a recent Farmington Democrats meeting the idea of creating a community garden arose and they would like the Board to grant permission to use a town owned parcel for this type of project. He met with the Conservation Commission and they informed him that there are several town owned parcels in the downtown area that would be good for this type of project. Charlie asked if they have picked a parcel out yet and Mr. Krasner stated no, they were planning to meet with the Conservation Commission again to determine the ideal lot if the Board agreed this would be a good idea. Gerry suggested the land up by the water tower might be an ideal spot. The Board agreed this would be a great idea.
- B. Emmanuel Krasner informed the Board that he would like to discuss an idea on how to eliminate the problem of subdivisions with roads constructed with the subdivision. He feels it is an unfair burden to the town to take on the roads within subdivisions and over the past two years at Town Meeting the Town has had to take on several subdivision roads. He suggested the Board create an addendum to the Subdivision Regulations that states all Subdivision require a Restrictive Covenant that is recorded at the Registry of Deeds that states all subdivision roads in new construction will remain private. Gerry asked how the Covenant could be annulled and Mr. Krasner explained that it can be annulled if all the parties involved agreed to annul it. Charlie stated it would need to be in the Zoning Ordinances because the Subdivision Regulations can be waived.
- C. Gordon Lubbers lives on a private road, Oakwood Road, that does not have a homeowners' association with its twenty-three residents. The road is in extremely poor condition and no money is currently being collected by anyone to take care of the road and winter maintenance. Previously a few homeowners started collecting funds from neighbors to pay for the maintenance but since have stopped because funds were not being paid by everyone. Mr. Lubbers would like the Board to recognize this issue and establish the road as an emergency lane under RSA 231:59A and take care of the road. Charlie suggested Mr.

Lubbers look back in the records to see if the original approval included the requirement of a Homeowner's Association.

Mike Rondon of Oakwood Road, explained that only a few of them pay each year for the maintenance and asked how they can make the other residents on the road pay their share. Charlie replied that an attorney would need to be consulted to see what can be legally done. Mr. Lubbers stated that an attorney has been contacted and their opinion was that there is no easy way to fix this problem and to go back to the original subdivision approval to see what was required at the time of construction. Alan will have the Planning Department pull the documents for this subdivision and also see how the RSA will apply to this situation.

D. Gary Mosher, American Legion Commander, informed the Board that he did some research about the flags and found that flags do not have to be lighted unless they are flown 365 days a year and 24 hours a day. Joan asked if flags can be requested to be flown at half mast if a veteran has fallen and Mr. Mosher replied that the Legion takes request but the downtown flag cannot be lowered because it is not safe with the wires and such. Alan further explained that municipal building flags can only be lowered to half mast upon order of the Governor or the President.

2. **Review of Minutes:**

A. *Jim Horgan motioned to table the review of minutes until the end of the meeting, 2nd Joan Funk. Motion carried with all in favor.*

3. **Recreation Department:**

A. Rick Conway explained that the town has historically used the TD Bank and Peaselee Funeral Home parking lots during Hay Day and requested the Board sign the Hold Harmless agreement. *Joan Funk motioned to authorize Alan Gould, Interim Town Administrator, to sign the Hold Harmless Agreements for Hay Day parking, 2nd Jim Horgan. Motion carried with all in favor.*

B. Rick explained that he received clarification from the two lowest bidders for the bathroom renovations. Mr. Rouleau however, just clarified his bid today and Rick asked if it is okay to accept the clarification at this late time. *Gerry McCarthy motioned to accept the bid clarification from Mr. Rouleau, 2nd Jim Horgan.* Discussion followed where it was discussed if Mr. Rouleau was made aware of the clarification request and it was noted that he probably did not know. Paula stated she would go along with it but she does not like accepting the information late because it speaks to the bid as to whether or not they are thorough. *Motion carried with all in favor.*

4. **Public Works Department:**

A. Scott Hazelton, Director, explained that the cost for the drainage materials that the Town would be responsible for Charles Street is approximately \$11,569.00. Scott suggested using the 2010 FEMA grant money that was encumbered from last year to purchase these

materials. Scott's crew will install the drainage components in August. The approximate cost for the NHDOT to install the temporary grader shim overlay (average of 1" thickness) is \$10,880. Paula stated that the FEMA money should not be used until the culverts on Hornetown Road are complete and signed off on. Scott stated that the culverts are scheduled for completion next week and the paperwork was signed off on before he started in the town.

