

**TOWN OF FARMINGTON
BOARD OF SELECTMEN
PUBLIC MEETING MINUTES
Monday, February 27, 2012
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, Police Chief Scott Roberge, Lt. Kevin Willey

Public Present: Neil Johnson, Ann Titus, Ed Leonard of Wright-Pierce, Dick Maynard, and Carol O'Connell

Chairman Charlie King opened the meeting at 5:00pm. *Joan Funk motioned to go in non-public session under RSA 91A.3.II (a), 2nd Gerry McCarthy. Roll call – Joan Funk (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Gerry McCarthy (yes).*

At 5:27pm the Board came back into public session and Charlie announced the minutes were sealed.

At 5:27pm, *Joan Funk motioned to go in non-public session under RSA91A.3.II(b), 2nd Gerry McCarthy. Roll call – Joan Funk (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Gerry McCarthy (yes).*

At 5:35pm, the Board came back into public session and Charlie announced the minutes were sealed.

At 5:35pm, *Joan Funk motioned to go in non-public session under RSA91A.3.II(b), 2nd Gerry McCarthy. Roll call – Joan Funk (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Gerry McCarthy (yes).*

At 5:48pm, the Board came back into public session and Charlie announced the minutes were sealed.

At 5:49pm, *Jim Horgan motioned for a short recess till 6pm, 2nd Joan Funk. Motion carried with all in favor.*

At 6:00pm the Board reconvened and Charlie opened the public hearing for the Public Works Truck, Capital Lease Warrant Article.

1. Public Hearing for Public Works Truck,Capital Lease Warrant Article:

Charlie explained that there was a small error with the previously accepted warrant article so the Board needs to hold this additional public hearing to inform the public of the change. The lease cannot have an opt out clause because funds are being taken out of capital reserve for the initial payment.

Hearing no public comment Charlie closed the public hearing. Paula thanked Kathy Seaver for attending the Budget Committee meeting last Friday night.

2. Public Comment:

A. Gerry McCarthy commented that the newspaper cited the town tax rate increase would be \$2.64 if all everything passes but he wanted to point out there will be a \$0.27 increase if the Selectmen's budget passes but only \$0.22 if the Budget Committee's budget passes. However if all the school budget and warrants pass there will be a \$2.37 increase on the school side.

3. Wastewater Treatment Plant Upgrade:

A. Change Orders – Ed Leonard explained the first change order is for replacement of manhole 19B in the intersection of Main Street and Garfield Street. The cost associated with the repairs/replacement identified in the Contract is \$9,658 and has been approved by the funding source so there is no cost to the town. *Horgan motioned to authorize the change order for \$9,658.85 for manhole 19B repairs/replacement noting the funding will be paid through the grant, 2nd Joan Funk. Motion carried with all in favor.*

B. Update –

1. Phase 1 – The warranty period for this project ended on Feb. 4, 2012 and the construction engineering for this contract will come in under budget for this project.
2. Phase 2 – Ed explained the \$300,000 cap has been exceeded and they would like to adjust the cap to \$425,000. The contract amount is \$527,000 and raising this cap will allow them to continue to work on the project. At this point, Wright-Pierce believes that all tasks are on-track for completion within the allocated budgets. *Jim Horgan motioned to move the cap from \$300,000 to \$425,000 for Wright-Pierce, 2nd Joan Funk. Motion carried with all in favor.*
3. Phase 3 (Contract No.1) – Through December 30, 2011 construction is approximately 33% complete based on Contract Time and approximately 32% on Contract Price.
4. Phase 3 (Contract No. 2) – Through December 30, 2011, construction is 55% complete based on Contract Time and 95% complete on Contract Price. There are a few minor items left and will be completed in the spring.

C. Misc. Change Order Items for Discussion –

1. Dale Sprague suggested eliminating the painting of the Permanent Sheeting Wall because it would be a maintenance item. A credit proposal was received and reviewed by APEX on February 23, 2012 (APEX) totaling \$4,582.60. The Board discussed that they are not sure why we would not want to paint this sheet wall now while the cost is covered under the grant because either way it will be a maintenance item. The Board was in consensus to have the wall painted.

