

**TOWN OF FARMINGTON  
BOARD OF SELECTMEN  
PUBLIC MEETING MINUTES  
Monday, September 24, 2012  
356 Main Street, Farmington, NH**

**Selectmen Present:** Charlie King, Paula Proulx, Joan Funk, Arthur Capello and Jim Horgan

**Town Staff Present:** Town Administrator Keith Trefethen, Police Chief Kevin Willey, DPW Director Scott Hazelton, Code Enforcement Officer Dennis Roseberry, and Parks and Rec Director Rick Conway.

**Public Present:** Dave Connolly, Neil Johnson, Lorie Chase, Sally Soule, Rodney Thompson, Abby Ellis and Don Ellis

**Chairman Charlie King called the meeting to order at 6:00pm and led those present in the Pledge of Allegiance.**

**1. Public Comment:** none

**2. Review of Minutes:**

***A. Jim Horgan motioned to accept the public minutes of 9-10-12 as amended, 2<sup>nd</sup> Arthur Capello. Motion carried with all in favor.***

***B. Arthur Capello motioned to accept the non-public minutes of 9-10-12 A, B, C and D as written, 2<sup>nd</sup> Jim Horgan. Motion carried with all in favor.***

**3. Presentation by the Cocheco River Local Advisory Committee reference the Mad River:**

Lorie Chase reported that the Advisory Committee has been watching the work of the Town over the past several years to protect the Cocheco River and commented the Town has done a great job. In 2009 they had a restoration plan written up for the Mad River. Laurie stated she is here tonight to request three things from the town. First, they are looking for representative from the town to serve on the Local Advisory Committee. Second, there is a \$75,000 grant coming up that they feel the town would benefit from to do the work on the Mad River from Tappan Street that was suggested in the restoration plan and would like the town's support. Lastly, they are looking for other grants to do the remaining restoration work to the Mad River and they would like the Town to consider the long term work for the River. The \$75,000 grant is a matching grant though the town could match the grant with town staff hours and equipment.

Sally Soule, Coastal Watershed Supervisor of NHDES explained that the Town would be eligible for the \$75,000 grant for the restoration work to the Mad River by Tappan Street. Some of the work that could be paid by the grant is the bank stabilization, work at the

church to stabilize the bank and removal of the water main (it is holding back the flow and fish of the River). The grant would allow for the hiring of a geo friendly engineer to ensure the work would be appropriate, construction oversight, construction and materials. The match for this grant generally comes from the town's DPW employees and equipment. Paula asked if the town would write the grant and Sally explained she would help put the grant together but the Town would be the applicant. Paula then asked who would be the grant manager and Sally explained that someone of the town would work closely with her to manage the grant. Paula stated that she knows the church has lost some area to the river and asked if they are willing to allow the work to occur. Arthur spoke on behalf of the Church and stated that the Church would love to get some of the parking lot back but would be happy if the erosion could be stopped so that they do not lose anymore land.

Joan commented that she agrees the work has to be done but she would like to see the actual grant before committing. Joan then asked if the water main that is suggested to be removed is a working main and Sally replied no, the main is not active. ***Jim Horgan motioned to move forward with the grant and authorize the town administrator and DPW director to get together with Sally Soule to put together the grant application before the November deadline, 2<sup>nd</sup> Arthur Capello.*** Discussion followed where Lorie Chase stated that she would be available to assist and provide education on the work that needs to be completed. ***Motion carried with all in favor.***

***At 6:35pm, Charlie King motioned for a short recess, 2<sup>nd</sup> Jim Horgan. Motion carried with all in favor.***

**At 6:43pm the Board reconvened.**

#### **4. Junkyard Permit Renewals:**

Dennis Roseberry explained that he inspected the four junkyards in town and recommends the Board approve all the junkyard licenses this year with no conditions. The four junkyards are owned separately by Harold Butt, Steve McDuffee, Bill Baxter and Randy Lapierre. ***Arthur Capello motioned to approve the four junkyards sites as recommended by Dennis Roseberry, 2<sup>nd</sup> Jim Horgan. Motion carried with all in favor.***

#### **5. Conservation Commission Proposal for Community Clean Up Day:**

Dave Connolly explained that Abby and Don Ellis contacted him several weeks ago concerned that there is a lot of trash along the side of the road and specifically in their area of Bay Road. They picked up five 50 gallon trash bags full of litter in their short little section of Bay Road. The Ellis then asked what else could be done to help remove the litter in town. Through further discussions they would like to help organize a Community Clean Up Day on Saturday, November 3<sup>rd</sup> with a rain date of November 10th. They are thinking to have the headquarters at the Rec. so that people could check in, get their assignments and then come back for refreshments and a thank you to them.

