**Town of Farmington**

***Board of Selectmen – Public Meeting Minutes***

**Monday, January 13, 2014**

**6:00PM**

**Selectmen’s Chambers**

**356 Main Street**

**MEMBERS PRESENT:**

Charlie King, Chairman

Paula Proulx, Vice Chairman

Matt Scruton

James Horgan

Arthur Capello

**MEMBERS NOT PRESENT:**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Charlie called the meeting to order and led the Pledge of the Allegiance at 6:04 PM

1. **REVIEW OF MINUTES:**

**MOTION:** Arthur motioned to table Meeting Minutes for December 23, 2013.

**SECOND:** Jim

**DISCUSSION:** None

**VOTE:** All in favor. Motion passes 5-0.

1. **PUBLIC COMMENTS:**

Charlie opened Public Comments and asked Mr. Grates to come forward.

John Grates introduce himself as a Farmington resident living on Ivy Lane. Mr. Grates expressed his concerns over the Winter Street gate. The Board agreed that they should address this issue to see if they can meet the agreement and still leave the gate accessible.

1. **MEET WITH JAMES R. ST. JEAN AUCTIONEERS:**

Charlie stated that next we will be meeting James St. Jean from James R. St. Jean Auctioneers and asked Mr. St. Jean to come up and state his name for the record.

Matt stated he is an Auctioneer in the State and also a potential bidder on some of these parcels and he feels there may be a conflict of interest so he will be excusing himself from this discussion and will also excuse myself in any other discussions on this subject in the future. Matt then left the room.

Mr. St. Jean began by saying that he received a RFP from Keith and he has returned their fee schedule and other requested information. He added that his company has auctioned numerous properties in the area and they are flexible with their fees and expenses. Mr. St Jean also pointed out that he has not seen the properties the Town has available for sale yet.

Arthur asked Mr. St. Jean if the Town decides to go with his services, can the they request minimum starting bids. Mr. St. Jean said that it depends on many factors and that he has done it both ways in other towns. He noted that banks are not going to finance the sale and no title insurance will be available, so to be successful you want to draw in cash buyers. Mr. St. Jean explained that if the Town wants to set a minimum bid on a piece of property, he recommends that the minimum bid be posted in the advertisement. He added that another option would be to let them know the Town’s bottom line intent and they can do their best to meet that goal. Mr. St. Jean added that their goal is to get the properties back in the Town’s tax role without giving them away. Jim stated that the Town has about 25 parcels and asked if Mr. St. Jean can look at them and give his recommendations. Mr. St. Jean said that he could do that and would just need the addresses. He added that he would like to sit down and listen to the Board’s concerns so that he could give the Board better advice on the best way to advertise and market these properties. Charlie asked Mr. St. Jean how he goes about marketing and auctioning off different types of properties. Mr. St. Jean explained that they advertise to attract investors, local buyers, and abutters, and market the properties ahead of time so the prospective buyers can review the properties prior to the auction. He added that you will be surprised by the number of investors that buy then turn around and work with the abutters afterwards. Charlie asked if the intent is to auction off all the properties at once, and Mr. St. Jean said they can do small auctions based on the types of property for sale, such as raw land, parcels with improvements, or other considerations. Mr. St. Jean said that they have been most successfully scheduling the Auction on a Saturday morning starting around 9:00 am. Mr. St. Jean stated that sales would be cash, a deposit would be taken that can be held by them or the Town, and typically they would close in 40 to 45 days. He added that the Town’s attorney would need to review the agreements and Arthur asked if that was something they would do. Mr. St. Jean explained that he has a standard agreement that other towns have used and the BOS could use this form and modify as needed for their purpose.

Charlie asked what sort of sales value the Town can accept on a raw piece of land with an assessment value of $100,000. Mr. St. Jean said it depends on the type of property and its location, but for raw land in this area it averages about 20 to 30 cents on the dollar. He added that he has seen it as high as 90 cents on the dollar in another area, and a well desired piece can go for about 50 to 60 cents on the dollar. Mr. St. Jean said you have to remember that we get paid from the sales so we want to get the highest sales price as possible. Charlie stated that in regards to Arthur’s question about minimum start bids is what the BOS is considering not realistic, and Mr. St. Jean stated that absolutely you will get more if you don’t sell in an auction. Mr. St. Jean said that if you publish the minimum bids it may work, however they must be low enough to attract buyers, and added that everyone is coming to the auctions looking for a good deal.