2. At the November 28, 2011 Selectmen meeting the Board approved proceeding with the unsuitable soils excavation with a not to exceed cap of \$50,000. The work has been completed and they found a lot less unsuitable soils than expected. The cost proposal associated with the time and materials aspects of the work totals \$8,910.00. The unit price items will total an additional \$1,008 and will be addressed via balancing change order at the end of the project. Ed explained the original change order of \$8,910.00 can be closed. ***Jim Horgan motioned to adjust the set limit to the change order for the unsuitable soils to \$8,910.00, 2nd Joan Funk. Motion carried with all in favor.***

3. The contract calls for 30" diameter manhole covers in accordance with NHDES regulations constructed of cast iron which is very heavy. There is a lighter weight cover that could be used at SMH-2 to facilitate inspection of the liquid decanted off the Sludge Storage Tank. This cover meets the NHDES requirements and is recommended for this location. The cost proposal is \$330. The Board was in consensus that this is an acceptable change.

4. Paula noted that she would like to see the monthly total reports that Ed Leonard used to provide the Board and he commented that he does do them but will make sure he forwards them to the town. Paula then asked for an updated timeline and cost projection as we are getting close to the project close and the Town should be looking at projects for energy efficiency since we are working with grant funding. Ed replied that he will put together a list for the Board over the next few months that would include items/spare parts that could be purchased now through the grant.

4. Assessing Contract:

Gary asked that this discussion be held in non-public at the end of the meeting and the Board agreed.

5. DPW – Sheepboro Road Update:

Scott Hazelton reminded the Board that during the fall of 2011 the DPW raised the gravel road near the lower driveway at 77 Sheepboro Road (Dick Maynard's property). This road is narrow, with the width of the roadway ranging between 15'6" and 17'6". The recommended road width is 18'. Scott recommended grading the road to 18". Additionally at this property on 77 Sheepboro Road there are granite stones buried in place at the slope of the driveway. The DPW has hit the stones during winter maintenance and summer maintenance operation on Sheepboro Road due to poor visibility conditions when the stones are covered with snow and leaves. Mr. Maynard has made it clear in the past that he does not want to remove the stones because he is

concerned with potential damage to the grass on the slope and potential damage to the roots of the old maple trees that are set back behind the stones. In an effort to resolve the matter, Scott recommended the owner of 77 Sheepboro Road bury the stones such that they are flush with the elevation of the existing ground surface. Paula suggested Scott speak to Mr. Maynard about his recommendations and see if he is agreeable and then asked if all the other dirt roads in town are 18' wide. Scott replied all the dirt roads are not 18' and he has begun to make a list of the areas that need to be addressed. Joan commented that this area on Sheepboro Road has been a safety issue for the school buses for many years now and needs to be resolved.

Mr. Maynard commented that all of what Scott stated tonight is not correct. He does not feel a ditch is needed on the opposite side of the road because there is no drainage down that side. He stated the town has demonstrated this winter that it is easy to plow this area with the stones in place because they were able to stay a foot away from the stones. Also, the road here is 19'. He then noted that burying the stones at the current elevation will allow the plow to mash the roots of the trees. Charlie asked Mr. Maynard if he is aware the stones are within the Town's right of way and he said yes but statute allows him to protect his trees. Scott will meet with Mr. Maynard and Gary and then come back to the Board for a final decision.

6. Application to the Planning Board:

Gerry McCarthy motioned to appoint Paul Parker to the Planning Board for 3 years, 2nd Jim Horgan. Motion carried with all in favor.

7. Other Business to Come Before the Board:

A. Carol O'Connell, resident, came forward with some questions for the Board. At the School Deliberative Session she noticed that there are several great Boards in town but they do not work together. She questioned if there is Town has a vision statement they use to help make decisions for the town. Charlie replied that the Master Plan outlines the vision for the Town. Carol then stated that she sees that there are many concerns regarding the youth of our community. She would like to see a vision that would include the School Board, Budget Committee and Selectmen work together to make the future bright for the youth of our community.

