

**TOWN OF FARMINGTON
BOARD OF SELECTMEN
PUBLIC MEETING MINUTES
Monday, March 25, 2013
356 Main Street, Farmington, NH**

Selectmen Present: Charlie King, Paula Proulx, Arthur Capello, Matt Scruton and Jim Horgan

Town Staff Present: Town Administrator Keith Trefethen, DPW Director Scott Hazelton, Water/Wastewater Superintendent Dale Sprague, Town Clerk Kathy Seaver, Fire Chief Rich Fowler and Rec Director Rick Conway

Public Present: Neil Johnson, Martin Lafertierre, John Law and Eva Christensen

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

1. Election of Officers and Appointment to Boards/Committees:

Charlie turned the meeting over to Keith Trefethen for nominations and voting of the Chairman of the Select Board. Keith asked for nominations for Chairman.

Jim Horgan nominated Charlie King, 2nd Matt Scruton and Paula Proulx nominated Arthur Capello, 2nd Matt Scruton. Hearing no other nominations Keith called the vote. Hearing three votes in favor of Charlie King for Chair he was re-appointed as Chair.

Charlie took back over the meeting and asked for nominations for Vice-Chairman. Jim Horgan nominated Matt Scruton, 2nd Paula Proulx. Arthur Capello nominated Paula Proulx, 2nd Matt Scruton. The vote taken and Paula Proulx was appointed.

Budget Committee – Arthur stated he would be willing to be the appointee and Paula was willing to be the secondary. *Charlie King motioned to keep appointees the same for the Budget Committee, 2nd Jim Horgan. Motion carried with all in favor.*

CIP – Paula as primary and Arthur as second. **Jim Horgan motioned to leave appointees unchanged for the CIP Committee, 2nd Charlie King. Motion carried with all in favor.**

Conservation – *Matt Scruton motioned to keep Jim Horgan the representative for the Conservation Commission, 2nd Charlie King. Motion carried with all in favor.*

Downtown Committee – *Charlie King motioned to appoint Matt Scruton to the Downtown Committee, 2nd Jim Horgan. Motion carried with all in favor.*

EDC – *Arthur Capello motioned to keep the EDC and Planning Board liaisons the same, 2nd Paula Proulx. Motion carried with all in favor.*

2. Public Hearing – Acceptance of Unanticipated Revenue Community Planning Grant:

Charlie opened the public hearing to except \$30,000 from the 2nd round of the Community Block Grant to hire a consultant to analyze existing land uses, development opportunities/constraints and determine locations that provide suitable development/redevelopment opportunities along Rte. 11. The proposed project includes the development of a high density development plan for areas along the NH Route 11 corridor and the creation of a tax increment financing district to support the extension of town water and sewer services to those locations. By accepting these funds the town is not committing to development projects just analyzing opportunities and locations. **Charlie closed the public hearing.**

Jim Horgan motioned to except the \$30,000 from the 2nd round of the Community Planning Grant, 2nd Arthur Capello. Motion carried with all in favor.

3. Public Hearing for the Acceptance of FEMA Funds from Super Storm Sandy:

Charlie opened the public hearing to accept the unanticipated revenue funds in the amount of \$9,993.84 from FEMA for Super Storm Sandy and expends those funds for the repair of gravel roads. There were no comments from the public. **Charlie closed the public hearing.**

Jim Horgan motioned to accept the \$9,993.84 in FEMA funds for Super Storm Sandy, 2nd Arthur Capello. Motion carried with all in favor.

4. Public Hearing to Discuss Proposed Sewer Increase Effective April 1, 2013:

Charlie opened the public hearing to discuss a proposed sewer rate increase. Dale explained the current rate for sewer is \$8.38 and he is proposing a 14% increase to the rate which would make the new rate \$9.61/1000 gallons. The rate should have been increased by 28% this year but the Selectmen accepted a \$50,000 rebate from PSNH which will allow the rate to be cut in half for this year. However next year, the rate will need to increase again.

Barry Elliot stated he was looking at the Capital Reserve account and questioned if it is big enough to cover a year's of expenses at the sewer plant. Dale replied no, it is not but the Capital Reserve Fund is for upgrades not day to day operations. Mr. Elliot stated this will be a devastating increase to his business and he noted that there are other communities that offer credits to his type of businesses that do not return 100% of the water used to the sewer. The Board noted they would be willing to look at any information Mr. Elliot is willing to bring to them regarding a formula for such credits. **Charlie closed the public hearing.**

Arthur Capello motioned to approve the sewer rate increase to \$9.61/1000 gallons effective April 1, 2013, 2nd Jim Horgan. Motion carried with all in favor.

