

Town of Farmington
Board of Selectmen – Public Meeting Minutes
Monday, March 9, 2015
Selectmen's Chambers
356 Main Street

Board Members Present:

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

Others Present:

Town Administrator Keith Trefethen
Police Chief Jay Drury
Fire Chief Peter Lamb
Public Works Director Dale Sprague

1. Call to Order/Pledge of Allegiance:

Chairman King called the meeting to order at 6:00 p.m. All present stood for the Pledge of Allegiance.

2. Public Hearing-Personnel Protective Clothing – Fire Service:

Public Notice

“The Town of Farmington, NH has applied for a federal grant/loan under the USDA Rural Development Community Facilities Program for Personnel Protective Clothing for Farmington Firefighters for the amount of \$22,600 with 35% match from USDA. Comments from the public are welcome at an open meeting to be held in the Selectmen's Chambers, 356 Main Street, Farmington, NH on March 9, 2015 at 6:00 p.m.”

Chairman King opened the public hearing at 6:05 p.m. There was no public comment.

Selectmen discussed how many employees are in the department, how many sets of protective clothing are needed and what is required by NFPA standards.

Fire Chief Lamb said there are currently 31 people on the department roster. He said he plans to purchase 14 sets of protective clothing to replace items that will not pass certification. He explained that the clothing has a 10 year life expectancy and this purchase will meet the requirements for this year, but noted that four sets will expire next year. Trefethen added that ideally, each employee should have two sets to allow for more frequent laundering which could extend the life of the garments.

Motion: (Capello, second Proulx) to recommend approval of the grant application and authorize the board chairman to sign it passed unanimously.

3. Public Hearing-Review Various Valuation & Fee Schedules:

Pubic Notice

“The Farmington Board of Selectmen will be conducting a Public Hearing to review the various Valuation and Fee Schedules presently in use for the Building Department, Planning Board and Zoning Board of Adjustment. The public is welcome to attend.”

Trefethen provided copies to the board of the current Valuation and Fees Schedule for the Building Department, Planning Board and Zoning Board of Adjustment which was last updated in 2013. He said following the resignation of Planner Kathy Menici, the town began working with interim part-time planner Mike Garrepy to develop a contract for his fees and services. During a review of the contract proposal, it was discovered that Garrepy's requested fees are in conflict with the town's fee schedule. Garrepy is seeking \$75 an hour while the fee schedule calls for the planner to be paid \$65 an hour after three hours. At a previous board meeting, Selectmen determined that fee schedule should be changed before agreeing to the contract proposal and that a public hearing should be held to allow public input on

changes to the fee schedule.

Chairman King opened the public hearing at 6:15 p.m.

Resident Randy Orvis told the board if it costs more to hire a consultant, he would rather see the board keep the current rate of \$65 and hire a full time planner. He said the existing fees paid by applicants should include at least two hours of service from the town staff.

Orvis said he researched whether Selectmen have the authority to change planning fees. He said he found that state law says they can change building fees, but it does not specifically address if Selectmen can or cannot change planning fees.

Chairman King said the board has revised the fee schedule twice in the past. Legal counsel was contacted to determine the correct way to adopt fee changes. The board then adopted a procedure to hold a public hearing before making changes to fees he said.

Orvis said that he also found that zoning, subdivision and site plan regulations need to be recorded at the registry of deeds. He said the zoning regulations have not been recorded since 1979 and the site plan review authority has never been recorded. He suggested Selectmen review the matter.

Orvis then asked the board to keep the fees reasonable and added that he was concerned that applicants would not know what the fee total would be until the application goes before the Planning Board. Someone with a small plan should be able to go to the regulations and estimate the cost of the plan he said.

Selectmen then discussed the number of hours of service that should be provided by town staff as part of the application fees, the average amount of time for the initial consultation, not putting taxpayers on the hook for the time needed for a large business or subdivision and what happens to applications that have already been submitted.

Motion: (Capello, second King) to increase the planner fee to \$75 an hour and to reduce the town time to 2 hours passed unanimously.

Motion: (King, second Capello) any application already officially submitted will stay at the current rate passed unanimously.

Chairman King closed the public hearing at 6:30 p.m.

4. Planning Consultant Contract: Tabled until later in the meeting.

5. Public Works RFP Results:

Public Works Director Dale Sprague came before the board seeking approval for the following items that were put out to bid:

Line Striping- four bids received; Property Innovation, Londonderry, NH (\$9,824.79), Highway Safety Systems, Inc., Rockland, MA (\$10,215.27), Industrial Traffic Lines, Inc., Londonderry, NH (\$10,807.47) and L&D Safety Markings Corp., Barre, VT. (\$18,795.60)

Motion: (Capello, second Proulx) to award the bid to Property Innovation not to exceed \$ 10,000 passed unanimously. Sprague asked the board if they wished to provide any input as to what streets should be done. Selectmen discussed past practices, but did not make any changes to Sprague's list. Chairman King said the board may want to consider the matter again at a future meeting.

