

Town of Farmington  
Board of Selectmen Meeting  
Monday, August 3, 2015

**Board Members Present:**

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

**Others Present:**

Arthur Capello, Town Administrator  
James Reinert, Acting Fire Chief  
Jay Drury, Police Chief  
Fenton Groen, Jeff Greenhalgh- Groen Builders

**1). Call to Order/Pledge of Allegiance:**

Chairman King called the meeting to order at 6:05 p.m. All present stood for the Pledge of Allegiance.

**2). Public Comment:**

*A). Fire Department Dismissals-* Resident Penny Morin presented a petition calling for the reinstatement of three fire department members and a list of RSA's that she said the board had violated in relation to their dismissals. She added that the Fire Dept. will now have unfilled shifts placing the town at risk because of comments made on social media. She also accused the board of holding an illegal meeting when they voted to allow her to collect signatures for the petition in Fernald Park.

Chairman King said the views expressed by Mrs. Morin are her opinions and not the opinions of the Town or Town Counsel.

Resident Jennifer Nadeau introduced herself as the former Fire Department Secretary and thanked everyone for their support and for signing the petition. She said the board has made an unfortunate decision and asked viewers to pay close attention to the board's decisions from now on. She added that she felt that she was "done wrong" as no complaint was filed against her and she was given no options except to resign or be terminated.

Acting Fire Chief James Reinert stated the department is not under staffed and that all shifts are filled.

*B). National Night Out-* Police Chief Jay Drury invited residents to come enjoy food, music and meet the Police, Fire and Recreation Department members at the National Night Out, America's Night Out Against Crime to be held on Tuesday, August 4 from 6 to 8 p.m. at Fernald Park.

*C). Association Fundraiser-* Chief Reinert said the Farmington Firefighters' Relief Association plans a fundraiser to help pay Firefighter Rob Richer's medical costs following a severe stroke he suffered recently. The event will be held at the Buffalo Wild Wings Restaurant in Rochester on Wednesday, August 5 from 5 to 8 p.m.

### **3). Review of Minutes:**

*July 20, 2015 – Public meeting minutes*

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

*July 20, 2015- Non-Public Sessions A, B, and C*

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

### **4). Public Safety Building:**

Jeff Greenhalgh and Fenton Groen of Groen Builders returned to the board to follow up on the selection of a site for the new Public Safety Building. They provided additional information regarding site reviews, estimated costs and a proposed schedule of tasks leading up to the Public Hearing tentatively scheduled for December 2015. Discussion included elimination of the Route 11 site and a recap of financial and non-financial factors related to the two remaining sites. Site one (existing downtown site) is estimated to cost \$2.430 million which includes a base project budget of \$2.182 million plus \$120,000 in demolition and site costs and \$128,000 for the purchase and demo of an adjacent house. Site two (Route 153 across from the golf course) is estimated to cost \$1.845 million which includes a base project budget of \$2.182 million minus the sale of the present downtown site at an estimated sale price of \$337,000.

Selectmen Horgan and McCarthy stated they preferred the existing downtown site while Selectmen Proulx and St. Onge preferred the Route 153 site. Chairman King said he was “on the fence” between the two sites at this point.

Chief Reinert said he preferred the Route 153 site because it has better access and sight lines for emergency vehicles and noted that renovating the existing building would not be a good investment as there is too much wrong with it. Chief Drury agreed and added that the departments could use the existing building while the new building is being built eliminating additional storage issues, use the existing site as part of a revitalization of the downtown area, the new retail owner would pay for the demo of the existing building and potential additional public uses for the Route 153 site such as walking trails and tennis courts that could be included if the new facility is built there.

**Motion:** (St. Onge, second Proulx) to authorize Groen Builders to move ahead with plans for the construction of the new Public Safety Building at the Route 153 site located across from the golf course passed 3-2 (King, Proulx, St. Onge- yes, McCarthy, Horgan-opposed).

Groen said the next step would be to schedule design review meetings with Selectmen, Town Administrator, Police and Fire Departments, business people and residents. Meetings have been scheduled for August 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup>.

### **5). Library Trustees:**

Members of the Library Trustees came before the board to discuss setting up meetings between both boards and to suggest potential topics for discussion at those meetings. Discussion included an update of the original 1800’s contract between the town and the library, possible recalculation of funds paid by the town to reflect today’s values, possible update to the bylaws, appointing one Selectman to the Trustees, creation of an elected position on the Trustees, more informative breakdown for each budget line item and suggesting the library employ the RFP process for purchasing or contracting larger cost

items/services. Trustees informed the board that they meet the third Thursday of each month and the meetings are open to the public. The Town Administrator will contact them to set up the next meeting. A copy of the Trustees' bylaws will be provided to the board for their review.

**6). ComStar Third Party Billing:**

Chief Reinert came forward to discuss the previous ambulance billing process and the change to third party billing. Discussion included the percentages and total amounts of overdue bills collected in previous years, how ComStar billing works, how FFR (third party collection agency) billing works, how other towns handle past due billing and the level of satisfaction of towns that use third party billing.

