

**TOWN OF FARMINGTON
BOARD OF SELECTMEN
Monday, October 24, 2011
356 Main Street, Farmington, NH**

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

Town Staff Present: Interim Town Administrator Gary Stenhouse, Water/Wastewater Superintendent Dale Sprague, Police Chief Scott Roberge, Public Works Director Scott Hazelton and Parks and Rec Director Rick Conway.

Public Present: Ed Leonard of Wright-Pierce, Dorinda Howard, Dick Maynard, Jane Wingate and John Wingate

At 6:00pm Charlie King called the meeting to order.

1. Public Comment:

- A.** Jane Wingate, resident, read a letter she wrote to the Board expressing her opinion on how the Town has been handling the driveway and granite stone situation on Mr. Maynard's property. She stated the town graded the road several times and because of this the slope of Mr. Maynard's property is too dangerous for deliveries to be made to his home. She also stated that the granite stones should be left as is and suggested the town install signage to inform travelers that the road will narrow ahead (by his driveway) in lieu of removing the stones.
- B.** Belinda Howard, resident, voiced her support for Mr. Maynard as well, noting she had a similar experience with the town's highway department. Mr. Maynard questioned why the other areas in town where there are similar hazards (stones/granite) that he brought to the town's attention have not been addressed. Charlie replied the Board has reviewed the information and the road agent is reviewing the area to make his recommendations.

2. Review of Minutes:

- A.** *Joan Funk motioned to accept the public minutes of 10-13-11 as written, 2nd Jim Horgan. Motion carried with all in favor.*
- B.** *Joan Funk motioned to accept the non-public minutes of 10-13-11 part A as written, 2nd Jim Horgan. Motion carried with all in favor.*
- C.** *Joan Funk motioned to accept the non-public minutes of 10-13-11 part B as written, 2nd Jim Horgan. Motion carried with all in favor.*
- D.** *Joan Funk motioned to accept the non-public minutes of 10-13-11 part C as written, 2nd Jim Horgan. Motion carried with all in favor.*
- E.** *Joan Funk motioned to accept the non-public minutes of 10-13-11 part D as written, 2nd Jim Horgan. Motion carried with all in favor.*

3. Coast Bus Route Change:

A representative of Coast Bus explained that Coast appreciates the full budget support from the town during the past budget season. Ridership is up 14% in Farmington from last year. Coast is proposing a change to the route which will add a stop at Market Basket in Rochester which has been a request from the riders for several years now. The departure times will not change but instead of going to Trotting Park after Rite Aid on the way into Farmington the bus will only stop there on the way out of town. There is no additional cost for this stop at this time because they feel the ridership will cover the small increase. This change is due to begin on 12/5/11.

4. Animal Control Officer Position:

Scott Roberge reported that he advertised the position as the Board requested as both a Part-time and per diem position on 8-5-11 and 10-9-11. He has received some additional resumes but has not yet been able to hold interviews. He hopes to have candidates to the Board for the 11-14-11 meeting.

5. County Prosecution Proposal:

Gary informed the Board that there was a meeting held by the County last week for the purpose of discussing the regionalization of prosecution services. At this meeting a number of concerns were raised and no consensus was made. Scott Roberge stated that this was tried several years ago and the success rate was poor for prosecution plus it is difficult to schedule the Police Department due to random court days when the prosecution is regionalized.

6. Police Surplus Property:

Scott Roberge explained that he was able to get 2 industrial fax machines, 300 brand new auditorium chairs, desks, conference tables, podiums, LCD projectors and more for free at the federal surplus building. He has rented a U-Haul truck to pick the items up and has arranged to store them at Taylor Rental for a week so the items can be inventoried.

7. Community Garden Location Approval:

Dale Sprague showed the Board pictures of the area behind the water tank off of Bay Road that is the proposed site for the community garden. Jim stated that he is not sure if the Farmington Democrats have agreed on this space or if they wanted the space inside the fence. Gary reminded the Board that an insurance rider would also be needed. Gerry asked how other communities deal with the insurance issue for communities gardens and Gary replied that he would do some research into the matter. Gary will contact the Farmington Democrats and have them go out and flag the four corners of the area they are suggesting and then make a formal request to the Board. It was also discussed that a water faucet would need to be installed and metered; thought the Board is unsure if they would charge for the water or not at this time.

