

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

Board Members Present:

Charlie King, Chairman
Paula Proulx, Vice Chairman
Jim Horgan
Neil Johnson
Jerry McCarthy

Others Present:

Arthur Capello, Town Administrator
Police Chief Jay Drury
CIP Committee members Ann Titus, Martin Laferte
Randy Orvis
George Sacco

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). Review of minutes:

October 26, 2015, Public Session-

Motion: (Johnson, second King) to accept the minutes as written passed 4-1 (Horgan abstained).

October 26, 2015, Non-Public Session A-

Motion: (Johnson, second King) to accept the minutes as written passed 4-1 (Horgan abstained).

October 28, 2015, Public Session - Amend agenda item #3 by removing the “Non-Public Session” title as the Chairman’s statement was made in public session.

Motion: (King, second Johnson) to approve the minutes as amended passed 4-1 (Horgan abstained).

October 28, 2015, Non-Public Session-

Motion: (King, second Johnson) to approve the minutes as written passed 4-1 (Horgan abstained).

3). Public Comment:

Randy Orvis told the board he requested an emergency meeting to discuss the problem with the septic system at the Farmington Children’s Center. Orvis said the system is in failure with trees grown into it which was never properly addressed. Over the past 20 years the main tank has been pumped yearly but the second tank and the grease trap have never been pumped. He said the original septic design was completed in 1985 when the lot was part of the Sarah Greenfield property. In 1999 the lot was separated and a septic system with about 600 gallons a day capacity was approved for the site. He said the half-acre lot is not big enough for the existing septic system as it also contains a well with a 400 ft. radius protection area, wetlands area and does not meet set back requirements. He suggested

adding a waste water loading easement to the lease agreement between the town and the daycare center. The town owns the adjacent property and the portion under the power lines would be used for calculation purposes only. This would enable him to send documentation of a proper design to the Dept. of Environmental Services for approval he said. Orvis suggested the easement could be recorded at the Registry of Deeds with a written description and a tax map sketch and referenced in the lease agreement. The other option would be to pump the waste up the street to the sewer line he said.

Consensus of the board was to authorize the Town Administrator to send a letter of intent to add an easement to the Town Attorney for review. Selectmen said the easement should be recorded with the deed but not as part of the lease agreement. Orvis said he will draw a sketch and draft language for the easement and provide them to the Town Administrator.

4). CIP Budget Update:

Vice Chairman Proulx thanked CIP Committee members for all of their work in developing the proposal for the Capital Improvement Plan. She said the plan is not yet in its finalized form which will be presented to voters at Town Meeting. Capello said the committee has been meeting monthly for about a year and has come forward with a recommendation to fund future capital purchases at a total of \$132,000. He cautioned that some of the entries contain "worse case scenarios" that show the total cost to be paid in the event the town fails to receive a grant for those items. Discussion of the recommendations (in parenthesis) included:

Bridges (\$20,000) – This represents saving for the town's 20% portion of the 80/20 state aid and there is approx. \$75,000 in the fund now. To be "shovel ready" for the bridge work including engineering and prep work about \$125,000 is needed.

Highway (\$30,000) - The existing fund contains about \$26,000. The DPW Director recommends not tying funds to a set replacement schedule but creating a savings account to be used as needed and stretching out the uses and costs effectively. Resident George Sacco suggested the town consider purchasing vehicles at an auction held at an equipment auction company in Connecticut.

Fire Vehicles and Equipment (\$45,000) - The existing Capital Reserve Fund contains \$16,906. Capello will check to see if SCBA pacs could be purchased from the fund. Discussion included vehicle/equipment grants, replacing Truck 1 in 2036 is estimated to cost \$1.8 million, not setting aside so much money that the grant fails, consolidation of vehicles and reducing the recommendation to \$30,000.

SCBA (\$30,000) – Capello recommended setting up a Capital Reserve Fund for Self Contained Breathing Apparatus (SCBA). The units cost approx. \$6,000 each and one unit is needed for each seat in every vehicle plus one spare unit even if the vehicle never leaves the garage. The Fire Dept. has 41 units presently, plans to replace 32 of the units and may receive a grant to help with the expenditures.