**Motion:** (Horgan, second St. Onge) to move forward with the contract with FFR and authorize the Town Administrator to sign the contract passed 5-0.

**7). Strafford Regional Planning Contract:**

Chairman King reported the contract for planning services between the town and the Strafford Regional Planning commission has been signed. The agreement includes staff hours on Tuesday afternoons for the Regional Planner and attendance at Planning Board meetings he said.

**8). Fowler Restitution:**

Town Administrator Capello told the board they need to schedule a Public Hearing to accept revenues related to the restitution awarded to the town in the case against former Fire Chief Richard Fowler. Fowler and his attorney have released \$30,000 to be paid to the town and the notice will be worded to allow Selectmen to accept "any and all" revenues stemming from the restitution award. Capello advised that the hearing requires at least 10 days notice so the board chose September 17 as the Public Hearing date. He added that NH Primex is reviewing the related documents and is expected to make a coverage decision in about a week.

**Break-**

**Motion:** (St. Onge, second Horgan) to take a five minute break passed 5-0 at 7:25 p.m. The meeting reconvened at 7:35 p.m.

**9). Budget RFP's:**

Mr. Capello told the board he would like to get a start on the budget process by the end of August and would like to start with the items that need to go through the RFP process. He suggested those items would include cleaning, assessing and computer services and asked the board if they would like to add other items to the list. Discussion included complaints about the "obnoxiously slow" computer server, lack of cleanliness in some areas and the lack of response from the cleaning service. Selectmen added fuels (diesel, gasoline, propane and oil) and health insurance to the list of items to be sent out to bid.

**10). Auction of Tax Deeded Properties:**

The Town Administrator asked the board to decide if they wish to auction off tax deeded properties this year as has been done in the past. Discussion included trying to sell the properties by sealed bid before putting them up for auction and whether to sell a few properties at a time or all of the properties at

once. Capello stated Selectmen have the authority to determine the disposition of the lots and said he will obtain an updated list of the properties available for purchase.

**11). Hiring Policy Change:**

The Town Administrator told the board the hiring policy has been updated and approved by Town Counsel. He noted that a line stating that as a part of every conditional offer the applicant may be required to have a background check and drug screening has been added. Selectmen reviewed the policy and suggested the following changes:

*Third Paragraph-* add “etc.” after “one list will be maintained for Dog Officers, one for Patrol Officers, one list for Parks and Recreation Assistant”

*Fourth Paragraph-* Change “folder” to “candidates”

*Seventh Paragraph-* add an “s” to “candidate”; change “a process” to “hiring process”; change “shall” approve to “may” approve

Capello will make the suggested changes and return the policy to the board for approval.

**12). Ladder Policy:**

At a previous meeting, Selectmen requested the Recreation Department Ladder Policy, which is included in the Security Camera Policy, be adapted for use by all town departments. The board reviewed the policy and suggested the title be changed to “Security Camera/Ladder Policy”. Selectmen also asked for a review and any suggested changes from department heads. Capello will provide the requested information at the next meeting.

**13). Award of Roof Bid for Municipal Building:**

In a memo to the board, Public Works Director Dale Sprague wrote that he received two on-time responses and one late response to the RFP to replace the rubber membrane roof at the Municipal Building. The bids were received from New England Roofing (\$17,000), E. Guimond Construction (\$23,753-late) and Skyline Roofing, Inc. (\$28,800). He recommended awarding the bid to New England Roofing. Discussion included the age of the present membrane roof, any warranty on the present roof, if a rubber membrane is the best way to go, if there are structure repairs needed and how the replacement will be funded.

**Motion:** (Horgan, second King) to have the Town Administrator instruct the Public Works Director to move forward to award the bid to New England Roofing not to exceed \$17,000 passed 5-0.

**14). Levee Work:**

Town Administrator Capello told the board that the town has yet to receive the completed report of the condition of the levee following the site walk with the PWD Sprague and representatives from the state and Army Corp of Engineers. He reported that one end of the cement wall is in need of significant repairs that must be completed and asked Sprague to contact the previous contractor to obtain a quote for the work. He said a quote was received and requested the board waive the bid process.

**Motion:** (Horgan, second McCarthy) to waive the bid process passed 5-0.

**Motion:** (Horgan, second Proulx) to authorize the Town Administrator to move forward to contract with

Bryan Locke, LLC of Pittsfield, NH for levee repairs not to exceed \$5,136 and a warranty satisfactory according to the Town Administrator passed 5-0.

**15). Additional Board Business:**

*A). CAP Contract-* Selectman McCarthy inquired as to the status of the contract with Community Action Partnership for the Farmington Children's Center. Capello reported that he has not finished the comparison of the previous and new contracts between the Town and the Center.

*B). Ten Rod Road Complaints-* Selectman St. Onge reported receipt of several complaints regarding the condition of the dirt portions of Ten Rod Road. Discussion included the need for a maintenance plan for gravel and dirt roads, budget for the work, a timetable for the work, the effect of the state paving work on the highway dept. work schedule and when to expect receipt of the plan.