Scott would like authorization to proceed with the drainage improvements on Charles Street from Webster Street to the Bay Road split in conjunction with the water/sewer department's projects.

Gerry reminded Scott that the original road swap discussion was much different than what is being brought forward now. Scott said that he is still working on the road swap and he will review the documents again and meet with Mr. Deporter from NHDOT. Alan noted that the road swap is not related to these drainage updates.

Charlie polled the Board to see if they would be willing to make a decision on this project tonight even though it was not on the agenda. Paula noted that she did not want to make a decision tonight because it was not on the agenda and therefore she did not review the information as carefully as she would have if she had known it was going to be discussed. ***Gerry McCarthy motioned to approve the drainage improvements discussed tonight for \$11,569.00 which will allow the State to apply the 1" overlay, 2nd Joan Funk. Motion carried with Paula Proulx opposed.***

5. Wright-Pierce Update:

A. Project Updates - Ed Leonard of Wright Pierce explained that they have awarded the bid as the Board approved at the last meeting and he has provided the Board a summary report of the project thus far. Phase I is in the warranty period and wrapping up. Phase II (WWTF Upgrade) is on schedule and is 36% complete through July 31, 2011. Start-up of the new SBR Treatment Tanks is anticipated in March-April 2012. Ed stated that he would like to hold off a month or two, until the shop drawings are complete, to provide the Board with a more detailed assessment of the budget. Phase III (Collection System) is on track for bid award in August and construction in September-June 2012. Phase IV (Future Disposal) has no activity at this time. The Town needs to submit is NPDES permit renewal application around December 2011 – January 2012, which will include the "peak flow to the river" concept. The final language for the permit will be determined by Phase III based on current flows. Paula asked if there is enough funding available for Phase IV if it is needed and Ed replied that the Town is in good shape budgetary wise and he would recommend doing anything different at this time. Approximately 38% of the project budget has been expended to date and firm pricing for 88% of the total projects are in hand. Wright-Pierce anticipates the RD loan closing will occur in October-November 2011 and the DES loan closing will occur in March-April 2012.

B. Pending Change Orders - Ed informed the Board that he has three change orders to present to the Board tonight and the funding agencies stated that they are acceptable to the funding agencies. The first change order is for Disinfection Tank Scum Skimmer Modifications. They point together three options for Apex construction to provide cost proposals for; Option 2 has a cost of \$10,267.32 and is the Town's preferred option. Dale agreed that Option 2 will provide the best solution for the operation. *Joan Funk motioned to approve the change order for the Disinfection Tank Scum Skimmer modifications for a cost of \$10,267.32, 2nd Jim Horgan. Motion carried with all in favor.*

The second change order is for the Operations Building & Septage Receiving Area Electrical Conduit (RFI WP-3) for a cost of \$10,390.77. This will add, modify and delete electrical conduit and wire requirements in the Operations Building and Septage Receiving Area to provide the level of automation intended by the design. *Joan Funk motioned to approve the change order for the electrical conduit for a cost of \$10,390.77, 2nd Jim Horgan. Motion carried with all in favor.*

