

Town of Farmington
Board of Selectmen – Public Meeting Minutes
Monday, February 23, 2015
Selectmen's Chambers
356 Main Street

Board Members Present:

Charlie King, Chairman
Paula Proulx, Vice Chairman
Arthur Capello
Brian St. Onge

Others Present:

Town Administrator Keith Trefethen
Fire Chief Peter Lamb
Town Clerk Kathy Seaver

1) Call to Order/Pledge of Allegiance:

Chairman King called the meeting to order at 6 p.m. All present stood for the Pledge of Allegiance.

2) Approval of Minutes:

February 9, 2015, Public Session –

Motion: (St. Onge, second Capello) to approve the minutes as written passed 4-0.

February 9, 2015, Non-Public Sessions A, B- change the word “adjourn” to “come out of” non-public session to avoid confusion with adjourning the meeting

Motion: (Capello, second St. Onge) to approve the minutes of non-public sessions A and B as amended passed 4-0.

3) Public Comment:

Town Administrator Keith Trefethen said he was contacted by a resident who said he came “face to face” with a town plow truck while traveling on Meaderboro Road on February 19. The man said he swerved to avoid the truck and ended up in a snow bank and had to be towed out. He is seeking reimbursement for the \$80 towing fee from the town. Trefethen said he told him he would take his request before Selectmen for their determination on the matter. Selectman Capello asked if the plow driver did anything wrong. Trefethen said he was unaware of any wrong doing by the plow driver.

Chairman King asked if the plow driver knew someone was stuck in the snow bank and if he stopped or took any action.

Trefethen said the plow driver knew someone was stuck, but did not stop. He said dispatch was contacted and a police report about the incident was filed.

Consensus of the board showed that Selectmen were not inclined to reimburse the other driver without any evidence that the plow driver was negligent.

4) Town Warrant Review and Approval:

Trefethen brought forth the Town Warrant for board review.

Article 3- He said at the last Budget Committee meeting, the committee made some changes to the town operating budget that reduces the proposed total amount in Article 3 to \$6,303,357, which is \$9,345 less than recommended by Selectmen. Bud Com members’ recommended changes included reducing the Goodwin Library budget to \$260,000 and adding \$853 for the 500 Boys and Girls Club.

Selectman St. Onge, who is the Selectmen’s Rep. to the Budget Committee, said he told Bud Com members that last year, Selectmen asked the library staff to do more fund raising to help themselves instead of relying solely on the town’s contribution to their budget. When asked about fund raising efforts at this year’s presentation to Selectmen, the Library Director told the board that the staff was too busy to do fundraising. He said that, coupled with the fact that their budget calls for 6% raises for staff members and an 11% raise for the bookkeeper, led him to suggest a \$10,000 cut to the library budget. Budget Committee members agreed and voted to recommend that the library budget be

reduced to \$260,000 he said.

Chairman King said the board had previously discussed placing an article on the warrant to recommend changing the Treasurer position from an elected position to an appointed position. Trefethen said the board briefly discussed the issue but did not vote to include it on the warrant. Town Clerk Kathy Seaver said that it was too late to get another article on the warrant.

There were no other questions or comments on Articles 1 through 15.

The board then turned to a review of Articles 16 and 17. Both articles were placed on the warrant by petition regarding the purchase of poles to be used to hang the Christmas lights.

Article 16 seeks approval to spend \$23,000 to purchase and install all 26 telephone poles. Trefethen told the board that the Budget Committee unanimously voted not to recommend the article. Chairman King read the article aloud and called for a motion.

Motion: (King, second Capello) to not recommend Article 16.

Selectman St. Onge reported that the Budget Committee had some concerns about the appearance of additional telephone poles in the downtown area. He said they also suggested looking into other alternatives such as metal poles. He added that metal poles could cost as much as \$5,000 each and Tom DeJulio, electrician and author of the petitions, did not favor metal poles due to the possibility of electrocution. Additional discussion included the cost, the appearance of the poles, researching other alternatives and the town's liability for the poles. Selectmen said they favored keeping the light display but are not sure this proposal is the best way to go about it.