Paula asked Mr. St. Jean about notifying the abutters and Mr. St. Jean stated that it can be done both ways. He explained that he has worked with towns that send the notice to abutters themselves, and then other towns where they get a list of the abutters and his company notifies them. He added that you can trust that we will contact the abutters because we want them at the auction. Charlie asked if there is a better time of year for this and Mr. St. Jean stated that they are doing an auction in Allenstown in two weeks using a slide presentation since the property is not accessible this time of year. He added that if the property has improvements, you are better off to wait for good weather. Jim stated that we have a lot of properties and we are currently working on finalizing the list, and he suggested that maybe we could do a group of them and see how it goes. Charlie mentioned that they may want to put some restrictions on a few parcels due to size, location and access and asked Mr. St. Jean if he has had experience with restrictions and if placing restrictions could hurt the value. Mr. St. Jean said that he has had towns combine some parcels to increase selling value and he has also seen towns place restrictions. He added that placing restrictions will indeed hurt the selling value, but if you want the restriction that is the price you pay. Jim suggested giving the Town Administrator approval to sit down with Mr. St. Jean and his group to visit each of the properties the Town has available. Mr. St. Jean added that way we can take a look and give you our option.

**MOTION: Jim motioned to give James R. St. Jean Auctioneers approval to visit the town properties for the purpose of bring their recommendations back to the Board.**

**SECOND: Arthur**

**DISCUSSTION:** Arthur asked what the cost would be and Mr. St. Jean stated that there would be no cost for this service, because they are paid from the sales. Charlie suggested that we get started with the properties that will give us the most bang for the buck and Keith stated that he will put a complete packet together that will include tax maps, tax grade and other important information. Charlie suggested that Mr. St. Jean contact the Town’s Code Enforcement Officer (Dennis) if he had any questions about the properties.

**VOTE:** **All in favor. Motion passes 5-0.**

Matt rejoined the meeting.

Charlie noted that Megan sent a reminder that the review with the Public Safety Advisory Committee would start at 7:00 PM so we need to wait until 7:00 for that agenda item. He then asked Keith if we could proceed with the Hawkers and & Peddlers Permit agenda item. Keith stated that would fine.

1. **HAWKERS & PEDDLERS PERMIT APPLICATION:**

Robert Wright owner of MaPa’s Food Truck took a seat and introduced himself. Charlie told Mr. Wright that it looks like he applied for a permit renewal and spoke to Dennis the Code Enforcement Officer. Charlie added that it looks like Mr. Wright was not copied on Dennis’s last correspondence to the Selectmen in which Dennis does not recommend renewal due to violations of his current permit. Dennis has suggested that he applies for a site review. Mr. Wright said that he was aware there was an issue in regards to moving and parking his truck, but after he spoke with Dennis, he thought he just needed to come down to discuss it tonight.

Charlie said that part of the issue is that Mr. Wright keeps the truck at just one site, and his current permit is is actually a Transit & Peddlers Permit. Mr. Wright stated that was why he was moving it and parking it elsewhere at night. He added that he spoke to Dana and Kathy Menici, the Town Planner and he thought that as long as he moved and parked it at night on a different spot he would be fine. Mr. Wright stated that he can understand but explained that he is moving it and parking on private property, and wonders since it is not town property why where is a problem. He added that he was told he won’t need a site review and to come here tonight to renew his permit.

He told Mr. Wright that he would like to have a chance to speak to Dennis and the others to get updated information before the BOS makes a decision; as it stands now based on the information we have, the BOS would likely not approve your permit tonight. Charlie told Mr. Wright that he has until the next BOS meeting scheduled for January 27, 2014 to meet with Dennis. Keith stated that he will let Dennis know that Mr. Wright will be contacting him.

**MOTION:** **Charlie motioned to continue this subject discussion until the next BOS meeting of January 27, 2014 and Mr. Wright may continue business until then.**

**SECOND:** Paula

**DISCUSSTION:** Mr. Wright asked if this means he cannot continue to operate. Charlie stated that renewal is for 2014 and since the Board is not taking any action tonight he didn’t think there was a need to interrupt Mr. Wright’s business at this point. Arthur and Jim agreed. Mr. Wright asked how long could a site review take and Charlie stated that it could up to a month. Jim stated that there are costs involved in a site review and Arthur said that he could apply for a waiver.