5. Approval of Minutes:

A. Arthur Capello motioned to accept the non-public minutes of March 11, 2013 parts A through F as written, 2nd Paula Proulx. Motion carried with Matt Scruton abstaining.

B. Arthur Capello motioned to approve the public minutes of March 11, 2013 as amended, 2nd Jim Horgan. Motion carried with Matt Scruton abstaining.

6. Public Comment:

none

7. Assessment/Tax Concern from a Resident:

Charlie King motioned to table this discussion until the resident arrives, 2nd Jim Horgan. Motion carried with all in favor.

8. Application for Rental Fee Waiver:

Keith explained the Farmington Democrats have requested the waiver of the rental fees to meet the second Thursday of each month at the Farmington Town Hall. Arthur asked the representative, Martin Lafertierre, if there is a fee charged to attend their events/meetings and he replied no. He further explained that when they use the room they always make sure it is cleaned up after and all those in attendance are Farmington residents. Also, they are a political group but feel they are more of a civic minded group by participating in Hay Day (with free items), development of the Community Garden, adopt-a-spot program participation and participation in many of the town's Boards and Committees. Paula asked if the entities that are granted a waiver are required to pay the security deposit for the key and Rick said yes.

The Farmington Democrats act as a non-profit but because they are a lobbying organization they are not allowed to have a non-profit status. Matt noted that if the Board were to grant this waiver the town would be setting precedence. Arthur noted that while they are meeting in the room they are not providing a service to the town residents as the other groups that do receive a waiver. For example, Grace Community Church receives a waiver to provide their free meal on Wednesday nights because they offer a service to the residents at no charge.

Jim Horgan motioned to waive the rental fee for the Farmington Democrats to meet the 2nd Thursday of each month, 2nd Charlie King. Discussion followed where Matt noted that he does not feel it should be waived because they are a political group that he does not feel the town should bear the costs of their meeting. Arthur noted that he agrees the waiver should not be granted because they do not provide a direct service at the meeting time. Paula noted that if the Board is going to draw that distinction of "providing a service" then the application should be modified to ask that exact question. ***Motion carried with Paula Proulx, Charlie King and Jim Horgan in favor.***

Charlie King motioned for a short recess, 2nd Arthur Capello. Motion carried with all in favor.

9. Assessment/Tax Concern from a Resident:

Keith explained that Eva Christensen would like to discuss her assessment with the Board. Eva explained that she owns and operates Earthtenders in town. For 11 years, they have welcomed the town residents to Earthtenders at no charge and now her taxes have increased so she will need to charge a fee. In June of 2012 she received a notice from the Town telling her what her new property value is due to the new assessment. She questioned why the assessment of her property has varied so much over the past 8 years. Dave Wiley at Cross Country researched the property and in reading the deed found that the restrictions concerning building and commercial or industrial activity ran out in 2010. Therefore, the value of the one acre homesite portion of the assessment went from \$62,000 to \$125,000. Also, 4 acres formerly classified as excess rear was corrected to excess frontage with a 75% influence factor further raising the land value. Arthur commented that market value and assessed value are to different figures and cannot be compared.

Paula noted that there was an under assessment that was corrected and questioned if it is typical for the town to reassess properties in the middle of the year and then send out an adjustment in the second bill. Arthur explained that a supplemental bill was not sent out (this was correct) and assessments change all the time. Eva asked how she was supposed to know that her tax bill was going to triple. Arthur explained that the town did notify her of her new assessed value and that it is not the town's responsibility to inform her what the tax bill would be.

Matt asked why she did not request an abatement. Eva explained that first she was scrambling on how to pay the bill since she has always paid her tax bill on time and secondly she did not know she was eligible for an abatement. At this point the deadline to request an abatement has passed as it was March 1st. Eva asked what her options are at this time. Charlie explained that if the bill is not paid then it will accrue interest until the bill is paid entirely, if it remains unpaid the bill would come before the Selectmen next winter for review and whether or not they want to take the property for non-payment.

Eva explained that she would like to discuss reducing her tax burden because she offers a great free service to the town. Matt replied that the town cannot offer a tax cut for in kind services and Charlie agreed.

