

Town of Farmington
Board of Selectmen
Monday, March 23, 2015

Board Members Present:

Charlie King, Chairman
Paula Proulx, Vice Chairman
Brian St. Onge
Jim Horgan
Jerry McCarthy

Others Present:

Town Administrator Keith Trefethen
Police Chief Jay Drury
Public Works Director Dale Sprague
Resident Patience Taylor
Farmington Woman's Club Secretary Rebecca Howard
Goodwin Library Trustee Carol O'Connell
Resident Tom DeJulio

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). Election of Board Officers and Committee Assignments:

A). Election of Officers-

Trefethen suggested the first order of business for the new board should be the election of board officers. He then asked for nominations for board chairman. Selectman St. Onge nominated Selectman King for the chairman position.

Motion: (St. Onge, second Horgan) to appoint Selectman Charlie King as Chairman of the board. The motion passed 5-0.

Selectman McCarthy nominated Selectman Proulx as Vice Chairman. Selectman Proulx refused the nomination. Selectman Horgan nominated Selectman St. Onge as Vice Chairman.

Motion: (Horgan, second King) to appoint Selectman Brian St. Onge as Vice Chairman of the board passed 5-0.

B). Committee Assignments-

Members will represent the Board of Selectmen to the other boards and committees listed as follows:

Planning Board- Jim Horgan
Conservation Commission- Jerry McCarthy
Economic Development Commission- Charlie King
Capital Improvement Plan Committee- Paula Proulx
Budget Committee- Brian St. Onge

3). Approval of Minutes:

March 9, 2015- Page 2, fourth paragraph-amend to state that the site plan review "authority" has never been recorded. Page 4, Hydrants and Flags- amend to include Central Street and Perkins Avenue. **Motion:** (King, second Proulx) to approve the minutes as amended passed 3-0-2 (King, Proulx, St. Onge-yes, McCarthy and Horgan- abstained).

4). Public Comment:

A). Comprehensive Addiction and Recovery Act-Police Chief Jay Drury came before the board to present a letter of support for House Bill HR953. Chief Drury returned to the board seeking their signatures on the letter following a discussion about opiates and heroin addiction at a previous board meeting. Chief Drury reported that he attended a meeting hosted by U.S. Congressman Frank Guinta to discuss prevention and recovery methods in local communities. Congressman Guinta is one of the sponsors of the Act which would provide \$15 million in additional grant funds to

combat drug addiction if passed.

Selectman Horgan asked who would benefit from this bill. Chief Drury said that approximately \$300,000 would be distributed to New Hampshire and then funneled through to the various communities.

Chairman King asked if all requests for grants must come through the local Police Departments. Chief Drury said he believes the bill contains language that would allow State, County and private support and rehab groups to apply for the funds. Available funds for one area would be capped at \$75,000 he said. Selectmen signed the letter which will be sent to Congressman Guinta's office.

B). Street Lights- Chief Drury also told the board that the state plans to turn off four street lights in Route 153/Route 11 area as a cost cutting measure and has offered to turn them over to the town. The state will keep operating one light on the Main Street side of the area he said. Discussion included safety issues, ambient lighting and the cost to the town to operate the lights.

The Chief said he would recommend that the state keep a street light lit on the Meetinghouse Hill Road side of Route 11 as there is a crosswalk there that should be illuminated to provide safer crossing.

Selectman Proulx suggested the town petition the state to keep the Meetinghouse Hill street light illuminated as there have been several accidents in this area and Selectmen are concerned about the safety of pedestrians there. Chief Drury agreed to draft a letter to the state and report back to the board.

C). Request for Meeting Space- Farmington Woman's Club Secretary Rebecca Howard came forward with a request to use the second floor of the Municipal Building as meeting space for the club. She explained that the club has been unable to use their club room at the Goodwin Library due to safety issues there. She said she expects 15-25 people may attend the meeting which is for scheduled for Wednesday, May 20, 2015 at 6 p.m.

Library Trustee Carol O'Connell said the club can't use their meeting space because it is upstairs at the library which is closed due to the broken fire escape. She said the library has placed the work out for bid and is awaiting responses from interested contractors. There is no tentative date for completion of the work at this time she said.

Motion: (McCarthy, second Horgan) to grant the Woman's Club request to use the second floor of the Municipal Building for meeting space passed 4-0-1 (King abstained).

Selectmen asked Ms. Howard to see if it would be possible for the club to schedule their meeting in conjunction with another meeting so that the building will already be open. Howard said she would check with the club members about rescheduling the meeting.

5). Ten Rod Road Culvert/Patience Taylor:

Ten Rod Road resident Patience Taylor came before the board to discuss her concerns regarding the potential for contamination of her well from surface water that drains onto her property. A sketch of the area shows that water flows from Russell Lane and the proposed orchard across the street, along the gutter on that side of the street to a culvert that directs the water under Ten Rod Road and spills out into a ditch on Taylor's property in close proximity to her well.