The third change order is to add process instrumentation to improve process reliability and process automation from AquaAerobics for the SBRs. The instruments requested are 1 nitrate-nitrogen probe and 1 total suspended solids probe. These probes would be connected to the WWTF (Waste Water Treatment Facility) control system to allow for automated process refinement and/or alarm capabilities. The cost is \$34,510.00 with an additional cost of \$2,000 to \$3,000 for additional programming. Ed stated these are optional probes but will provide for a more reliable operation. Gerry noted that the equipment is not rated Class I, Division II and Ed stated that he would have to contact Dennis Roseberry, Code Enforcement Officer, to obtain final approval who has the jurisdictional authority. *Joan Funk motioned to approve the change order for the two probes from AquaAerobics for \$34,510.00 contingent upon approval of the unrated probes by the State Electrical Inspector, 2nd Jim Horgan. Motion carried with Gerry McCarthy opposed.*

C. Proposed Amendment for Construction Engineering Contract for Phase 3 – Charlie asked for clarification on how the resident project representative figure was estimated and Ed explained it is based on 200 hours at \$45/hr but can change depending on how much oversight Dale can provide. Ed explained that contract 1 for \$22,000 is not eligible for grant funding. *Jim Horgan motioned to approve contract 1 for \$22,000 and contract 2 for \$75,000 both with Wright-Pierce, 2nd Joan Funk. Motion carried with all in favor.*

Jim Horgan motioned to authorize the town administrator to sign both approved contracts, 2nd Joan Funk. Motion carried with all in favor.

At 8:43pm, Jim Horgan motioned for a recess, 2nd Joan Funk. Motion carried with all in favor.

At 8:52pm the Board reconvened.

6. Discussion of Draft Safety Policy:

Alan informed the Board he sent the policy to the department heads and PRIMEX for their comments/approval. Jim suggested a list of minimum trainings for each department should be established for the Safety Council to ensure happens. Several Board members were in agreement with Jim. Paula asked how the trainings will be tracked. Alan reported that the certificates from the trainer will be placed in the employees personnel file. Paula stated that sign-off sheets for each training should also be kept in one spot for good record keeping purposes, Alan agreed that this could be done. Jim stated that he feels the JLMC should oversee that the trainings are occurring and documenting them but the individual departments should each have someone in charge of scheduling the appropriate trainings. Jim then added that he noticed the policy excludes motor vehicle accidents but he feels training regarding this should be carried out. Alan explained that it was specifically excluded so as not to single out particular employees, but trainings are available.

Paula stated she feels that the accident report section on page 7 should have follow-up with a corrective action report that is filed in the town's files. Alan pointed out that there is a report form at the end that is an internal mechanism for incident review. Paula said she noticed that form was there but it does not reference this form will be filled out and filed in the town's files as part of the policy. Charlie added that the incident review form needs to be filled out by the department head but signed off by the town administrator for consensus. Alan added that the JLMC would review the form as part of their responsibilities and they can meet as often as needed.

Alan reported that Scott Hazelton has agreed to be the chair of the JLMC and Alan would like to have a meeting of the JLMC for them to do a final review of the safety policy. Gerry asked if the committee could choose their own chair and Alan said yes, but Scott already offered to. Paula then asked why there is not a standard Hazardous Material policy instead of each department creating their own. Alan noted that there are standards for Hazardous Materials but he feels each department should have specific policies to their department because they have specific trainings per their departments. *Jim Horgan motioned to authorize the town administrator to establish the JLMC and establish a final copy of the safety policy, 2nd Joan Funk. Motion carried with all in favor.*

7. Wage and Class Study:

Alan prefaced the discussion by stating that a representative from MRI will be attending a meeting to review this study with the Board but he will try to answer questions the Board might have tonight. Charlie questioned if the step plan would require adjustments and Alan explained yes, there would be some that would go up and others that would be red-lined (not reduced) and stay the same. Charlie then asked why the higher grades would get a 4.5% increase and not the 2.5% on the steps. Alan replied that Gary (from MRI) will provide that explanation on the 22nd.