Vote: The motion passed 4-0.

Article 17 calls for expending \$11,400 to purchase the poles but to only install six of them. The installation of the remaining poles would be budgeted on a separate warrant article over the next four years at about \$3,600 per year.

Chairman King read the article and then made the following motion;

Motion: (King, second St. Onge) to not recommend Article 17.

Chairman King said he would like to see the town investigate other avenues before undertaking this approach to solving the problem.

Vice Chairman Proulx asked who will conduct the investigation. Chairman King said it most likely would be up to the next Board of Selectmen. She added that she is not sure about purchasing all of the poles and must vote on the article as it is written.

Vote: The motion passed 4-0.

Motion: (Capello, second King) to approve the 2015 Town Warrant as written.

Vote: The motion passed 4-0.

Recess: Trefethen then asked for a short recess at 6:25 p.m. to allow Selectmen and the Town Clerk to sign the documents. The meeting reconvened at 6:30 p.m.

5) Employee Retirement:

Trefethen told the board that Water/Sewer Department employee Ray Dion has retired effective February 20, 2015. He said Dion's resignation leaves an opening in the department and asked the board how they would like to fill it. He then suggested this would be a good opportunity to continue to blend the Water/Sewer Dept. with the Public Works Department by filling the vacancy with someone with the qualifications to perform the duties of both departments. Trefethen said there is an employee who is interested in taking on Dion's duties and is currently shared between the two departments. This employee has been trained and holds the necessary certificates for the Water/Sewer Department duties. Public Works Director Dale Sprague also recommends a dual role for this position he said.

He said that because it is a union job, the position must first be advertized in-house for three days prior to any outside advertizing. Chairman King said the town needs to follow town policy and the terms of union contract concerning posting the vacancy. Selectmen then discussed if this would be considered a lateral move for the interested employee and transfer and interview procedures. Selectmen decided to post the opening as required and consider any candidates at the next board meeting.

6) Planning Fees:

Trefethen provided documents for board review concerning the possible changes to the fee schedule for the interim contract Planner. At a previous meeting, Selectmen reviewed the contract proposal and noted that the Planner is requesting \$75 an hour for core services provided to the town. The town's current Valuation and Fee Schedule calls for the Planner to be paid \$65 an hour after the first three hours of services provided. The previous discussion also included amending the contract proposal to include language stating that the Planner would bill applicants for all service hours. Selectman Capello said the board needs to hold a public hearing if they are considering making any changes to the town's fee schedule. He added that state law allows applicants to be billed when the town uses a consultant and that taxpayers should not be on the hook for the fees.

Chairman King said the town should provide some level of service to applicants, but suggested it could be cut back to two hours. For example, if an applicant wishes to subdivide a property, he may need advice about the process and help with the application, which should be provided at no charge. Once the application has been submitted and goes to the Planner, the applicant should start to incur fees he said.

The board then discussed what should be included in the public hearing notice. Selectman Capello suggested it be written as a "generic" notice of proposed changes in fees without a specific dollar amount. He also suggested the Town Administrator ask department heads to review their fees to see if there are any other changes needed. That way all the changes could be reviewed at one public hearing instead of many hearings he said.

7) Planning Consultant Contract:

Trefethen provided a draft of Planning Consultant Mike Garrepy's proposed contract for planning assistance for the town. The board discussed their concerns regarding some of the terms of the contract. Article 3 (Compensation and Payment) states his hourly rate for core services and an agreement to provide a detailed proposal for any work listed under Additional Services.

Selectmen said they would like to see language included that states that applicants will pay for review of applications directly to Garrepy to avoid charges being incurred by the town.

Article 4 states the town agrees to pay the Planner within 10 days of receipt of an invoice for services rendered.

Selectmen said this needs to be expanded to 30 days as per town policy.