She then asked if she could hang brochures that give information regarding the teacher contract warrant article within the Municipal Building. Charlie explained there is a public bulletin board in the hallway of the Municipal Offices that she could use. Joan commented that she agrees one of the town's short comings is that the boards do not come together but she believes all the boards work really hard to make Farmington the very best they can without forcing our residents to move out of town because they can't afford to live here.

8. Review of Minutes:

A. Joan Funk motioned to accept the public minutes of February 13, 2012 as written, 2nd Jim Horgan. Motion carried with all in favor.

B. Joan Funk motioned to accept the non-public minutes of February 13, 2012 part A as written, 2nd Gerry McCarthy. Motion carried with all in favor.

C. Joan Funk motioned to accept the non-public minutes of February 13, 2012 part B as written, 2nd Paula Proulx. Motion withdrawn.

Jim Horgan motioned to table the non-public minutes of February 13, 2012 part B, 2nd Joan Funk. Motion carried with all in favor.

D. Joan Funk motioned to accept the non-public minutes of February 13, 2012 part C as written, 2nd Charlie King. Motion carried with all in favor.

E. Joan Funk motioned to accept the public minutes of February 13, 2012 part D as amended, 2nd Charlie King. Motion carried with all in favor.

F. Joan Funk motioned to accept the non-public minutes of February 13, 2012 part E as written, 2nd Charlie King. Motion carried with all in favor.

9. Any Other Business Before the Board:

A. Gary informed the Board that he would like to look into possible vendors for the electrical generation and noted an agreement would not be able to made for another year until the PSNH upgrade contract is complete. The Board agreed this would be a good idea.

B. Gerry noted that there was an article in the paper regarding Mr. Flemming that noted that if he requests the annulment of his record of “reckless conduct” then the County Attorney would support it. *Gerry McCarthy motioned to have the Board of Selectmen write a letter of support to annul Mr. Flemming’s record of the “reckless conduct” charge if he requests the annulment, 2nd Paula Proulx.* Discussion followed where Gary stated he would contact Mr. Flemming to see if he is going to request the annulment and if so he would draft a letter on behalf of the Board in his support. *Motion carried with all in favor.*

At 7:26pm, Joan Funk motioned to go in non-public session under RSA 91A.3.II(c), 2nd Jim Horgan. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 7:37pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 7:37pm, Charlie King motioned to go in non-public session under RSA 91A.3.II(a), 2nd Jim Horgan. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 7:49pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 7:49pm, Joan Funk motioned to go in non-public session under RSA 91A.3.II(a), 2nd Jim Horgan. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 7:59pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 7:59pm, Joan Funk motioned to go in non-public session under RSA 91A.3.II(d), 2nd Jim Horgan. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 8:02pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 8:02pm, Joan Funk motioned to go in non-public session under RSA 91A.3.II(c), 2nd Jim Horgan. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 8:12pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 8:12pm, Joan Funk motioned to go in non-public session under RSA 91A.3.II(a), 2nd Jim Horgan. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 8:21pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 8:21pm, Joan Funk motioned to go in non-public session under RSA 91A.3.II(a), 2nd Jim Horgan. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 8:34pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

At 8:34pm, Joan Funk motioned to go in non-public session under RSA 91A.3.II(a), 2nd Jim Horgan. Roll call – Charlie King (yes), Paula Proulx (yes), Gerry McCarthy (yes), Joan Funk (yes) and Jim Horgan (yes).

At 8:37pm the Board came back into session and Charlie announced the non-public minutes were sealed with a unanimous vote.

10. Other:

Jim Horgan motioned to accept the non-public minutes of February 13, 2012 part B as amended, 2nd Paula Proulx. Motion carried with all in favor.

At 8:40pm, Gerry McCarthy motioned to adjourn, 2nd Joan Funk. Motion carried with all in favor.

Respectfully Submitted,

Brandy Sanger

Recording Secretary

Chairman Charlie King

Jim Horgan

Joan A. Funk

Gerald McCarthy

Paula Proulx