8. Any Other Business To Come Before the Board:

- A. Charlie asked how much the Town will be receiving for the Rooms and Meals Tax and Alan said Pam is trying to get that figure from the DRA since the State has not been forthcoming with the figure. Pam, Finance Administrator, figured that it would cost \$18,888.37 to give a 1% increase to town employees across the board.
- B. Tomorrow, August 9th is a Special Meeting for elections and Teacher contracts.
- C. Gerry asked what is happening with the School Resource Officer and Crossing Guard and Alan said he has no new information.
- D. Gerry asked if anything has come in regarding the SAU lease and Alan said yes, he has a written counter proposal to discuss in non-public tonight.
- E. Gerry stated that on Friday afternoons until 5pm there is supposed to be an additional person to stay with the Selectmen Secretary and he thought it was the duty of the new Planning Secretary. Alan stated he needs to review the minutes of the meeting that hired the Planning Secretary to see if that was a stipulation. Charlie stated he remembered discussion that the position should be flexible to cover the afternoons since many other part-time employees in town are in the morning. Alan will do some research.
- F. Jim asked when the Board would like to look at the 56 properties the town owns and decide what they would like to do with them. Gerry would like to talk about them and even suggested the 25 acres on the Pound Road be turned over to the Conservation Commission to be used as another town forest.
- G. Paula said that a couple people have asked her that there has been an excessive amount of trash at the landfill that isn't covered. Alan will follow-up.
- H. Paula asked if the town has done anything with the sidewalk grant. Alan will follow-up on the status.
- I. Joan suggested that in the future if there are non-public meetings prior to the public meeting then the public meeting should be opened first so that the public can see there is a meeting ongoing. Alan stated that a slide that states the Selectmen are in non-public could be put up.
- J. Charlie stated there is a request for an Intent to Cut for R58, Lot 9 with a note from Scott Hazelton to approve contingent upon best management practices being followed. ***Gerry McCarthy motioned to approve the Intent to Cut for R58, Lot 9, 2nd Jim Horgan. Motion carried with all in favor.***

9. Review of Minutes:

- A. ***Joan Funk motioned to accept the public minutes of July 25, 2011 as amended, 2nd Jim Horgan. Motion carried with all in favor.***
- B. ***Joan Funk motioned to accept the non-public minutes of July 18, 2011 part D as written, 2nd Jim Horgan. Motion carried with all in favor.***
- C. ***Joan Funk motioned to accept the non-public minutes of July 25, 2011 part A as written, 2nd Charlie King. Motion carried with all in favor.***
- D. ***Joan Funk motioned to accept the non-public minutes of July 25, 2011 part B as written, 2nd Jim Horgan. Motion carried with all in favor.***

- E. Jim Horgan motioned to approve the non-public minutes of July 25, 2011 part C, 2nd Joan Funk. Discussion followed where Paula asked why this was in non-public and Alan explained that there is potential for a claim against the town. Alan will check with town counsel to see if they meet the requirement of non-public session. Motion withdrawn.*
- F. Jim Horgan motioned to table the non-public minutes of July 25, 2011 part C, 2nd Paula Proulx. Motion carried with all in favor.*

At 10:13pm, Paula Proulx motioned to go in non-public session under RSA 91A.3.II (d), 2nd Charlie King. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 10:37pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 10:37pm, Jim Horgan motioned to go in non-public session under RSA 91A.3.II (b), 2nd Gerry McCarthy. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 10:47pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 10:47pm, Jim Horgan motioned to go in non-public session under RSA 91A.3.II (b), 2nd Gerry McCarthy. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 10:57pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

Alan will have an update regarding the status of the welfare budget for the next meeting as it is currently over expended.

At 11:03pm, Jim Horgan motioned to adjourn, 2nd Joan Funk. Motion carried with all in favor.

Respectfully Submitted,

Brandy Sanger

Recording Secretary

Revised and accepted 8-22-11

Chairman Charlie King

Jim Horgan

Joan A. Funk

Gerald McCarthy

Paula Proulx