Street Sweeping- one bid received; SUR Construction, Rochester, NH (\$110.00 an hour for an estimated 65 hours).

Motion: (King, second Capello) to award the bid to SUR Construction at \$110.00 an hour passed unanimously.

Catch Basin/Culvert Cleaning- two bids received; Hartigan Wastewater Services, Middlesex, VT (\$98.00 an hour for estimated 60 hours), Felix Septic Systems, Bow, NH (\$110.00 an hour for estimated 60 hours).

Motion: (King, second Capello) to award the bid to Hartigan Wastewater Services at \$98.00 an hour passed unanimously.

Crushed Gravel and Screen Sand- three bids received; FL Merrill Construction, Inc., Meredith, NH (\$43,200.00), Custom Crushing Company, Meredith, NH (\$44,505.00), Northeast Earth Mechanics Inc., Pittsfield, NH (\$46,600.00).

Motion: (Capello, second St. Onge) to award the bid to FL Merrill Construction not to exceed \$44,000.00 passed unanimously.

Sprague said is in the process of checking references for paving bids and expects to provide his recommendation to the board in about one week. He said he is also awaiting RFP results for 2016 pricing for a utility truck.

6. Approval of Minutes:

A) February 23, 2015 – (Public Session):

Motion: (Capello, second King) to approve the minutes as written passed unanimously.

B) February 23, 2015- (Non-Public Session A):

Selectmen asked Trefethen to add that the discussion included an escalator but no decision was made.

Motion: (Proulx, second King) to approve the non-public session minutes as amended passed 3-0-1 (Capello abstained).

7. Public Comment:

Police Chief Jay Drury and Lynn Fuller came before the board to invite the community to a screening of a film entitled “American Epidemic”. The 90-minute film is a documentary on heroin addiction which will be shown on Thursday, March 19, 2015 at 6:30 p.m. at the Valley View Community School. Light refreshments will be available and a discussion will be held following the film. A flyer advertising the event will be distributed among students and school staff and will also be shown on the local cable TV channel.

Chief Drury also told the board that his previous meeting with Congressman Guinta to discuss expanding the use of NARCAN by emergency responders for drug overdose victims went well. He said Guinta plans to co-sponsor a bill in Congress to allocate more funding for the issue. Vice Chairman Proulx asked the Chief if he would like a letter of support from the board. Chief Drury said their support would be welcome.

The board then returned agenda item 4.

4. Planning Consultant Contract:

At a previous meeting, Selectmen began review of the contract proposal from Planning Consultant Mike Garrepy and found some issues needing language changes before the agreement could be signed. Trefethen presented a copy of the amended proposal with the suggested changes highlighted. Discussion included changes regarding invoicing, number of days for payment and establishment of escrow accounts.

Chairman King said he worked with Garrepy to resolve some of the billing issues and said Garrepy agreed to add more time for invoicing, but suggested that if a bill remained unpaid for 60 days he would then bill the town for his services. Selectman St. Onge asked who suggested setting up escrow accounts and if the town would set up such accounts for all applicants. Chairman King said it was Garrepy’s suggestion. Selectman Capello said that would be an accounting nightmare for the town staff. After some additional discussion, the board determined clients should be billed every 30 days.

Motion: (Capello, second St. Onge) to change Article 3, paragraph 3 of the contract to include the consultant will bill the client every 30 days and the town will receive a copy of the bill passed unanimously.

Motion: (Capello, second King) to approve the contract proposal as amended if the consultant also approves the amendments and authorize the Town Administrator to sign it passed unanimously.

8. Public Policy 2015- 1 Commercial Drivers License/Medical Card:

Trefethen presented a draft policy document regarding CDL/Medical Cards for board approval. The policy requires employees who operate vehicles with a gross vehicle weight in excess of 26,000 pounds or a vehicle designed to transport 16 or more passengers to possess a CDL. These employees would also be required to keep a current Medical Card on file with the town and the state Department of Motor Vehicles. The Fire Department would be exempt providing the department employees are approved to operate town owned emergency vehicles. Trefethen said the document could be considered a “living” policy which allows the board to review it and make changes at any time. Discussion included clarification of the exemption for the Fire Department, working to have all Fire Department employees trained by NH Fire Standards and Training, removing some equipment from the policy and whether to omit the requirement for vehicles not operated over the road.

After some additional discussion, Selectmen decided to keep the CDL/Medical Card requirements for all operators of vehicles over 26,000 as employees working off road may need to travel over the road to another job site or to return the

vehicle at the end of the day.

Public Works Director Dale Spague said that all of his departments' employees have CDL's but there are some who do not yet have Medical Cards.

Motion: (Capello, second Proulx) to remove the last sentence of the last paragraph of the policy and approve the remainder of the policy as written passed unanimously.