**VOTE:** **All in favor. Motion passes 5-0.**

**MOTION:** At 6:50 PM Jim motioned to take a ten minute recess.

**SECOND:** Charlie

**DISCUSSTION:** None

**VOTE:** All in favor. Motion passes 5-0.

**The Board returned from recess at 7:00 PM**

1. **PUBLIC SAFETY ADVISOR COMMITTEE:**

Charlie stated at this time he would like to start the Public Safety Advisor Committee site review discussion.

Joan came forward and stated that the PSA Committee last met with the BOS on Dec 23 and at the last PSA meeting they addressed all 13 concerns the BOS had; rest assured the issues will be resolved before the Town brings this item to the tax payers. Ms. Funk added that they understand the selectman are concerned with saving tax payers money, however we wish to take this Public Safety Building Plan to the tax payer now. The Committee feels there will never be a better time and if we wait, interest rate and costs will increase. She added we may also loose employees due to the conditions of buildings. Joan said that the projected tax impact for a home worth $150,000 will be about a $9.00 increase per month and added that 3 bonds will be expiring in 2016, 2017, & 2018. Joan said no one wants to see taxes go up but we need to have the public safety concerns addressed now. Joan stated that the Committee would like to request the Board place the project as a warrant article for vote at the Town Meeting so that the public can have a say. Joan added, as we see it you have two options; the first option is to allow a warrant, but not support the project and the second option which the committee would prefer is to allow a warrant article with the Board’s support.

Jim said it sounds go to him and Arthur said he still has a concern about the $4.2 million cost and the concerns with Middleton withdrawing and that will devastate the tax rate. Jim asked how early could Middleton pull out and Arthur said as early as next year. Charlie said that he didn’t think it could happen as soon as next year. Paula noted that the 3 bonds were for the Industrial Park on Route 11, the Main Street School building, and a 7 year lease for $35,000 on a new truck. Charlie stated that it looks like the two bonds only total a reduction of about $60,000 or about 12 cents. Discussion continued with multiple members of the PSA Committee expressing their concerns and again asked that the BOS to support the item as a warrant article so that the voters can decide for themselves and before it is sent to the printers and the BOS can decide whether or not to support it. Matt stated even if the BOS does not approve to move forward with this as a warrant article, RSA 39.3 allows the public to add it as a petition warrant article. The Committee stated that they are well aware of this however, it would be better if they did not have to go that route and had the BOS support for a warrant article.

Paula said that when we first put together and approved the Public Safety Advisor Committee we wanted a space needs and feasibility study, and because the Committee has completed the job we asked of them, Matt at our last meeting motioned to dissolve the PSA Committee. I fully understand ownership; however this board feels they just need more time to consider this project and other options. Paula said you only gave us one piece of the puzzle, the space needs and feasibility study. She added that there are many other pieces to the puzzle and it is up to the Board to take all the information and consider what is best way to proceed. Joan stated that the committee first considered the other town buildings as an option and was not looking towards construction, but after they did the space needs and feasibility study, and took into consideration the cost, limitations, and renovations in the two current building she is convinced that the Committee is recommending

Arthur asked why we have to have a warrant to hold public meetings and added that if we post that we are holding a public hearing for a $4.2 million proposed project the public will come. Jim stated that the he feels the warrant makes it real. Charlie said he likes the idea of holding public hearings but he is not in favor of the BOS putting this item forward at this time as a warrant.

**MOTION:** **Matt motioned to not bring the Public Safety Site Review forward as a warrant article supported by the BOS.**

**SECOND:** **Arthur for discussion purposes.**

**DISCUSSTION:** Arthur said that we would like to see public hearings without a warrant and personally does not feel we can afford the $4.2 million now. Jim said he is ready to move forward, and felt the Committee has done a great job. He added that he supports putting it as a warrant even though they may not support the plan, and have the Committee address the public. He added that he is ready to move forward. Paula stated that it is very rare to see a majority of this Board come together and agree on an item, and noted that we currently have 4 out of 5 Board members in agreement that we really need more time to consider this large expenditure.

**VOTE:** Jim opposed / all in favor. Motion passes 4-1.

Charlie asked where does the Board go from here and Arthur stated that we need to hold a public hearing and educate the public. He added that it is something we have to do whether we do it this year or we do it next year. Charlie said that he is in favor of having an information meeting and presentation at the town meeting so that we can get feedback. He added that when looking at financing this large project he thinks we should possibly have some funds from the sale of some town properties even if those funds only amount to a few thousand dollars. Paula stated that we would have to direct that. Jim ask what was the last possible date the Board could add this as a warrant and Keith said he believes by end of February and a petition warrant needs to be submitted by February 27th . Keith said since the Board made its decision tonight, the decision to proceed with a petition warrant is now placed back on the PSA Committee and if the Committee would like to talk about this item at the Town Meeting I think the Board should consider that. He added that he is sure the Committee will reach out to him if they decide to proceed.

