

**Town of Farmington**  
*Board of Selectmen – Public Meeting Minutes*  
**Monday, July 20, 2015**  
**Selectmen’s Chambers**  
**356 Main Street**

**Board Members Present:**

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

**Others Present:**

Arthur Capello, Town Administrator  
Liz Durfee, Cynthia Copeland, Strafford Regional Planning Commission  
Jeffery Earls, Cross Country Appraisal Group  
Kelly Heon, Assessing Clerk  
Fenton Groen, Groen Builders  
Dale Sprague, Public Works Director  
James Reinert, Interim Fire Chief

**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 Comment:** None.

**3). Review of Minutes:**

June 29, 2015- Public Session - Amend to remove the title “Town Administrator” before Arthur Capello’s name under “Others Present” section.

**Motion:** (Horgan, second King) to approve the minutes as amended passed 5-0.

June 29, 2015- Non-Public Sessions A,B, and C- Amend to remove the title “Town Administrator” from Arthur Capello’s name under “Others Present” section.

**Motion:** (Horgan, second King) to approve the minutes as amended passed 5-0.

July 6, 2015- Public Session-

**Motion:** (Horgan, second Proulx) to approve the minutes as written passed 5-0.

July 6, 2015- Non-Public Sessions A, C, D, and E-

**Motion:** (King, second Horgan) to approve the minutes as written passed 5-0.

July 6, 2015 Non-Public Session B-

**Motion:** (King, second Horgan) to table discussion of amendments to non-public session passed 5-0. July 13, 2015- Public Session-

**Motion:** (Horgan, second King) to approve the minutes as written passed 5-0.

July 13, 2015- Non-Public Sessions A, B, and C –

**Motion:** (Horgan, second King) to approve the minutes as written passed 5-0.

**4). Strafford Regional Planning Commission for Planning Services:**

Executive Director Cynthia Copeland and Regional Planner Liz Durfee of Strafford Regional Planning Commission came to the board to discuss the town’s needs for planning services. Discussion included the aquifer district update, attendance at Planning Board meetings, assistance with the TIF and 79-e Districts, grants, assistance for the Regional Planner from the Planning Board Secretary and Interim Planner, task billing and available office hours during the

week. The board received copies of the billing rate structure and a sample services agreement contract for their review.

**Motion:** (Horgan, second King) to authorize the Town Administrator to fine tune the contract proposal between the Town and Strafford Regional Planning Commission as the acting representative of the Planning Department with hours to be determined by the Town Administrator and the Regional Planner based on workload passed 5-0.

**5). Cross Country Appraisal Group:**

Jeffery Earls of Cross Country Appraisal Group came before the board to discuss the MetroCast Cablevision abatement and appraisal/valuation practices. Discussion included the difference between the initial assessment and the reassessment of the MetroCast properties, how the initial assessment was conducted, how utilities are assessed for value, how this issue is handled in other towns and recent court decisions regarding taxation of utilities. Ms. Heon asked the board if they agreed with Cross Country's recommendation regarding the abatement and if they wished to sign off on the matter.

**Motion:** (Horgan, second Proulx) to authorize the abatement to MetroCast based on the revised assessment in the amount of \$225,000, to abate \$478,800 with a refund of \$12,143.34 passed 5-0. Additional discussion included owners have the burden of proof to prove over assessment, basing calculations on acceptable standards, whether to "aim high" or "play it safe" when assessing properties, whether to do a full measure and list of properties or a statistical update next year, obtaining information through a good permitting system and the use of assessing permits.

**6). Review of Possible Site Locations for Public Safety Building:**

Fenton Groen of Groen Builders came before the board to discuss the results of the site walks with Chairman King and Town Administrator Capello conducted on the previous Wednesday. He provided a site review for each site which is based on any work that would be additional to the basic scope of work included in the initial \$2.1 million proposal. The proposal includes connecting to town water and either connecting to town sewer or installing a new septic system he said.

**A). Existing Fire Station site downtown-** demolition of the existing building (\$30,000-\$35,000), risk factor for unusable/unstable fill on site (\$10,000-\$20,000) and redesign of the building to fit the site (\$5,000-\$7,000) for a total estimated additional cost of \$45,000-\$62,000 for this site.

Discussion also included additional cost for purchasing and demolition of the house adjacent to the present site, additional cost for an underground storm water system, traffic/safety concerns downtown, how to provide services and store equipment during construction if the present downtown site is chosen and selling the present site for business development (if another site is chosen).