Taylor had asked to have that culvert removed or blocked, so the water would travel further along the road on the orchard side of Ten Rod Road to a culvert that would direct water under the road and come out on her property further away from her well.

Town officials did not favor the movement of the culvert as it would require extensive excavation of the area to ensure proper water flow. They also determined that the culvert cannot be blocked as it must be kept open to prevent washout of the road in the event of a large storm.

Discussion included the type and depth of Taylor's well, how to deal with the water flow, culvert sizes, legal status of the orchard driveway entrance and alternative drainage suggestions.

Public Works Director Dale Sprague recommended waiting a few weeks for weather and ground conditions to improve which would allow greater access to the culverts and ditches so that staff can determine their condition and if they are of sufficient size to handle the expected runoff in the area. It would also allow time to determine the legal status of driveway.

Motion: (Horgan, second St. Onge) to continue the matter to the April 27 board meeting passed 5-0.

6). Conservation Commission:

A).Cameron's Land Swap- Cons Com Chairman Dave Connolly told the board he wished to discuss the status of the

property secured by the town in the land swap with Cameron's Home and Garden Center. The property is a three acre parcel between Route 11 and the Mad River with 700 feet of frontage along the river. Trefethen said the swap has "passed papers", and has been deeded and recorded. The transfer to the Conservation Commission is planned for the next board meeting he said.

B). Status of Town Owned Lot-Connolly said he was also interested in the status of a town-owned lot adjacent to the Town Forest. The property, tax map R61-L10, contains approximately 30 acres of land and may be landlocked he said. He gave the board a brief history of the development of the Town Forest which presently contains 102 acres obtained through the merger of five separate properties. The Commission has recently received a Management Plan for the forest and is seeking bids for the implementation of that plan. He added that he discovered the parcel during his research of the forest property and suggested the town may want to add it to the forest.

Trefethen said the lot in question once belonged to Harold Murray, Sr. He said Harold Murray, Jr. thought that he was paying taxes on the entirety of his father's land, but discovered that he was not after the town took the parcel via a tax deed. He said the son has been paying the back taxes in an effort to regain the lot. He has paid about \$10,000 with a balance of about \$2,500 remaining. Selectmen previously instructed the Town Clerk to confirm that when all of the taxes have been paid, to inform the board and they will sign a quit claim deed to return the lot to Mr. Murray. Connolly replied that it didn't hurt to ask.

7). Christmas Light Poles:

Trefethen suggested that with the passage of warrant article at the Annual Town Meeting regarding setting aside funds for poles and/or equipment, it may be time for Selectmen to determine how they wish to proceed so plans can be made for the 2015 Christmas season.

Chairman King said residents approved setting aside \$11,400 in an effort to keep the lights in the downtown area. He said there is enough of a history of hanging the lights from the existing poles that there may be a potential legal stand for the town to force the issue with the utility company. He suggested that the town first ask Eversource (formerly PSNH) to reconsider granting the town an exception that would allow continued use of their poles for the decorations. He added that the company told the town that there was a waiver process, instructed officials to apply for the waiver and then denied it.

Selectman McCarthy asked if anyone has contacted the TD Bank downtown and asked if they would be willing to allow the lights to be strung from their building. He suggested the installation could be as simple as using some eye bolts to hang the light strings. The bank did not agree to the request. Selectman Proulx suggested a formal presentation from the town to downtown business owners may result in a more positive response in finding a solution to the problem. Proulx also suggested inviting a representative from Eversource to attend a meeting to discuss the matter.

Chairman King said that if the town were to do their homework and show a precedence of using the company's poles for 85 years without a single safety incident there may be a case for allowing the continued use of the poles.

Resident Tom DeJulio said he tried to make that case with the company to no avail. He added that it appears the town has been hanging lights across the downtown streets from sometime during the 1920's but there are no records with an "iron clad" date to prove the case.

DeJulio said the company has "pulled the rug out" from under from the entire state over this issue creating all sorts of problems and they may eventually end up in court.

Discussion included the types of poles available, location of new poles, position of wires, distance from other wires and the street and installation of the new poles.

Vice Chairman St. Onge said he doubted a legal challenge would be successful unless all of the towns banded together to fight the company's decision. He also suggested contacting the City of Concord to find out what they are doing about their decorations.

Selectman Horgan said sending a letter to request the company reconsider something they deemed a safety issue will be tough to beat. He suggested the town also send a copy of the letter to the DOT.

Selectman McCarthy suggested contacting the Public Utilities Commission as well as our State Representatives to seek any assistance they could provide. After some additional discussion, consensus of the board showed they favored doing the research to back up the long time safe use of the poles and send a letter making the case to Eversource.