Paula noted that the tax bills go out and the second bill is adjusted for the tax rate and not generally the assessment. Charlie stated he is a little concerned that the assessment made such a large jump in June. Keith noted that the adjustment to the assessment was made after Eva requested her assessment be researched last May. Keith suggested the Board ask Cross Country Appraisals to review the assessment again to make sure it is not disproportionately high.

Kathy Seaver explained that a lien will be placed on all properties that taxes have not paid in their entirety. She also explained that the assessment was changed within the tax year and therefore the town was on good footing when they sent the tax bills out. Kathy

stated that the Selectmen have always held tight on the March 1st abatement request deadline listed in the RSA.

Matt Scruton motioned to deny the request for abatement by Eva Christensen because the March 1st deadline was missed, 2nd Arthur Capello. Discussion followed where Charlie stated he stills feels the question needs to be asked of Cross Country if the assessment is disproportionally high. ***Motion carried with all in favor.***

Jim Horgan motioned to have Cross Country review the assessment, 2nd Paula Proulx. Discussion followed where Matt noted he wonders why the Board is requesting this review when the abatement was just denied unanimously. Charlie explained that several board members would like to make sure the assessment is correct but any changes/if any would not affect the 2012 tax bill and would go on the 2013 taxes. (Kathy Seaver stated that she made the process of lienning very clear to Ms. Christensen.) ***Motion carried with all in favor.***

At 8:39pm, Arthur Capello motioned for a short recess, 2nd Jim Horgan. Motion carried with all in favor.

At 8:47pm, the Board reconvened.

10. Review Purchase of Rescue Pumper:

Fire Chief Rich Fowler solicited several vendors with materials and prices for a Rescue/Pumper truck and presented them to the Board for their review. He presented three different apparatus for the Board's review.

1. Toyne Fire Truck – from Eastern Fire Apparatus. The cost would be \$365,600 with a seven year lease payment of \$58,824.90 and an interest rate of 3.06%. Delivery is 190-210 days.

2. Ferrara Fire Apparatus – The Town purchases the ladder truck from them and have had excellent service. The quoted price is \$363,455 with a lease payment of \$55,895.46 at an interest rate of 2.32%. If the order is not done by March 29, 2013 then the price will increase by \$7,700 because of an increase in chassis. Delivery date is 90-120 days.

3. Lakes Region Fire Apparatus – Two vehicles were quoted but neither meets the department's needs.

Arthur Capello motioned to go with the Chief's recommendation to purchase the Ferrara Fire Apparatus and check to see if the bank can provide a lower interest rate but if not go with their financing that was proposed, 2nd Jim Horgan. Motion carried with all in favor.

11. Review of Global Data Systems Contract:

Arthur Capello motioned to table this discussion until non-public session because it is contract negotiations, 2nd Jim Horgan. Motion carried with all in favor.

12. Public Safety Building Advisory Committee:

Keith explained that the department heads have reached out to the community and have a number of residents who are willing to serve on this committee. He listed the residents interested. Arthur stated that he feels it should be a formal committee and all those people should fill out the appointment paperwork for the Selectmen to sign. Arthur agreed to be the Selectmen's representative. *Arthur Capello motioned to have a formal Public Safety Building Advisory Committee and have those interested serving complete the appointment paperwork, 2nd Jim Horgan. Motion carried with all in favor.*

13. Any Other Business To Come Before the Board:

1. Keith explained that on April 4, 2013 at Town Hall there will be a public meeting to discuss the Rte. 153 bridge replacement work with NHDOT. Paula asked Keith to post this as a meeting of the Selectmen.

2. *Matt Scruton motioned to appoint Joan Funk to the Downtown/Business Committee and the Economic Development Committee, 2nd Jim Horgan. Motion carried with all in favor.*

3. *Jim Horgan motioned to appoint Randy Orvis to the Conservation Commission, 2nd Charlie King. Motion carried with all in favor.*

4. *Jim Horgan motioned to appoint Tyler Smith to the Conservation Commission as a non-voting high school member, 2nd Arthur Capello. Motion carried with all in favor.*

5. *Jim Horgan motioned to appoint Sarah Cantwell to the Conservation Commission as a non-voting high school member, 2nd Arthur Capello. Motion carried with all in favor.*