**B). Route 153 Across from the Farmington Country Club-** Groen said the initial building proposal is based on the use of this site which includes an estimated site cost. Groen said he saw no reason for additional site costs, but noted there is no exact building design or site plan at this time he said.

Discussion included the flexibility of the site, further distance from downtown, present and former Police and Fire Chiefs prefer this site and the possible development of the site for other public uses.

**C). Route 11 Site-**The additional costs for the third potential site, adjacent to the Sarah Greenfield Business Park, were determined depending on how the site would be accessed as follows:

**1). Sarah Greenfield Access-** construction of an approximate 1200 foot access road from the business park(\$150,000-\$200,000), installation of about 1200 feet of six-inch water line extension(\$45,000-\$50,000) or a well/fire pump fire protection system in lieu of the waterline extension (\$40,000-\$45,000) for a total estimated additional cost of \$190,000-\$250,000.

**2). Route 11 Access-** construction of approximately 400 to 500 foot driveway extension for access to Route 11 (\$75,000-\$85,000), well/fire pump fire protection system in lieu of waterline extension (\$40,000-\$45,000) and the

available access site near Route 11 is 10 to 15 feet below the elevation of the highway (no cost estimate given) for a total estimated additional cost of \$115,000 to \$130,000.

Groen said in his opinion, the Route 153 site is most attractive and cost effective. The Route 11 site is the least attractive site due to cost factors and no visibility of the building he said.

Interim Fire Chief James Reinert said he would like to see the new building constructed on the Route 153 site because safety and visibility is better there, there is room for expansion if needed, close proximity to the downtown area, gives responders a straight shot in either direction and would provide a gateway to the town that residents would be proud of.

Capello suggested the board chose a site tonight to keep to the pre-construction schedule. Groen said he needs to know the chosen site by two weeks from tonight. Chairman King suggested the board do some soul searching, talk to constituents and make a decision by the August 3 meeting.

**Motion:** (St. Onge, second Horgan) to take a five minute recess passed 5-0 at 7:20 p.m. The meeting reconvened at 7:30 p.m.

### **7). Discussion with Public Works Director Regarding Work at the Municipal Office:**

Public Works Director Dale Sprague gave the board an update on completed repair work at the old Town Hall and the scheduled repair work that is yet to be completed. He said repair work has cost about \$22,157 so far and there is approximately \$17,000 left in this budget. He said his agenda includes installing a cover over the HVAC system at the Municipal Building, replacing the ceiling in the gazebo, replacement of an emergency exit door at the Fire Dept. and fixing the concrete caps on the Rec. Center and Municipal Office chimneys. Sprague said he is expecting to receive bids to replace the rubber membrane roof of the Municipal Building by Friday. Capello said the money for this repair could come from the warrant article that funds repairs to the building.

Sprague asked the board to provide direction as to how much time and money should be spent to repair the gable ends of the back side of the Town Hall. He explained the work needed and Selectmen asked for a cost estimate for the gable work.

**Motion:** (Horgan, second St. Onge) to waive the bid policy for the purpose of using Mr. Healey's services based on his performance to construct the cover over the HVAC unit at the Municipal Building for a sum not to exceed \$2,500 passed 5-0.

**Paving Work-**Sprague said the downtown paving by the state is tentatively scheduled to begin July 28.

**Lower Ten Rod Road Complaints-** Sprague said the paving project must be completed before town crews can attend to the work needed on Ten Rod Road. A full crew is needed to cut shoulders and replace the crown in the road or the work is not going to hold up he said. He asked residents to bear with it a little while longer and a crew will be out there to get the work done right.

### **8). Possible Third Party Billing:**

Interim Fire Chief Reinert came forward to discuss hiring a collections company to do ambulance billing instead of filling an open administrative position at the Fire Dept. He said ComStar has a third party billing agency that they use after sending out a fourth bill to the patient with no response. He said about half of the towns use a collection agency to attempt to collect the remaining amount owed while the other half of the towns write off the uncollected amounts. Chief Reinert said Farmington was unique in having a person on staff attempting to collect the unpaid bills. Discussion included the cost to use third party collection, percentage of amount collected by these agencies, how many attempts are made to collect overdue bills, history of total amount collected by the town and the amount collected compared to the administrative assistant's salary. The board will discuss the matter again at the next meeting to allow the Chief time to obtain more information.