1. **ASSESSING CLERKS POSITION:**

The assessing clerk will be retiring effective February 13th. Cross Country Assessments supplied costs for a temporary clerk until the Board can make a decision on how they should move forward. Cross Country can provide someone for about 35 hours.

Keith said the updating of the assessing system is expected to take about 4 to 6 months with a goal of completion before the next tax process. Charlie said that he would like to consider a part-time position for up to 30 hours and try to hold that part-time position or migrate to a full time if needed. He asked if we can post as a part-time now and maybe there is an internal candidate. Arthur said that we need to make sure that when looking at an internal candidate the two part times jobs don’t turn into one full time job. It was agreed that Keith will reach out to Cross County Assessment to seek assistance on an as need it bases.

**MOTION:** **Charlie motioned to approve the posting of a part-time position for up to 28 hours and to also use the contract service as an as needed basis.**

**SECOND:** Matt

**DISCUSSTION:** Arthur said he is not in favor of hiring only a part-time person because he doesn’t think the job can be done with a part-time person. Charlie explained that is why we will also seek assistance from Cross Country. Arthur added that he thinks the only thing left to figure out is how to budget for this. Keith said he would propose to leave the budget alone in the event we need a full time person. Jim said that he is also opposed to a part-time position and he is ok with using the temp service at a rate of $35.00 during the 4 to 6 month period. I believe this is too important of a position to discuss a temp or part time job.

**VOTE:** Jim oppose / all others in favor. Motion passes 4-1.

Matt asked Keith to let Bonnie know that the BOS appreciates her time and dedication to this position.

1. **ADOPTION IN MODIFICATON – EMPLOYEE HANDBOOK:**
* Arthur questioned if the change from 30 to 29 hours for part-time is to cover us because of the Affordable Healthcare Act and Keith said that is what he also understands and suggests we make the change to 29. All Board members were in agreement to lower the number of hours as suggested.
* Keith said the next item is on page 20 at the bottom and he has added the language for the opted out for health insurance. He said that he added the 25% and they have to provide documentation. Arthur said we should be ok as long as they provided proof of insurance.
* Keith said on page 21 at the top we are adding the wording for the 88% for employer and the 12% employee contributions. Charlie suggested that we break the sentence up into 2 lines. Paula asked why we are being so detailed and why we could not just state they will contribute to the cost so that we don’t have to change it if that percentage changes. Keith explained that this is standard and we should keep the 12% so new hires will know what they will be responsible for and change the amount in the handbook if it ever changes down the road.
* Charlie said the last item is on page 22. Keith said the change states that the Board is the approving authority for appeals. Charlie said that this is difference because the Board has always been the hiring and firing authority, but now it reads the BOS is for hiring and authorizing appeals, and the Department Heads will be the terminate authority. He added that the BOS will now be the authority of appeals. Paula stated that she has a concern and thinks the recommendation should come from the Department Heads, but it should be the Town Administrator that is the termination authority because he is acting as the overall administrator of the town. Charlie said that he agrees with Paula and not all Departments Heads are experience in personnel issues. He added that it should be clearly written that the termination should be the Town Administrators and the Board the Appeals. Keith stated that he would like to add that language and will bring it back for review. Charlie I would like to make sure it is very clear when we rewrite it so that we all come up with the same answer when we read it.
1. **OTHER:**

Charlie asked if there was anything else and Mr. Holland stated that he would like to speak to the Board in regards in trying to resolve an outstanding issue related to ownership of materials during the Wastewater Treatment Construction project. The BOS agreed to listen to Pat Holland from AJ Coleman, but agreed they would not discuss the subject since the item was not on the agenda and they do not have any supporting documentation. Paula stated that we may be out of order due to something Keith stated at the last meeting on this subject that may indicate that we want to meet instead in non-public session. Keith explained that Mr. Holland was just here to give his point of view in looking for a resolution.