8. Wastewater Treatment Facility Plant Upgrade:

- A. Phase I** – nothing new to report
- B. Phase II** – construction is 48% complete for time and 59% complete for price
- C. Phase III – Collection System, Contract #1** – The Notice of Awar was issued on 8/29/11 and contract execution on 10/20/11. No work has been started. There are 21 properties who are eligible for grant funding and that have provided easements. Three additional properties are likely eligible but the paperwork has not been completed and Dale has been working with the owners to get everything in line.

There are also nine properties that have provided easements but are not eligible for grant funding. The work for these nine properties will not commence until the Board decides how the costs will be handled. Paula asked if a figure has been solidified for the repairs and Ed Leonard replied it would be \$22,000 though the figure could be reduced if Dale and his men are able to do a majority of the work. The Board previously requested information on betterment assessments and Gary stated that he posed the question of legal and betterment assessments are not appropriate for this circumstance. If the infiltration is on the homeowner's side then the Town can legally make them do the repairs. Dale said it would be cheaper for the homeowner to hire their own contractors for the repairs. Paula asked how the nine homes were originally identified and Ed explained that the earlier I/I work identified the infiltration but they are not sure how far down the line the infiltration starts. The town would need to hire a contractor to "tv" the individual lines to see if the infiltration is in the right of way or not. Dale said he expects most of the repairs will probably be needed in the right-of-way due to the old clay pipes.

Jim Horgan motioned to contract out services to have the nine properties that are not eligible for grant funding to be televised and then move forward with the repairs that are within the town's right of way, the town will pay for the repairs if they are in the right of way otherwise the owner of the property will need to, 2nd Charlie King. Motion carried with all in favor.

- D. Phase III – Collection System Contract #2** – As of 9/30/11 construction is 19% complete for time and 27% complete for price. The storm drain piping is complete, the sewer piping is 66% complete and the sanitary service work is on-going. A change order was negotiated to address modifications to the paving with CDBG agreeing to pay for the incremental construction costs. The change order is for \$30,490.95. JAMCO is expecting to complete the Bay Road project by the 2nd week of November. Gerry asked if the town is providing the sub base gravel material and Ed Leonard explained that originally the town was going to have to pay for all the paving but they were able to negotiate CDBG picking up the costs with the town donating about \$3000 worth of gravel. *Jim Horgan motioned to authorize Gary Stenhouse, Interim Town Administrator, to sign the change order for \$30,490.95, 2nd Joan Funk. Motion carried with all in favor.*

E. Funding and Budget Summary – Ed Leonard reported that 51% of the project budget has been expended. Firm pricing is in hand for approximately 88% of the total project costs. As of 9/30/11 the project has expended all loan funds and therefore the town needs to move into the Rural Development grant funds. Rural Development issued a letter dated 10/5/11 to the Board regarding the loan closing preparations. The loan closing/bond proceeding for the Rural Development funding must occur in November/December 2011 to avoid cash flow problems. The DES Phase 1 loan closing will occur in a similar time frame. Dale reviewed what is currently ongoing for the loan closing noting the biggest item is the bond counsel.

Ed Leonard stated that the Board needs to decide what format to use for the bond payment. Debt service for the RD Phase 2-3 loans will start in Nov/Dec of 2012 (one year from closing). Debt service for the DES Phase I loan will start in Feb/March 2012 (one year from substantial completion). These payments will need to be included in the 2012 budget. Bond counsel presented two options to repay the RD Bond of \$4,619,000,000. The first is a level principal with declining interest (payments will drop over time and will have a slightly less total interest paid out). The second is a level payment annually with a slightly more total interest paid out. The Board was in consensus to go with the second option of a level payment because it is more in line with what was presented at town meeting for a rate. The original rate was \$6.70 and the projected new rate was \$11.00 but Dale projects the actual rate to be \$9.70. (Gerry then asked Ed Leonard about the previously discussed sensors and Ed said Gerry was right so the sensors had to be changed.

At 8:20pm, Charlie King motioned for a short recess, 2nd Jim Horgan. Motion carried with all in favor.

At 8:30pm the Board reconvened.