Scott Hazelton stated that he would be glad to support the clean up and has bags and vests to assist. Arthur stated he thinks it is a great idea and would just want to make sure

everyone is safe. Chief Willey also supported the idea and stated that there are several students involved in CHANCES that would need volunteer hours. Dave then added that he would also like to see town officials and employees assist in the program the day of to show they have pride in their town. The Board was in consensus that the Community Clean Up Day is a great idea and the Conservation Commission along with the Ellis family may move forward with the planning.

**6. Conservation Commission discussion of HB 514:**

Dave Connolly, Conservation Commission Chairman, explained that Rodney Thompson who is assisting the Commission with the preliminary information gathering for the town's perambulation, brought forward HB 514 to the Commission for review. Dave stated after reading the law he does not feel it affects the Commission work. Mr. Thompson explained that HB 514 is currently under discussion at the state level for review and cautioned the Board to keep their eye on it as it moves through the legislature. Paula suggested Keith follow up with the Attorney General's office to see how the legislature affects the Commission data collection work for the perambulation.

Dave then stated that the perambulation is supposed to be completed by the town officials or their appointee and questioned if the Board would like to appoint the Commission to do so. Arthur suggested getting an answer from the Attorney General's office regarding HB 514 and then he could support the Commission being the appointee.

**7. Draft Building Fees:**

Rick Conway and Keith provided the Board with an updated draft of the Building Rental Fee forms and an Application for Fee Waiver form. Charlie asked if on the Fee Waiver form a line should be added to question if it is for a one time or repetitive use. Rick replied that the waiver would be attached to the Facilities Use Form when it came to the Board for consideration. *Arthur Capello motioned to approve the current draft of the Building Rental Fee Forms and the Application for Fee Waiver Form, 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.*

**8. RFP for Legal Representation:**

Keith provided the Board with a draft RFP for Municipal Legal Services and noted there is no current contract for legal services. The Board was in consensus to post the RFP for general bid and also target any firms that the Board or staff feel should be contacted. *Jim Horgan motioned to accept the RFP as written and have Keith post the RFP with a 30 day time period from posting, 2<sup>nd</sup> Arthur Capello. Motion carried with all in favor.*

**9. Draft Hiring Policy:**

Keith provided the Board with draft #3 of the Hiring Policy. *Arthur Capello motioned to approve draft #3 of the Hiring Policy, 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.*

**10. Drainage Issue on Mt. Vernon Street:**

Scott Hazelton, DPW Director, explained he was contacted by Don Howard of Mt. Vernon Street because he has some concerns with water migrating down both sides of the road and settling on his properties. Previously a culvert was removed by the town and

never put back when a water service project was undertaken. Mr. Howard indicated that many of the past DPW directors told him that they would replace the culvert and have not. Scott prepared a sketch of the area for the Board with his recommendation of the work that should be completed. The cost to the town to remedy the situation would be \$3,000 to \$4,000 in materials. Mr. Howard has provided the town with verbal permission to create a small swale upon his property so the water can be diverted to the rear of his property into a larger swale area for stormwater runoff.

Paula stated that this is not a new issue and actually developed when Ian's Way was constructed. Keith noted that his understanding is that the culvert was removed that ran across the street and never replaced. Jim questioned where the funding would come from for the project. Scott stated that he has a similar project that can be put off till next year though he needs to make sure he can dig safe in the area and install the culvert. ***Arthur Capello motioned to approve the project as discussed contingent upon the ability of the town to actually install the culvert after reviewing the roadway, 2<sup>nd</sup> Jim Horgan. Paula Proulx offered a friendly amendment to obtain written permission/easements from the two landowners affected before starting the work. Both Arthur Capello and Jim Horgan accepted the amendment. Motion carried with all in favor.***

#### **11. Continued Discussion of Firearm Discharging @ Sarah Greenfield Park:**

Chief Willey stated that he has some concerns regarding the prohibiting of firearm discharging at the Sarah Greenfield Business Park town owned lot. He cited RSA 159:26 and RSA 207:59. His recommendation is to post the land though he wanted to make sure the Board had all the information. ***Arthur Capello motioned to post the lot "No firearm discharge" and cite the RSA 644:13, 2<sup>nd</sup> Jim Horgan. Motion carried with all in favor.***