6. Keith stated that he was asked if the Town would like to take a position on HB 617 – the bill related to the additional gas tax for infrastructure work. *Charlie King motioned to not support HB 617, 2nd Arthur Capello. Motion carried with all in favor.*

7. Keith informed the Board that Kathy Seaver may be losing her part-time staff person and would like permission to post this position if it happens. *Arthur Capello motioned to allow Kathy Seaver to post a part-time clerk position if an opening occurs with the hourly rate being intentionally left out of the advertisement, 2nd Jim Horgan. Motion carried with all in favor. Charlie King offered a friendly amendment to post the position with the salary range from the accepted salary scale; accepted by Arthur Capello and Jim Horgan. Motion carried with all in favor.*

8. Arthur asked for a status update on the Mad River project. Scott Hazelton explained that we will only be able to start the project this year with a plan and the construction would commence in 2014 which will actually result in a savings to the town.

9. Jim stated that there will be a presentation at the Town Hall about the Cottontail Rabbit and the Karner Blue Butterfly this Thursday. Also April 20th will be the next Community Clean-Up Day. May 11th will be a paddling adventure with more information to come. Also, the Local River Advisory Committee is looking for volunteers.

10. Jim informed the Board that the Conservation Commission is moving forward with the surveying of the 47 acres attached to the Town Forest. Also on April 27th on Arbor Day they will be planting trees at Valley View with the help of Cameron's Lawn and Garden.

11. Jim reviewed the work list for the town buildings. Scott stated that several projects are complete including the floor in the Planning Office. Charlie asked for the Selectmen's Chambers to be painted by town staff and Keith noted he would make it happen.

12. Jim asked if a road maintenance plan has been created. Scott stated he has identified roads that need immediate attention this year. Keith further added that Scott has organized with UNH for them to do an evaluation of our roads and create a road maintenance plan with Scott. Scott then stated that he has put out 110 tons of cold patch thus far this year for potholes.

13. Jim asked when the "No Shooting" signs are going in at Sarah Greenfield Park and Scott stated it is on his to do list.

14. Jim reminded Keith that Kevin Willey still needs to take care of the Toys for Tots toys upstairs of the Municipal Building.

15. Charlie asked if Dale has made application for increased funding for the bathroom upgrades to this building. Keith explained that Dale did ask the question but was told no, there will be no additional funding. Arthur asked if the electrical and plumbing went out to bid and Keith stated Dennis Roseberry was the acting General Contractor and reached out for prices/rates. Arthur stated he would like Keith to make sure all the paperwork is in order for the quotes.

16. It was questioned if the Board is going to revisit the agreement with CAP and the space they currently utilize. Should the town continue to take their trash, shovel their walk way and pay their heat and such. The Board will revisit this discussion in the near future.

At 9:50pm, Charlie King motioned to go in non-public session under RSA 91A.3.II (a), 2nd Paula Proulx. Roll call – Matt Scruton (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Arthur Capello (yes).

At 10:01pm, the Board reconvened and Charlie noted the non-public minutes were sealed.

At 10:01pm, Charlie King motioned to go in non-public session under RSA 91A.3.II (a), 2nd Paula Proulx. Roll call – Matt Scruton (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Arthur Capello (yes).

At 10:24pm, the Board reconvened and Charlie noted the non-public minutes were sealed.

At 10:24pm, Arthur Capello motioned to go in non-public session under RSA 91A.3.II (a), 2nd Jim Horgan. Roll call – Matt Scruton (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Arthur Capello (yes).

At 10:36pm, the Board reconvened and Charlie noted the non-public minutes were sealed.

At 10:36pm, Arthur Capello motioned to go in non-public session under RSA 91A.3.II (e), 2nd Jim Horgan. Roll call – Matt Scruton (yes), Paula Proulx (yes), Charlie King (yes), Jim Horgan (yes) and Arthur Capello (yes).

At 10:46pm, the Board reconvened and Charlie noted the non-public minutes were sealed.

Charlie noted that the Board accepted a resignation from the DPW Director Scott Hazelton effective April 19, 2013 and agreed to post the open position.

At 10:48pm, Charlie King motioned to adjourn, 2nd Paula Proulx. Motion carried with all in favor.

Respectfully Submitted,

Brandy Sanger
Recording Secretary

Chairman, Charlie King

Jim Horgan

Paula Proulx

Arthur Capello

Matt Scruton