9. Ambulance Fee Recovery:

Gary asked to table this item. *Jim Horgan motioned to table the discussion until 11-14-11, 2nd Charlie King. Motion carried with all in favor.*

10. NH DOT Maintenance Cutbacks:

Gary explained that the legislation that would have created these cutbacks failed so this is a non-issue.

11. Landfill Extension:

Gary explained that he requested an extension of the landfill through 4/30/12 and it was granted. Jim asked if the town has a place to haul trash after that and Gary replied no, but they are working on getting figures for hauling for 8 months for the budget. The Co-op facility is still not under construction but Scott Hazelton did hear that they now have the

required number of towns participating. They also just got approval from Concord and the next step is to get the appropriate permits. Scott H. will provide the Board with the draft RFP for hauling and tipping fees. Paula asked if all the stored recyclables have been sold and Scott H. replied yes and that he also found a buyer for colored paper and waste oil. (A check for about \$11,000 was just turned into Pam for the recyclables.)

12. Other Business To Come Before the Board:

- A.** Gerry said he noticed a sign today on Pound Road that said the road was subject to gates and bars (on the Ten Rod Road side). Gerry added that he did not remember voting to do this and the other Board members agreed this was not voted on. Gary will look into it.
- B. Town Hiring Policy** – Charlie stated he has noticed the hiring process has not been followed lately. Gary said he wasn't aware of a written policy and he did tell Scott H. to hire for the landfill. Charlie reviewed that the policy established by the Board is that the top three candidates should be brought to the Board for interviews and then possible hire. Plus all applications/resumes should be available for the Board to review. Gary will write up a policy for the Board to review and sign.
- C.** Gerry stated he didn't know the town changed custodial services. Gary replied he received nothing but complaints about the service of the previous contractor and he found that he was able to work something out with the gentleman Rick Conway uses, so he cancelled the service. Gary apologized for not informing the Board or allowing the Board to make the decision.
- D. Trick or Treat Volunteers** – Rick Conway asked if the Board would allow any interested town employees to hand out candy downtown while on the clock on Friday at 3:30. *Jim Horgan motioned to allow up to 6 employees to volunteer to help pass out candy for the parade, 2nd Charlie King.* Discussion followed where it was noted the boy scouts might be able to fill this void. *Charlie King offered a friendly amendment to use volunteers to fill the vacancy before town employees, accepted by Jim Horgan. Motion carried with all in favor.*
- E. Health Insurance Rates** - Gary explained that the rates are in and they are up 11%. There are some options to reduce the increase some. The Board agreed Gary should investigate all options and bring them back to the Board with percent and dollar effects.
- F. Vehicle Equipment Swap** – Cameron's Lawn and Garden is proposing a swap for the town's 1992 L-8000 dump truck which is stored at the highway garage and cannot pass inspection. (Camerons would like it for the engine.) Their idea is to swap it for a Yale 4,000 diesel forklift with a three stage lift, side shift, tip and tilt. Both pieces of equipment will be traded as is. Scott did call Madbury Metals and if the vehicle is scrapped the Town would get about \$950-\$1200. The town mechanic went up to check the forklift and it will need three minor repairs though it is operational. *Jim Horgan motioned to authorize the swap of the 1992 L-8000 dump truck vin #1FDYK827NVA32533 for Alfred Cameron's Yale 4,000 diesel forklift, 2nd Charlie King. Motion carried with all in favor.*

13. **Public Works Department:**

A. Guard Rail Bid Award - Scott presented the Board with a summary of the bids that he received;

1. BII Fence & Guardrail:

Galvanized Beam with 6' pressure treated wood posts - \$16.85/linear ft
Galvanized Beam with 7' pressure treated wood posts - \$17.68/linear ft.
Galvanized Beam with 6' galvanized steel posts - \$18.41/linear ft
Galvanized Beam with 7' galvanized steel posts - \$19.53/linear ft

2. CWS Fence & Guardrail:

Galvanized Beam with 6' pressure treated wood posts - \$20.50/linear ft
Galvanized Beam with 7' pressure treated wood posts - \$21.45/linear ft
Galvanized Beam with 6' galvanized steel posts - \$19.00/linear ft
Galvanized Beam with 7' galvanized steel posts - \$19.95/linear ft