Recreation Motorized Equipment (\$4,000) – This fund currently has \$7,954. Capello advised the mini bus must be replaced as the frame has rotted through. Options include taking \$17,000 from the undesignated fund balance to replace the vehicle, renting or hiring trip transportation from a private company or the School District, saving to replace the 15 passenger van and using one vehicle for all uses.

Future Tech (\$3,000) - This fund is used to purchase computers and software updates and contains \$41,743. No major purchases are planned. Discussion included reallocating some of the funds, leaving the fund as it is, the state is no longer replacing equipment and not funding the account this year.

Motion: (King, second Johnson) to reduce the recommended amount to be put in the Fire Vehicles and Equipment Capital Reserve fund to \$30,000 passed 3-2 (Proulx, Horgan opposed).

Selectmen decided to remove the funding for the Future Tech account and reduce the Fire Vehicle and Equipment recommendation by \$15,000 which reduced the total CIP recommendation to \$114,000. The CIP recommendations will appear as individual warrant articles at the March Town Meeting Capello said

5). Review Budgets:

Selectmen reviewed the proposed 2016 town operating budget which includes the latest additions made except for potential personnel changes. Discussion included:

Planning (\$64,895) - This includes an additional \$7,000 for membership in the Strafford Regional Planning Commission and the cost for Interim Planner services at the current rate. As members of SRPC with the cost savings on services for members, the budget line may be closer to \$60,000. Selectmen requested the cost of the Planner at the membership rate and the actual number of hours worked.

Welfare Administration (\$71,538) – This includes increasing the administrator’s hours to full time with additional tasks with the increased salary and associated costs.

Emergency Management (\$17,000) – This line was increased by \$1,500 to include the cost for state levee and dam inspections. This line also includes Civil Defense which covers activation of the Emergency Operations Center, upgrade of the Emergency Preparedness Plan and a stipend for the Emergency Management Director (Fire Chief).

Animal Control (\$16,955) - Chief Drury said he plans to fill the position in the spring when there is more work due to summons and licensing requirements. Discussion included spending \$17,000 to “chase dog licenses”, making do without an ACO, deducting a portion of the salary line based on when the ACO is hired and to review the details at a future meeting

Health Agencies (\$33,876) – The budget includes the full amounts requested by five agencies. It also includes a new request from A Safe Place seeking \$21,080. Selectmen discussed level funding the agency requests at last year’s amounts to reduce the total amount to \$9,892 and removing Sexual Assault Services as they did not request funding (\$729).

Motion: (Johnson, second King) to level fund the health agencies to the same amounts as last year and reduce the amount by an additional \$729 passed 4-1 (McCarthy abstained).

The total budget for health agencies was reduced to \$9,163.

Intergovernmental Welfare Payments (\$2,000) – Strafford County Community Action (CAP) requested the amount based on the number of people served by the agency. Selectmen noted the town gives them free use of the building (old court house), free utilities and other services which amounts to more than \$2,000. The board did not fund this request last year.

Motion: (King, second Johnson) to bring this line back to zero funding passed 5-0.

Coast Bus Operation (\$0) – The bus company requested \$21,379 last year but has yet to request any funding for 2016. Consensus of the board was to level fund the line to last year’s amount and remove it later if no request is made. Selectmen decided to review the budget in more detail with the dept. heads beginning with the Town Clerk, the Highway Dept. and the Fire Dept. on November 16. The Police Dept. review is scheduled for November 23. Vice Chairman Proulx asked for information on the School Resource Officer to be sure all costs are included in the budget. Capello asked that any questions be sent to him prior to the meeting.

Tax Rate- Capello said all of the information needed to set the tax rate has been received. If the board chose not to buy the rate down the preliminary tax rate would be \$25.66 which is an increase of \$1.30. The breakdown is as follows: the town portion would increase from \$7.18 to \$7.63(45 cent increase), the county would increase from \$2.80 to \$2.88 (08 cent increase), the school portion would increase from \$11.94 to \$12.74 (80 cent increase) and the state education tax would decrease from \$2.44 to \$2.41 (03 cent decrease). The current undesignated fund balance is 9.98 %. Chairman King said that the town did not spend approx. \$250,000 of what was budgeted last year and said he would be in favor of buying down the tax rate by that amount. This would reduce the overall tax rate to \$25.09 Capello said. The town’s portion of the tax rate would go to \$7.06 which would leave a 7.96 % undesignated fund balance (\$1,094,293). Chairman King said that amount equals one month’s worth of the town’s expenses. Selectman Johnson asked why the Chairman chose \$250,000 to buy down the tax rate. King said it was because it would bring the undesignated fund balance to an 8% balance and using more funds to buy down the tax rate any lower may cause cash flow problems.