Mr. Holland stated that he has a claim /dispute in regards to the project he was involved in with the Town. Mr. Holland stated that the dispute was over whether he had ownership to some gravel. He added that he fully believed he had the ownership of that gravel and actually has a market for it at the time which was also considered in the amount of the contract. Mr. Holland said that he worked with the engineer and they had an option to either take the dispute to an arbitrator or to save money work it out between them. He said they both agreed to disagree and split the amount. He explained that he signed a change order with the engineer and the next step was to come in front of the BOS and share our thoughts. Charlie said that he apologizes for not knowing that Mr. Holland was coming and for that not having this on the agenda which is why they cannot discussion the subject with him tonight. Charlie stated that the Board will look into it further and Charlie thanked him for coming to the meeting. Charlie added that we need to discuss this at our next meeting.

1. **OTHER BUSINESS:**

 Keith explained that the BOS wanted him to bring the issue of 2 outstanding checks to the meeting.

* Charlie stated that we have one check that has been made out to Chances. He added that this business is no longer active.

**MOTION:** Arthur motioned to void check number 60357 made out to Chances in the amount of $3,175.

**SECOND:** Jim

**DISCUSSTION:** None

**VOTE:** All in favor. Motion passes 5-0.

* Charlie said the next check is made out to the Farmington 500 Boys Club. He added that he believes the Board voted last year to give them $853 and they have not yet requested the funds. Arthur stated that agencies are to submit a letter requesting the funds and although they are a Farmington based nonprofit they should follow the same rules.

**MOTION:** Matt motioned to void the check made out to the Farmington 500 Boys Club in the amount of $853.

**SECOND:** Arthur for discussion

**DISCUSSTION:** Charlie stated that he would like to do a friendly amendment to the motion to allow them until the end of the month to request the funds before the BOS voids the check. Matt accepted the amended.

**VOTE as amended:** Jim opposed / all in favor. Motion passes 4-1.

Arthur stated that if they are watching tonight, as a friendly reminded he wanted to let them know, that they may want to send in another request soon if they want the funds for this year.

* Keith stated that Mr. & Mrs. Johnson have given notice to stepping down from the Trustees of Trust Funds Board as of January 21st. He added that means we will no longer have a Trustee for the Trust Funds. Keith asked how the Board wants to proceed and if they what him to post the open seats. Matt asked if anyone else has signing authority for the accounts and Keith said no. Jim asked how many are on the Board and Keith stated we have 3 seats but none are sitting right now. Charlie added that none of us can do it and Arthur added that it has to be citizen that does not sit in on the BOS or BC meetings. All agreed to post the open spots as soon as possible.
* Keith stated that he received a letter from City of Rochester in regards to the 2015 waste hazard clean-up day. He explained that they are looking for a commitment from us in the amount of $850 which happens to be the same amount we paid last year.

**MOTION:** Arthur motioned to authorize the commitment for $850 for the purpose of participation in the Rochester waste hazard clean-up day.

**SECOND:** Charlie

**DISCUSSTION:** Charlie stated that he wanted to make sure we post that event so that the town people will know about it. Arthur suggested a friendly amendment to include only after Keith gets the documentation for utilizing the service and that documentation supports that the program is being utilized by Farmington.

**VOTE as amended:** All in favor. Motion passes 4-1.

* Keith stated that the Conservation Commission previously presented their request to purchase a parcel of property known as the Lawrence’s Property and asked the Board to give him the approval to sign the necessary documents for this purchase on the behalf of the Town.

**MOTION:** Arthur motioned to give the Town Administrator approval to sign all documents related to the purchase of the property on behalf of the Town.

**SECOND:**

**DISCUSSION:** None

**VOTE:** All others in favor. Motion passes 5-0.

Charlie stated that the last item is the Town Report and there is an email going around that Megan is looking for dedications. Jim stated that he would like to nominate Jeanette Donavan since she is approaching 104 years and has contributed to the community. Charlie said that he would like to nominate Mr. Scruton that passed away. The Board agreed to dedicate the report to both Mr Scruton and Ms. Donovan

1. **NON-PUBLIC MEETING:**

**MOTION:** At 8:22 PM, Charlie motioned to enter into Non-Public Session 91-A:3 II (a) for Police Chief Contract.

**SECOND:** Jim

**DISCUSSION:** None

**VOTE - By Roll: King-Proulx-Horgan-Capello-Scruton (yes)**

**Board left for Non-Public Session at 8:22 PM.**

**Board returned from Non-Public Session at 8:37 PM.**

1. **ADJOURNMENT:**

 **MOTION:** At 8:40 PM, Matt motioned to adjourn.

 **SECOND:** Arthur

 **DISCUSSION:** None

 **VOTE:** All in favor. Motion passes 5-0

**The Board adjourned at 8:40 PM.**

Respectfully submitted by Debra Cantwell, Recording Secretary