9. Public Policy 2015-2: Fund Balance:

Motion: (King, second Capello) to table the issue passed unanimously.

10. Any Further Business:

A). Reappointment of Planning Board Members- Trefethen provided applications for the reappointment of two current Planning Board members.

Motion: (King, second Proulx) to reappoint Charles Doke as a member of the Planning Board passed unanimously.

Motion: (King, second Proulx) to reappoint David Kestner as a member of the Planning Board passed unanimously.

B). Chain Link Fence on Main Street- Selectmen discussed a complaint about damage to a chain link fence owned by Tom DeJulio. DeJulio claimed that damage was done to a section of the fence by the town's sidewalk plow. Trefethen and Selectmen St. Onge and Proulx reported they had visited the site to observe the damage. Proulx said you can see where the fence is ripped and pulled in the opposite direction of the rest of the fence. She added that the damage seemed to be "fresh".

In a memo to the board, Trefethen wrote that he spoke to Public Works Director Dale Spague who said none of the sidewalk plow operators remember striking the fence at any time. Trefethen said it is obvious that something struck two fence posts and the chain link section between them. He added that in his opinion, the damage was not done by the sidewalk plow, but may have occurred during snow removal operations and that the snow pushed against the fence on the parking lot side of the fence may be a contributing factor to the damage. He said he did not believe the town is totally responsible for all of the damage to the fence.

After some discussion, the board determined the town should repair a portion of the fence and that Mr. DeJulio must remove the trees, shrubbery and anything in the way of the repairs to allow the fence contractor to access the area.

Motion: (St. Onge, second Capello) to approve the repair of Tom DeJulio's fence including two fence posts and the chain link between them in a 12' section from the gate post to the restaurant passed unanimously.

C). Hydrants and Flags- At a previous meeting, Selectmen asked if all fire hydrants in town are flagged. Vice Chairman Proulx noted that flags are missing from hydrants in the School Street, Central and Perkins Avenue areas. Trefethen said that a decision was made to not install flags on hydrants on/near sidewalks travelling to the schools as they have been frequently vandalized.

D). Modification of Municipal Office Hours- Trefethen asked the board to re-visit the issue of modifying the municipal office hours to mirror those of the Town Clerk/Tax Collector's office hours. He said he would like to provide evening hours so the public can access all of the town services. Selectmen said they would like to discuss the issue at a future meeting.

Motion: (King, second Proulx) to deny the request to change the municipal office hours passed 3-1 (King, Proulx, Capello-yes, St. Onge-no).

E). Chili - Chowder Fest- Chairman King said the event was very successful and thanked all who contributed and attended.

F). Fernald Park Complaint- Chairman King said he received a complaint from a resident living adjacent to Fernald Park. The resident said that due to the low fence at the park, he has a lot of traffic in his back yard. King said Recreation Director Rick Conway has been informed of the complaint and asked Trefethen to follow up on the matter.

11. Non-Public Session A:

Motion: (King, second Proulx) to enter non-public session under RSA 91A:3 II (b) passed on a roll call (King, Proulx, St. Onge, Capello-yes) at 7:44 p.m.

Motion: (King, second St. Onge) to come out of non-public session passed 4-0 at 8:02 p.m.

Motion: (King, second St. Onge) to approve the lateral transfer of Charles Tiffany to the Water/Wastewater Department and adjust his present compensation by .50/hr. passed 4-0.

The Board of Selectmen also approved the advertising of the swing position that Chuck presently held with the Water/Wastewater and Highway Department so it may be filled.

12. Non-Public Session B:

Motion: (King, second Proulx) to enter non-public session under RSA 91A:3 II (c) passed on a roll call vote (King, Proulx, Capello, St. Onge- yes) at 8:03 p.m.

Motion: (King, second St. Onge) to come out of non-public session passed 4-0 at 9:01 p.m.

13. Non-Public Session C:

Motion: (King, second Proulx) to enter non-public session under RSA 91A:3 II (d) passed on a roll call vote (King, Proulx, St. Onge, Capello) at 9:06 p.m.

Motion: (King, second St. Onge) to come out of non-public session passed at 4-0 at 9:07 p.m.

14. Non-Public Session D:

Motion: (King, second St. Onge) to enter non-public session under RSA 91A:3 II (c) passed on a roll call vote (King, Proulx, St. Onge, Capello- yes) at 9:07 p.m.

Motion: (King, second St. Onge) to come out of non-public session passed 4-0 at 9:08 p.m.

Motion: (King, second Capello) to deny the request of the Masons for Tax Exempt status passed 3-0-1(King, Capello, St. Onge- yes, Proulx-abstained)

15. Adjournment:

Motion: (Capello, second St. Onge) to adjourn the meeting passed 4-0 at 9:19 p.m.

Respectively submitted,

Kathleen Magoon

Recording Secretary

Charlie King

Paula Proulx

Brian St. Onge

James Horgan

Gerry McCarthy