Motion: (King, second Johnson) to set the tax rate at \$25.09 and buying it down with \$250,000 from the undesignated fund balance to accomplish that.

Discussion included using \$200,000 to level fund the rate to the present tax rate, the motion as it stands would be a 73 cent increase in the tax rate, buying the rate down by \$200,000 the fund balance would be at 8.32%, the tax rate would be \$25.21 and the town and school portions would remain the current level, this would give us more in the savings account, giving back to the taxpayers as much as is reasonable and the DRA recommends 8 to 12% of undesignated funds be kept on hand for expenses.

The motion passed unanimously.

6). Bond Update:

Selectmen received the estimated cost for the proposed Public Safety Building from Groen Builders. Capello said the proposed cost is \$2.368 million and the majority of the increase in cost is due to the paving (\$158,000), the overhead doors (\$7,500), bullet proof glass on two front windows(\$9,000) and the additional interior door frames and hardware (\$13,000). Discussion included this is close to a final figure, choosing a fixed price or managed price plan, schedule a bond hearing in January, preparing for Town Meeting, a 20 year note for \$2.5 million would cause a 56 cent increase in tax rate in 2017, a 15 year note for that amount would be a 63 cent tax rate increase, the interest rate is better for the 15 year note(\$390,000 savings), current bonds that will be paid after 2017 (Municipal Office bond is paid 2017, dump truck bond in 2018, industrial park in 2019 and the fire truck in 2020). Chairman King said he favored the 15 year note as it would save money for the taxpayers. No action was taken.

7). Job Descriptions:

Capello said he asked the Selectmen's Secretary to review the employee files for a job description or job description acknowledgement and to develop a spreadsheet with the employee list, present job title, and if there is a job description or acknowledgement in each folder. He submitted the job descriptions completed in 2011 to employees for suggested changes. Job descriptions of the positions in the Municipal Building were presented to Selectmen and he noted there were no significant changes to their duties. Selectman suggested the following changes be made:

Assessing Clerk- reports to the contract assessor should be changed to the Town Administrator.

Building Inspector/Code Enforcement Officer- Licensing and Certifications, the word "license" is omitted.

Welfare Director/Admin Asst. – Amend the cognitive, sensory and physical requirements, prioritize the welfare duties, the list of duties should include "and other collateral duties as assigned", remove line 23 and serve as support staff to the Economic Development Committee should be "as allowed by the Town Administrator". Capello said he would make the requested changes and bring the job descriptions back to the board for further review.

8). Appointments to the Recreation Advisory Committee:

Applications for appointment to the Rec. Committee were received from Meredith Tuttle and Resta Detwiler. If both requests are approved the committee will consist of five members Capello said.

Motion: (Proulx, second Horgan) to appoint Meredith Tuttle to a three year term and Resta Detwiler to a one year term on the Recreation Advisory Committee passed 5-0.

9). Additional Board Business:

A). Funds Transfer Request- Capello said Public Works Director Dale Sprague requested the board approve the transfer of \$50,000 from waste water account to the Capital Reserve Fund. Chairman King requested supporting documents that includes the current amount in the Capital Reserve Fund, current total in the waste water account, why there is a surplus and why it should be moved. Capello will relay the request to Sprague.

B). Sewer Abatement Request- Sprague also forwarded an application for a sewer bill abatement in the amount of \$335.92 from a Glen Street resident. Discussion included the applicant claimed the high water usage is due to an unnoticed broken pipe, the water never went to the waste treatment plant, Capello said Sprague recommended

approval of the abatement and who broke the pipe.