DeJulio, who headed the petition drive for the warrant articles and the creation of the Christmas Lights Committee, is now the head of the newly organized Decorating Committee. The committee consists of eight members who will meet weekly to develop a plan that will be presented to Selectmen. He said the committee plans to investigate costs, types and materials available for poles, cost of installation, possible pole locations, lights, solar powered units and brackets for various uses such hanging a Christmas tree, flags or other uses. After the information has been gathered, they will develop a plan which will be presented to Selectmen he said. Chairman King agreed the board would like to review the plan and suggested the plan also be reviewed by town staff and for insurance and liability concerns. He advised the plan may need to be modified after the review. DeJulio said he also plans to contact the DOT regarding the locations and installation of the poles as some locations may be within the state's right-of-way along state roads. Selectman Horgan cautioned that the committee is not sanctioned by the town therefore they cannot write a letter on behalf of the town. He added that the committee may not be able to do much without the support of the Board of Selectmen. He said if the committee were sanctioned, they could go right to the Town Administrator and would not have to wait to meet with the board. DeJulio said it is not the committee's intention to bypass Selectmen. Vice Chairman St. Onge asked if DeJulio could estimate the cost to install the poles. DeJulio said depending on the type of pole (wood, metal or cement) it appears to be about \$1,000 to \$2,000 per pole. DeJulio said the committee is also looking at fund raising to help with the cost of the plan. Committee member Jodi Connolly suggested they also look at the possible Historic status of holiday tradition and any grants available with that status. DeJulio then told the board the committee will continue their research and report back to them at a future meeting.

8). Cable TV Negotiations:

Trefethen presented a memo from Attorney Katherine Miller regarding negotiations for renewal of the cable TV franchise agreement between the town and MetroCast Cablevision. Att. Miller said she would like to meet with the board to review the cable company's responses to auditing questions and discuss how Selectmen wish to proceed. Selectmen asked Trefethen to set up a meeting with the attorney for next month.

9). Paving Bid Recommendation:

Public Works Director Dale Sprague came before the board to review the bid proposals received from three paving companies. The companies provided bids for the rehab of Ridge Road as follows; Advanced Excavating and Paving (\$317,549), R+ D Paving Inc. (\$309,330.55) and Pike Industries (\$357,790). Discussion included past experiences with the bidders, quality of their work, discrepancies on the amount of tonnage needed for the Meetinghouse Hill Road work, drainage issues and description of the rehab work for Ridge Road. Sprague recommended the board accept the bid from R+D Paving.

Motion: (Horgan, second Proulx) to accept the bid from R+D Paving as per unit price submitted passed 5-0.

Shim work on Meetinghouse Hill Road will commence following the completion of Ridge Road if the budget allows Sprague said.

10). Water/Sewer Rate Proposals:

A). Water Rate-Sprague discussed his recommendations for water and sewer rate adjustments. He told the board that the water department income has increased by about \$6,000, so cash on hand is currently meeting expenditures. He recommended no increase to the current water rate.

Motion: (King, second Horgan) to keep the water rate at the current rate of \$3.72 per 100 cubic feet of water passed 5-0.

B). Wastewater Rate-Sprague said the fund balance for wastewater department is trending downward. He said the proposed budget for 2015 is \$548,588 and the total projected income is \$500,440 resulting in an approximate \$48,000 shortfall. The current rate is \$9.61 per 1,000 gallons. He suggested a minimum 10% rate increase to \$10.70 per 1,000 gallons.

Selectmen asked Sprague if the department could raise the additional income needed by opening the treatment facility to out of town haulers rather than by increasing rates to Farmington users. Sprague said that he had previously

considered accepting residential haulers from the Town of Milton to bring septage to Farmington for processing. The proposal would be on a trial basis and if successful, the town may want to consider inviting residential haulers from other small towns in the area to use the town's treatment facility he said.

Additional discussion included the capacity of septic trucks, projecting the volume generated, keeping track of the origin of the loads, capacity of the treatment facility, the treatment process and processing time. Selectmen also discussed \$50,000 in depreciation included in the budget, but did not decide how it will be calculated or handled.

Chairman King said he did not favor a rate increase, but would favor bringing in residential haulers from up to three towns to make up for the budget shortfall by increasing the department's income.

Sprague suggested contacting haulers for the towns of Milton, New Durham and Middleton to gauge their interest in bringing their loads to Farmington for processing.

Vice Chairman St. Onge suggested the board hold the rate at the current level, and review the matter in August or September to determine if the plan is successful.

Motion: (King, second Horgan) to hold the rate at the present level for review in six months and to authorize the Public Works Director to bring in septage from up to three towns passed 5-0.

C). Abatement- Sprague also presented a request to abate water and sewer fees from an Orchard Circle business owner. He said the usage was monitored over two billing cycles after the owner questioned the charges. He said the pipes and equipment were checked for leaks and the meter was checked for proper operation. No deficiencies were found and it was determined that a water department employee had misread the meter.