#### **12. Funding for Call Fire Personnel:**

Keith explained he has \$7,500 from DPW, \$2,500 from the crossing guard line and \$7,500 from the PD. Arthur asked if those departments are cutting themselves short and not completing projects by giving up those funds. Keith replied he asked the department heads to look at their budgets and they came forward with the amounts. Arthur asked why the Fire Chief hasn't been watching his budget all year and looking for cuts within his department and Charlie explained that the Board knew there was going to be a shortfall and told the Fire Chief "not to worry" because it was a extremely large amount of money.

#### **13. Any Other To Come Before the Board:**

***A. Jim Horgan motioned to appoint Denise Roy-Palmer to the Economic Development Committee as a 3 year member, 2<sup>nd</sup> Joan Funk. Motion carried with all in favor.***

***B.*** Keith explained that has been doing some research regarding the problem culvert at 613 Ten Rod Road. RSA 639 gives the Town permission to hold the landowner liable for the replacement of the culvert. Charlie asked if a betterment assessment would allow the town to charge the landowner for the replacement of the culvert without going to court and Keith replied yes, however the law has never been tested. Charlie then suggested Keith forward certified mail to the landowner of the culvert failure again, request action

be taken on his part to replace the culvert and inform him that the town will need to move forward if he does not.

**C.** Charlie reminded the Board that they had a previous discussion to purchase a base plaque for the Boston Cane recipients. A quote for the plaque came in at \$387. Keith added that Megan Fetter is still looking for a quote to purchase a display box for the original Boston Cane and also canes that could be given to the recipients. ***Jim Horgan motioned to purchase the plaque for \$387 for the Boston Cane Recipients and include all the people who have earned the Boston Cane thus far, 2<sup>nd</sup> Arthur Capello. Motion carried with all in favor.***

**D.** Arthur stated he would like to have the auditors come in and make a presentation to the Board with the results of the 2011 audit.

**E.** Neil Johnson, as Chairman of the Trustees, explained that he would like the line “Thanking the Trustees” on the rules sign for Fernald Park removed because the Trustees do not feel it is appropriate. ***Arthur Capello motioned to remove the “thank you to the Trustees” from the rules sign for Fernald Park, 2<sup>nd</sup> Jim Horgan. Motion carried with all in favor.***

**At 8:13pm, Charlie King motioned to go in non-public under RSA 91A.3.II (b), 2<sup>nd</sup> Jim Horgan. Roll call – Charlie King (yes), Jim Horgan (yes), Arthur Capello (yes), Paula Proulx (yes) and Joan Funk (yes).**

At 8:40pm the Board came back into public session and Charlie announced the non-public minutes were sealed.

**At 8:40pm, Charlie King motioned to go in non-public under RSA 91A.3.II (b), 2<sup>nd</sup> Jim Horgan. Roll call – Charlie King (yes), Jim Horgan (yes), Arthur Capello (yes), Paula Proulx (yes) and Joan Funk (yes).**

At 8:46pm the Board came back into public session and Charlie announced the non-public minutes were sealed.

**At 8:46pm, Charlie King motioned to go in non-public under RSA 91A.3.II (d), 2<sup>nd</sup> Jim Horgan. Roll call – Charlie King (yes), Jim Horgan (yes), Arthur Capello (yes), Paula Proulx (yes) and Joan Funk (yes).**

At 8:49pm, the Board came back into public session and Charlie announced the non-public minutes were sealed.

**At 8:49pm, Charlie King motioned to go in non-public under RSA 91A.3.II (b), 2<sup>nd</sup> Jim Horgan. Roll call – Charlie King (yes), Jim Horgan (yes), Arthur Capello (yes), Paula Proulx (yes) and Joan Funk (yes).**

Accepted 10-9-12

At 9:24pm the Board came back into public session and Charlie announced the non-public minutes were sealed.

At 9: 24pm, *Arthur Capello motioned to adjourn, 2<sup>nd</sup> Jim Horgan. Motion carried with all in favor.*

Respectfully Submitted,

Brandy Sanger  
Recording Secretary

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Chairman, Charlie King

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Jim Horgan

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Paula Proulx

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Arthur Capello

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Joan A. Funk