Motion: (Johnson, second McCarthy) to approve the sewer abatement for \$335.92

Discussion: the dates are questionable regarding that the pipe broke due to frost because the April bill shows no increase, the increase is only through the summer and the fall, the same usage trend in the same time frame occurred in 2007, did the Director check to see if the pipe was replaced, Sprague's recommendation is not included, water used for another use would not go to the treatment plant and if an abatement was granted to the same residence in 2007 and 2009.

The motion and second were withdrawn. Selectmen asked the Town Administrator to have Sprague provide additional information regarding the matter.

C). Advertisement for Deputy Town Clerk position- Selectmen approved a proposed advertisement seeking to fill the part time vacancy in the Town Clerk's office.

D). Early Office Closing- Capello sought board approval to close town offices at noon on Christmas Eve to allow for a staff gathering. He invited the board and encouraged them to attend the event.

Motion: (King, second Horgan) to allow the town offices to close at noon on Christmas Eve passed 5-0.

E). Response to Possible Relocation of the SAU Office- Selectman McCarthy asked if the Superintendent/School Board Chairman has responded following the Selectmen/SAU Board meeting to discuss the SAU Office's possible move to the second floor of the Municipal Building. Capello said a memo from SAU Board Chairman Penny Morin said the SAU Board does not have a meeting scheduled and with budget meetings coming up the focus needs to be on the School District. She wrote the SAU office has a lease for the next 18 months and a discussion on the matter will be held at the next meeting whenever it is scheduled. Discussion included what is the opinion of the Farmington School Board, there is 5,173 sq. ft. of space on the second floor, Selectmen's impression the SAU is not interested in using the space, possible \$50,000 saving for moving and Farmington controls the SAU due to a weighted vote system. Consensus of the board was to give the SAU Board more time to respond.

F). CDBG Grant- At a previous meeting Vice Chairman Proulx asked if the Farmington Children's Center/CAP received grant funds and then later lost federal/state funding would the town be liable for the CDBG funding. Capello said the grant authority may choose to pursue action against the Community Action Partnership to recoup the funds. Proulx expressed concerns because the town is first on the loan as the applicant for the \$500,000 grant and the money flows through the town to CAP as the sub-recipient of the grant. She said the response from the consultant does not specifically state the town bears no liability for the grant funds should the daycare center close and asked for a clarification in writing. Chairman King added the clarification needs to detail if there is any situation in which the town would be liable to repay the funds. Capello said he will obtain the clarification for the next meeting.

G). Colsia Case- Capello told the board he received a memo from the town attorney saying the court denied Mr. Colsia's (Waterway Realty LLC) request to have the town pay his attorney's fees and requested payment of the judgment against the town to Colsia. He said the \$10,000 check was sent to the town attorney to forward to Mr. Colsia. Chairman King asked Capello to see if the town has any liability to the auctioneer if his fee has not been paid. King explained the case involved the sale of tax deeded property to a buyer who paid a deposit and didn't close on the property. The town lost the case because the court said the town didn't act with due diligence to complete the transaction in a timely manner so the town had to refund his \$10,000 deposit. He added the town did sell the properties to the next highest bidder.

H). 79-e District Update- Selectmen received a memo from Interim Planner Liz Durfee giving an overview of the plan to promote rehabilitation of downtown buildings, the progress to date and recommended actions.

I). Protection of Conservation Lands- A letter from Attorney Matthew Serge that summarized his recent meeting with the Conservation Commission regarding protection of five parcels of conservation lands. The letter stated the four donated parcels are protected through the terms of the restrictions in their Trusts and the purchased parcel is bound by the purposes listed in RSA 36-A. Capello said the information was provided as a result of concerns raised by Chairman King at an earlier meeting. King said he will review the information.

J). FEMA Reimbursement- Capello reported receipt of reimbursement for expenses from FEMA for \$15,185.27. A public hearing will be scheduled to accept the funds he said.

K). Fire Dept. and Recreation Dept. Monthly Reports- The board received copies of the October monthly activities for the departments.