3. Four Seasons Force:

Galvanized Beam with 6' pressure treated wood posts - \$21.00/linear ft
Galvanized Beam with 7' pressure treated wood posts - \$22.00/linear ft
Galvanized Beam with 6' galvanized steel posts - \$19.00/linear ft
Galvanized Beam with 7' galvanized steel posts - \$20.00/linear ft

Based on the above proposals, Scott H. recommends that BII Fence & Guardrail be awarded the project based on a cost not to exceed \$10,000 (\$4,500 in 2011 budget line and \$5,500 encumbered from 2010). The guardrails are to be installed by the vendor. Charlie asked if the \$10,000 is enough to complete both projects. Scott said yes, unless ledge is found and needs to be blasted. Scott added that on both Mooney Street and Sheepboro Road it appears they are fill sections so he is hoping to not come across any ledge. He would like 6' pressure treated wood posts for Mooney Street and 7' pressure treated wood posts for Sheepboro Road unless steel posts are needed. ***Jim Horgan motioned to award the guardrail bid to BII Fence & Guardrail to not exceed \$10,000, 2nd Charlie King. Motion carried with all in favor.***

B. Jim suggested Scott have a meeting with his employees in regards to the way they should communicate and deal with the public.

C. Jim questioned where trash is supposed to go when people use the Rec. on the weekends. Scott H. said he thinks it goes down by the maintenance closet. Gary will have Rick Conway address this.

D. Gerry said he would like to know if an air quality test was requested by the SAU before they entered into the new lease. Gerry then questioned if the insurance covers who is using the cellar (lessor) for storage. Also, he would like to know if the lessor is paying 50% of the costs for the basement lights, heats, space, etc. Neil Johnson stated he did not feel an answer would be given because these costs are part of the SAU budget. Paula said the school board members who motioned and seconded the vote in the affirmative to

move to the new SAU should have investigated these costs and therefore should be able to answer the questions. Paula will forward the questions to the budget committee.

- E. Paula informed the Board that she asked Pam for a revised report on revenues to take to the Budget Committee and an update on the current budget standings. Gary will research to see if Charlie is the alternate to the Budget Committee.
- F. Paula asked if Gary was able to get fuel bids in. Gary replied the school did not previously authorize the town to enter a contract for fuel so the cost has increased. The school has now given authorization to the broker to lock in a fuel bid and the broker is searching for a low cost to lock in at.

At 9:37pm, Jim Horgan motioned to go in non-public session under RSA91A.3.II(b), 2nd Charlie King. Motion carried with all in favor.

At 10:06pm the Board came back into public session and Charlie King noted the non-public minutes were sealed.

At 10:06pm, Jim Horgan motioned to go in non-public session under RSA91A.3.II(b), 2nd Charlie King. Motion carried with all in favor.

At 10:13pm the Board came back into public session and Charlie King noted the non-public minutes were sealed.

At 10:13pm, Jim Horgan motioned to go in non-public session under RSA91A.3.II(d), 2nd Charlie King. Motion carried with all in favor.

At 10:17pm the Board came back into public session and Charlie King noted the non-public minutes were sealed.

At 10:17pm, Jim Horgan motioned to go in non-public session under RSA91A.3.II(d), 2nd Charlie King. Motion carried with all in favor.

At 10:36pm the Board came back into public session and Charlie King noted the non-public minutes were sealed.

At 10:36pm, Jim Horgan motioned to go in non-public session under RSA91A.3.II(d), 2nd Charlie King. Motion carried with all in favor.

At 10:40pm the Board came back into public session and Charlie King noted the non-public minutes were sealed.

14. Other:

Amended and accepted 11-14-11

- A. Gerry stated that the lights downtown are still not fixed and also the PSNH pole #464-1 is also out. Paula added that the pole in front of her store goes on/off too so it needs to be checked. Gary will take care of the lights.

At 10:46pm, Joan Funk motioned to adjourn, 2nd Jim Horgan. Motion carried with all in favor.

Respectfully Submitted,

Brandy Sanger
Recording Secretary

Chairman, Charlie King

Jim Horgan

Paula Proulx

Gerald McCarthy

Joan A. Funk