**Motion:** (St. Onge, second Horgan) to instruct the Public Works Director to develop a comprehensive plan for gravel road maintenance to include grade and surfacing, drainage and dust control passed 5-0.

*C). Town Administrator Pay-* Selectmen Horgan said Capello had informed the board at the previous meeting that he worked a total of 64 hours part time before becoming the full time Town Administrator on July 20 and inquired if he had been paid for those hours. Capello said the matter had not been addressed.

**Motion:** (Horgan, second St. Onge) to authorize 64 hours pay at the calculated hourly rate of pay to be paid to Arthur Capello passed 5-0.

Jennifer Nadeau asked if Capello was volunteering in the Town Administrator position before July 20 and asked for a clarification. Chairman King said July 20 was Capello's first full day as the full time Town Administrator but was authorized to act on behalf of the board on a part time basis as needed before that date.

**16). Administrator's Report:**

*A). Annex Demolition-* Capello reported that based on the Public Works Director's work schedule the prep work for the demo will not take place until October. Capello said he will review the Public Works budget to determine how the work will be funded and notify the contractor of the expected start date for the demo work.

*B). Conservation Easements-* Capello told the board he met with Conservation Commission Chairman Dave Connolly and authorized him to consult with town counsel regarding the easements for the Cameron's land swap and the Ronci properties.

*C). MetroCast Negotiations-* Capello told the board he received communication from town counsel regarding renewal of the cable TV franchise agreement. Attorney Katherine Miller requested a meeting to review the terms of the agreement and prioritize the town's goals in August or September. Selectmen asked Capello to set up a meeting with counsel in September.

*D). Request for Reimbursement-* Capello received a memo from PWD Sprague regarding a request for reimbursement from a Gray Avenue resident. The resident requested reimbursement for expenses related to a town water line that froze at the meter in February. Sprague wrote that he did not feel the town owed the resident any restitution as the service was installed by a private contractor, not by the Water Department. Discussion included if the town is at fault for improper installation, preventing

future freeze ups and whether to allow the Water Dept. to work on private property.

**Motion:** (King, second St. Onge) to not reimburse the requested amount passed 5-0.

Consensus of the board was to direct the Public Works Director to relocate the service meter and the water line up to meter.

**E). Deputy Health Officer-** Capello requested the board appoint him as Deputy Health Officer to assist the Health Officer when he is unavailable.

**Motion:** (McCarthy, second Horgan) to appoint Arthur Capello as the Deputy Health Officer passed 5-0.

**F). Meeting Schedule-** Capello asked Selectmen if they wished to return to a twice a month meeting schedule. Consensus of the board was to schedule regular meetings for the second and fourth Mondays of each month and schedule other meetings as needed.

**Public Comment:**

Penny Morin then asked to have the documents she presented at the beginning of the meeting be attached to the meeting minutes.

Jennifer Nadeau asked to be present if any of the non-public sessions on the agenda pertained to her. Capello said her request could not be granted as the session would consist of an update from legal counsel.

Alex Morin requested the board unseal non-public minutes pertaining to him. Capello recommended the minutes be kept sealed. Morin said he was seeking to have the non-public minutes released only to him and not to the general public. Chairman King explained that the board couldn't grant his request as they can't control what happens to the minutes if they were released to him as Morin would not be limited by law and could then distribute the minutes to anyone he chose.

**Motion:** (Proulx, second Horgan) to keep the non-public minutes regarding Alex Morin sealed based on the recommendations of the Town Administrator and the town attorney passed 5-0.

Mr. Morin also asked the board to extend the time allowed to file an appeal of their decision to terminate him. Chairman King said the department head denied the appeal and the next step in the appeal process would be to appeal to the Town Administrator which Morin has yet to do. He added that since there was time remaining to officially file an appeal with the Town Administrator there is no reason to grant an extension at this time.

**17). Next Meeting:** Monday, August 10, 2015 at 6 p.m.

**18). Non-Public Session A:**

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

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

**18). Non-Public Session B:**

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

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

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

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

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

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

**20). Non-Public Session D:**

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

**Motion:** (King, second Horgan) to come out of non-public session passed 5-0 at 9:25 p.m.

**21). Non-Public Session E:**

**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, St. Onge, Poulx, McCarthy, Horgan-yes) at 9:25 p.m.

**Motion:** (King, second Horgan) to come out of non-public session passed 5-0 at 9:40 p.m.

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

**22). Non-Public Session F:**

**Motion:** (King, second Horgan) to enter non-public session under RSA 91-A: 3 II (c) passed by a roll call vote (King, Proulx, McCarthy, Horgan, St. Onge-yes) at 9:40 p.m.

**Motion:** (King, second Horgan) to come out of non-public session passed 5-0 at 9:45 p.m.

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

**23). Adjournment:**

**Motion:** (King, second Horgan) to adjourn the meeting passed 5-0 at 9:46 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

\_\_\_\_\_  
James Horgan

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Gerry McCarthy