L). Fernald Park Fence- The board discussed a complaint about balls going over the park fence into an abutting property at a previous meeting. Chairman King said he asked the Rec. Dept. Director to address the problem with the neighbor. Capello presented a price quote from GC AAA Fences Inc. in Dover, NH to install a 10 ft. high chain link fence for 125 ft. at a cost of \$5,228. Discussion included making the purchase as a warrant article rather than from the operating budget, the existing fence is four ft. high and belongs to the town, raising the height of the fence only in the basketball hoops area which is approx. 40-50 feet long, request three quotes, more details in the proposals, other options and no issues with previous residents. Capello said he will consult with the Rec. Dept. Director about the matter.

M). DES Sanitary Survey- Selectman Johnson asked if there was any action needed as result of the Sanitary Survey taken by the Dept. of Environmental Services to review the Water Dept.'s ability to provide safe drinking water to the town. Capello said the report did not require any action and was provided for informational purposes.

N). F.Y.I.- The Budget Committee workshop on the town budget will be held on Jan. 27 at 7 p.m. and the Public Hearing on the budget will be held on Feb. 17 at 7 p.m. in the Municipal Building.

O). New Police Patrol Officers- Police Chief Jay Drury reported that recruit Judy Lam has satisfactorily completed the background checks/employment related obligations for the full time position. He also told the board recruit Jason Ruggiero has fulfilled all pre-employment requirements for the position except one and said he did not foresee a problem with him successfully completing that requirement. He offered to discuss the matter in non-public session and suggested Selectmen sign off contingent on successful completion of all requirements. The board signed both documents.

P). Silver Street Potholes- Vice Chairman Proulx asked if the potholes had been filled in yet. Capello said the highway crew has been out doing pothole work over the last few days and if they haven't gotten to Silver Street they will shortly. She expressed concerns about one pothole of "substantial size" and asked for clarification to be sent by e-mail.

Q). DPW Employment Postings- Chairman King asked if there were any responses to the advertisements for a full and part time DPW employees. Capello said that he, the DPW Director and the Foreman have conducted three interviews for the full time position. Consensus of the board was to meet with the two qualified candidates. Capello said he will set up the meetings for the next board meeting. Capello said there have been no responses for the part time plow driver positions. King told the audience the town is looking for part time plow drivers with a CDL, Class B minimum, for the winter season at \$17 an hour.

R). Fireworks Report- Selectman Johnson noted that the report on the balance in the Recreation Dept.'s Revolving fund fireworks line shows enough money was collected to pay for the fireworks display during the Hay Day Celebration with a remaining balance of \$816 to apply to next year's display.

10). Non-Public Session A :

Motion: (King, second Horgan) to enter non-public session under RSA 91-A: 3 II (a) passed 5-0 by a roll call vote (King, Proulx, Horgan, Johnson, McCarthy – yes) at 8:20 p.m.

Motion: (King, second Horgan) to come out of non-public session passed 5-0 at 8:35 p.m.

Motion: (King, second Horgan) to seal the minutes until the matter is resolved passed 5-0.

11). Non-Public Session B:

Motion: (King, second Horgan) to enter non-public session under RSA 91-A: 3 II (c) passed 5-0 by a roll call vote (King, Proulx, McCarthy, Horgan, Johnson- yes) at 8:35 p.m.

Motion: (King, second Johnson) 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 investigation has been completed.

12). Non-Public Session C:

Motion: (King, second Johnson) to enter non-public session under RSA 91-A : 3 II (a, c) passed 5-0 by a roll call vote (King, Proulx, Horgan, Johnson, McCarthy- yes) at 8:45 p.m.

Motion: (King, second Johnson) to come out of non-public session passed 5-0 at 8:55 p.m.

13). Non-Public Session D :

Motion: (King, second Johnson) to enter non-public session under RSA 91-A: 3 II (a, c) passed 5-0 by a roll call vote (King, Proulx, Horgan, Johnson, McCarthy- yes) at 8:55 p.m.

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

Motion: (King, second Johnson) to seal the minutes until the matter is finalized passed 5-0.

14). Staff Raises: Capello asked the board to consider if they would recommend raises for non-union town staff be included in the budget proposal for 2016. Selectmen took the matter under advisement.

15). Adjournment:

Motion: (Horgan, second King) to adjourn the meeting passed at 9:12 p.m.

Respectively submitted

Kathleen Magoon,

Recording Secretary

Charlie King

Paula Proulx

Neil Johnson

James Horgan