Discussion included preventing the town from becoming responsible if the applicant does not pay for consultant services. Trefethen said the plan would not be recorded at the Registry of Deeds if all fees are not paid. Selectmen said they wanted to see additional language included to keep the town from having to chase people for payment.

Vice Chairman Proulx asked how many hours could be accrued on an unfinished application before it could be determined the applicant is not going to complete the plan. She also suggested the town could consider that after a certain amount of hours, the applicant would be required to pay for services already rendered before moving on to the second part of the process. Chairman King added the number of hours could be based on the size of the project, such as billing the applicant of large project for five to 10 hours of services, which must be paid before moving on the second part of the process.

Trefethen said he e-mailed Garrepy regarding the board's concerns and suggested changes, but had yet to receive a reply. Selectmen asked Trefethen to contact Garrepy for his thoughts on the matter.

Motion: (King, second Proulx) to table the matter.

Vote: The motion passed 4-0.

8) CDL/Medical Cards & Status of Emergency Vehicle Operators:

At the previous meeting the board discussed requirements for Public Works employees and firefighters regarding Commercial Driver Licenses and Medical Cards. Questions arose about who is required to have a Medical Card and/or CDL licensing, and what is specifically required by town policy and the terms of recent contract agreement with the Public Works employees.

Trefethen said he researched state law and found that firefighters are exempt from state CDL requirements when providing fire services and town policy does not require firefighters to hold a CDL license. He added that the department may want to consider beefing up training requirements for drivers.

Trefethen provided copies of the NH Dept. of Motor Vehicles requirements for Medical Cards. It states that all CDL drivers must maintain a current Medical Card with the exception of employees of a government agency or municipality. Vice Chairman Proulx said the new Public Works contract and town policy says the town will pay the fees for CDL and Medical Cards, but it does not specifically require Medical Cards. She suggested the town develop and adopt a policy requiring Medical Cards for all CDL drivers. She added that this should not be a problem for employees as the town has already agreed to pay for them.

Trefethen said he would be willing to create a draft policy, but noted that the terms of the contract agreement may limit what can be included in the policy.

Chairman King said he would like to see the town adopt the same basic requirements as for drivers in the private sector. Anyone who drives a vehicle weighing 10,000 pounds or more is required to have a CDL and drivers of vehicles weighing 26,000 or more must also have a current Medical Card he said. He added that he would also like to institute random drug testing.

Selectman Capello said the town can't take everything from the private sector and apply it to the town. He said it is currently illegal to require random drug testing of town employees as it violates their right to privacy.

Fire Chief Lamb said money for physicals and training has been cut to the bare minimum in this year's budget. He said he has a five year goal to implement these requirements, but noted that some employees are not in favor of it. He added that the state has changed the medical rules so a driver may not obtain a Medical Card from any physician, but must go to a doctor authorized by the state to perform the physicals.

Motion: (Proulx,) that there should be a policy written that states that if a CDL is required by town policy, the policy should state that a Medical Card is also required.

There was no second to the motion.

Trefethen suggested said he sees this issue as a three step process. The first step is to create a policy to identify who needs a CDL and a Medical Card. Step two is to have the Fire Department work to make their operators CDL qualified. The last step would be to include the Fire Department under the policy he said. He added that he would research what other fire departments are doing with regards to this issue.

Selectman St. Onge asked if all Public Works employees are required to have a CDL. Trefethen said that they do as it is a condition of being hired. We only consider people with a CDL he said.

Chairman King then added that the town needs to do everything possible to make sure qualified, trained drivers are behind the wheel of town vehicles.

9) Phone Stipends for Deputy Fire Chiefs:

Trefethen presented a request from Fire Chief Peter Lamb to provide a cell phone stipend to the department's three Deputy Fire Chiefs. He asked Selectmen to vote to approve the stipends as required by town policy.