Motion: (McCarthy, second Horgan) to abate the water and sewerage fees (\$8,903.21) to the user passed 5-0.

11). Any Further Business:

A). Committee Appointments-

Motion: (Horgan, second Proulx) to appoint Resta Detwiler to the Economic Development Commission for a one year term passed 5-0.

Motion: (King, second Horgan) to appoint Elaine Aylard to the Economic Development Commission for a three year term passed 5-0.

Motion: (Horgan, second King) to appoint Denise Roy-Palmer to the Economic Development Commission for a three year term passed 5-0.

Motion: (Horgan, second McCarthy) to appoint Laura Bogardus to the Conservation Commission for a three year term passed 5-0.

Motion: (McCarthy, second Horgan) to appoint Richard Ballou to the Conservation Commission for a three year term passed 5-0.

Motion: (King, second Proulx) to appoint Elmer Barron to the Zoning Board of Adjustment for a two year term passed 5-0.

B). NH Clean Energy- Trefethen reported being contacted by Bill Fortune of NH Clean Energy seeking an opportunity to meet with Selectmen to present his business proposal and gain support from the board.

Selectman Horgan said there is a lack of detailed information about Fortune's plans, his website contains outdated information and lists links to synthetic fuels, fertilizer, plastics, lubricants and "lots of things that don't seem to come together".

Chairman King said he could not endorse or support any proposal without a detailed description and asked Trefethen to obtain a written proposal from Fortune.

C). Appointments Form Correction- Vice Chairman St. Onge noted that the e-mail address on the top of the Committee Appointment application form is incorrect and needs to be updated. Trefethen said he will see that it's changed.

D). Auditors' Report- Trefethen reported that the auditors will present their draft analysis of internal controls on April 13.

E). Coast Bus- Selectman Proulx asked if there was any further information received regarding the proposed removal of a bus stop from the downtown area. Proulx said the company told the board they would contact downtown businesses to discuss the matter but they have yet to be contacted. Trefethen said there has been no contact with the bus company. He said he will follow up on the matter.

- F). Farmington Children's Center**- Selectmen Proulx asked if there has been any response from the daycare facility regarding the renewal of their lease with the town. Trefethen said there has been no response.
- G). Safe Routes to School Program**- Trefethen told the board that he needs to complete the paperwork for the program and attend a class to become the representative to the program.
- H). Interim Planner's Contract**- Trefethen told the board the contract has been signed.
- I). Capital Improvement Plan Committee**- Selectman Proulx told the Town Administrator that the committee has requested he attend their next meeting to answer questions on the information he previously provided. Trefethen agreed to attend the meeting.
- J). Building Inspector**- Selectmen discussed New Durham's temporary use of Building Inspector Dennis Roseberry while advertising for a replacement. Trefethen said Roseberry is currently working two days a week for about three to four hours each day in New Durham. He said there is no end date for the arrangement at this time, but added if the situation became burdensome on the Farmington office, he would pull him away from New Durham. Additional discussion included his pay rate, recouping all of the cost to the town, trying to help a neighbor and how long the arrangement should continue. Selectmen decided to review the matter again in two months.

12). Non-Public Session A:

Motion: (King, second Horgan) to enter non-public session under RSA 91-A: 3, II (a) passed 5-0 on a roll call vote (King, Proulx, McCarty, St. Onge, Horgan- yes) at 8:30 p.m.

Selectman Horgan then left the meeting and did not attend any of the non-public sessions due to a work related matter.

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

13. Non-Public Session B:

Motion: (King, second St. Onge) to enter non-public session under RSA 91-A: 3, II (e) passed 4-0 on a roll call vote (Proulx, King, St. Onge, McCarty- yes) at 9:14 p.m.

Motion: (King, second St. Onge) to proceed with Option #1 as outlined by the Attorney passed 4-0.

Motion: (King, second St. Onge) to come out of non-public session passed 4-0 at 9:24 p.m.

Motion: (King, second Proulx) to seal the non-public session minutes passed 4-0.

14. Non-Public Session C:

Motion: (St. Onge, second King) to enter non-public session under RSA 91-A: 3, II (a) passed on a roll call vote 4-0 (McCarthy, Proulx, St. Onge, King-yes) at 9:24 p.m.

Motion: (St. Onge, second King) to come out of non-public session passed 4-0 at 9:26 p.m.

Motion: (King, second St. Onge) to appoint James Reinert as Interim Fire Chief passed 4-0.

15. Adjournment:

Motion: (St. Onge, second McCarthy) to adjourn the meeting passed 4-0 at 9:37 p.m.

Respectively submitted,
Kathleen Magoon
Recording Secretary

Charlie King

Paula Proulx

Brian St. Onge

James Horgan

Gerry McCarthy