### **9). Administrator's Report:**

**A). Sale of Items Left on Tax Deeded Property-**Capello said the NH Municipal Association advised that the town could

sell or dispose of personal property left on tax deeded property after a seven day waiting period. Chairman King suggested the board allow the individual interested in the motorcycle left at the property to purchase it for \$1 and pick it up with the Building Inspector's supervision.

**Motion:** (Horgan, second King) to authorize the Town Administrator to take disposition action on the motorcycle at the property to be determined by the Code Enforcement Officer passed 5-0.

B). Fire Dept. Annex Building- Capello said a representative of All Ways Recycling has inquired if the board still plans to demolish and remove the annex. Chairman King said the board voted to hire the contractor to demolish the building but it was not accomplished by the previous Administrator because he said he was never instructed as to where the money should come from. He requested a list of steps to be completed, a date the building will be ready for demolition and an overview of the Public Works' budget to determine where the funds will come from. He asked Capello to contact the contractor and tell him that site preparations are continuing and to let them know when the site is ready to begin the demo work.

C). Levy Inspection- Capello said he inspected the levy with the Army Corps of Engineers, Dept. of Environmental Services and the Public Works Director. He said some previous deficiencies have been corrected but there are more items to be repaired. The town will receive an inspection report in about 30 days he said.

D). JLC Meeting-The Joint Loss Committee held its last meeting in February and the next meeting is scheduled for August 27. Meetings should be held quarterly he said.

E). Random Drug Testing- Capello informed the board that a town employee has been chosen for random drug/alcohol testing as required by Dept. of Transportation regulations. Chairman King then suggested the issue be tabled to non-public session. Selectmen Proulx suggested the board also discuss a policy regarding how drug/alcohol testing will be conducted.

F). Town Administrator's hours- The board asked Capello to track his hours prior to becoming the full time Town Administrator on July 20. He reported that he worked 64.5 hours prior to that date.

#### **10). Old Business:**

A). Lancelot Shores- Selectman Horgan said he has received several complaints regarding this development. Discussion included the town's authority and responsibility to address any issues and the responsibilities of the homeowner's association. Capello said it is a private development so the town is responsible only for emergency services and the association is responsible for everything else. Residents would have to make a request for the town to take over the association's responsibilities or to form a village district at Town Meeting. Other options include pursuing legal action against the association or resurrecting an association by the residents he said.

B). EDC Sign Change- Chairman King reported that the Economic Development Committee requested the board approve spending \$360 to correct the last line on the sign at the Sarah Greenfield Business Park from "project" to "zone". Discussion included who made the mistake, the importance of wording change and how the repair would be made. The board decided to table the matter until there is more information about the importance of the change and if the committee has the funds to pay for the work.

C). Meeting with Library Trustees- Selectman McCarthy asked if the board is still going to meet with the library trustees. Capello said the meeting will be scheduled.

#### **11). Non-Public Session A:**

**Motion:** (King, second Horgan) to enter non-public session under RSA 91-A: 3 II (a) passed by a roll call vote (King, Proulx, St. Onge, Horgan, McCarthy-yes) at 8:15 p.m.

**Motion:** (King, second Horgan) to come out of non-public session passed 5-0 at 8:45 p.m.

**Motion:** (King, second Horgan) to seal the minutes until the hiring process is complete passed 5-0.

#### **12). Non-Public Session B:**

**Motion:** (Horgan, second King) to enter non-public session under RSA 91-A: 3 II (a) passed by a roll call vote (King,

Proulx, Horgan, McCarthy, St. Onge-yes) at 8:45 p.m.

**Motion:** (Horgan, second King) to come out of non-public session passed 5-0 at 9:10 p.m.

**Motion:** (King, second Horgan) to seal the minutes for six months passed 5-0.

**13). Non-Public Session C:**

**Motion:** (King, second Horgan) to enter non-public session under RSA 91-A: 3 II (a) passed by a roll call vote (King, St. Onge, Proulx, McCarthy, Horgan-yes) at 9:10 p.m.

**Motion:** (King, second Proulx) to come out of non-public session passed 5-0 at 9:15 p.m.

**Motion:** (King, second Horgan) to seal the minutes until the appeals process has been completed passed 5-0.

**14). Adjournment:**

**Motion:** (King, second Horgan) to adjourn the meeting passed 5-0 at 9:16 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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Charlie King

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Paula Proulx

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Brian St. Onge

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James Horgan

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Gerry McCarthy