In a memo to the board, Chief Lamb said he feels the Deputies are eligible for the stipend according to the town's cell phone policy. He stated that officers are using their own phones daily for texting, emails and calls for scheduling, training and other department business. He requested the board give final approval for a \$30 monthly allowance which is already included in the department's budget. The officers have reviewed and signed the form stating they understand the cell phone policy he said.

Motion: (Capello, second King) to authorize the three Deputy Chiefs to receive a monthly stipend of \$30 as long as they have signed off and understand the town policy regarding cell phone use and stipends.

Discussion included the need for good communication at a fire, how many Deputies should receive the stipend, which employees currently receive cell phone stipends and if the town should pay for cell phone use even if it is needed for on the job. Selectman Capello added that maybe the town should consider purchasing a town cell phone plan at some point, which provides phones and service for business use at a better rate than those for personal use.

Vote: The motion failed due to a tie vote (King, Capello-yes, Proulx, St. Onge-no).

10) Any Further Business:

A. Town Report- Selectman Capello asked if the board still needed to provide a dedication for the Town Report. Trefethen said the report will not be dedicated this year.

B. Tax Status for the Masons- Vice Chairman Proulx asked if the Town Administrator has received a reply from

counsel regarding the group's tax status. Trefethen said there has been no reply received.

C. Engine One- The Vice Chairman asked if Trefethen had received any information on the status of the repairs needed to the engine. Trefethen reported that the town mechanic is out on vacation and expected back in one week. He expects a report when he returns Trefethen said.

D. Farmington Children's Center- Trefethen said he received an e-mail from the center's administrators and recommended the board review it at their next meeting.

E. Internal Controls- Trefethen said he plans to request a representative from the company that compiled the report come before the board to discuss the results after Town Meeting.

F. Snow Removal – (Sidewalks to schools) Chairman King asked about clearing sidewalks and pushing back snow banks near the schools for better visibility. Trefethen said the walkways are cleared and treated following a storm, but the snow blower sometimes leaves about an inch of snow on the ground. He said the highway crew would then use the sidewalk plow to scrape the walks after they have been treated. He added that the sidewalks to the schools are usually attended after the downtown snow removal is completed. King then asked that the pedestrian ways to the schools be kept as safe as we possibly can.

(Crosswalks)-Selectman Capello asked to have the Public Works Director Dale Sprague make sure the snow banks at the crosswalks in town are broken open to allow safer access to and from the crosswalks. He noted that the snow bank at the crosswalk at the Town Hall has not been opened following several recent storms.

(Fire Hydrants)-Vice Chairman Proulx asked if all of the town's fire hydrants have been flagged. Trefethen said the town has 117 hydrants and he did not know if all of them are flagged. He said he would ask the Public Works Director to check on the status of the flags. She added that residents would help clear the snow from around the hydrants if they can find them.

G. Resident Complaint- Selectman St. Onge asked about the status of a complaint filed by Tom DeJulio regarding damage done to his chain fence by the sidewalk plow. He noted that the complaint policy requires the form to go to the department head and then to Selectmen, but the board has not received notice of the complaint.

Trefethen said the fence is in the foundation right on the property line. He said there is not much that can be done to remedy the situation until spring. He suggested that if the town is going to pay for repairs, we should also move the fence so it doesn't get damaged again.

St. Onge asked Trefethen to take whatever action can be taken now, even if it is only to make an assessment of the complaint.

11) Non-Public Session:

Motion: (King, second St. Onge) to enter non-public session under RSA 91A:3 II (c) passed 4-0 on a roll call vote (King, Proulx, Capello, St. Onge=yes) at 7:47 p.m.

Motion: (King, second St. Onge) to come out of non-public session passed 4-0 at 8:05 p.m.

12) Adjournment:

Motion: (Capello, second St. Onge) to adjourn the meeting passed 4-0 at 8:07 p.m.

Respectively submitted,
Kathleen Magoon
Recording Secretary

Chairman, Charlie King

Paula Proulx

Arthur Capello

Brian St. Onge