

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, May 8, 2017

Board Members Present:

Paula Proulx, Chairman
Neil Johnson, Vice Chairman
Jim Horgan
Charlie King
Ann Titus

Others Present:

Arthur Capello, Town Administrator
Jason Gagnon, Deputy DPW Director
Andrew Madison, Granite State Rural
Water Association
Resident Elizabeth Johnson

1). Call to Order:

Chairman Proulx called the meeting to order at 6 p.m. at the former Police Station. Selectmen toured the building to view the potential space available.

2). Re-convene the Meeting:

Motion: (King, second Titus) to re-convene the meeting in the Selectmen's Chambers at the Municipal Office Building passed 5-0. The meeting re-convened at 7 p.m.

3). Non-Public Session A:

Motion: (King, second Titus) to enter non-public session under RSA 91-A: 3 II (b) Hiring passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus- yes) at 7 p.m.

Motion: (King, second Titus) to come out of non-public session passed 5-0 at 7:45 p.m.

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

4). Non-Public Session B:

Motion: (Johnson, second Horgan) to enter non-public session under RSA 91-A: 3 II (b) Hiring passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus- yes) at 7:45 p.m.

Motion: (Johnson, second Horgan) to come out of non-public session passed 5-0 at 8:15 p.m.

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

5). Recess:

Chairman Proulx called for a 5 minute recess at 8:15 p.m. The public meeting reconvened at 8:20 p.m.

6). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

7). Public Input:

Public Safety Building Grand Opening- Mr. Capello said the celebration is scheduled for Sunday, June 4, 2017 at 2 p.m. at the new facility. The program includes a parade of vehicles from the old Fire and Police Stations with lights and sirens, Posting of the Colors by the Boy

Scouts, light refreshments, crash car simulator, keepsake photo with Norman Rockwell's "Runaway Diner" and music by the Community Band.

8). Review of Minutes:

May 1, 2017- Public minutes- No errors or omissions

Motion: (Johnson, second Titus) to approve the minutes as written passed 4-0-1 (Horgan abstained).

Non-Public Sessions A-F – No errors or omissions

Motion: (Johnson, second Titus) to approve the minutes as written passed 4-0-1 (Horgan abstained).

Motion: (Johnson, second Titus) to unseal Non-Public Sessions C, E, and F passed 4-0-1 (Horgan abstained).

9). Andrew Madison- Source Water Specialist:

Deputy DPW Director Jason Gagnon said that in Farmington the drinking water is provided by a series of groundwater wells. He said the groundwater comes from somewhere and the Town needs to look into ways to protect the sources of the groundwater so we can continue to have easily treatable drinkable water. He introduced Source Water Specialist Andrew Madison to the board to explain the process for creating a Source Water Protection Plan through the Granite State Rural Water Association.

Mr. Madison said he works with small towns with public drinking water supplies to help them identify ways to protect those supplies. The source protection plan is a planning document that outlines the surface or groundwater drinking water sources, inventories potential land uses that could contaminate the water sources and identifies management actions to be taken by the Town or the Water Dept. to mitigate those threats. It also contains an emergency planning component where he would work with Mr. Gagnon to update the emergency operating plan or identify a contingency plan in the event of a water shortage emergency. The work is free of charge to the Town through a USDA grant he said.

Mr. Capello asked if the grant has been assured as some grant funding is being held up at the federal level.

Mr. Madison said the grant is assured and the Association has the received the funds which pays for his time and expenses for the project.

Mr. Horgan said the Town had previously experienced 100 year flood levels which put a water ring around the Town when water came from the top of the hill, crossed a lot of surfaces to the bottom of the hill and no one was able to enter or leave town. He asked if the protection plan includes this type of occurrence.

Mr. Madison said the plan does not include flood mitigation and is primarily focused on drinking water quality.

Mr. Horgan asked if the water coming downhill that finds its way into the drinking water fields is of no concern.

Mr. Madison said the plan will not address the effects of flooding or flooding risks but will

address potential contamination that could be related to flooding.

Mr. Gagnon said if there is commercial use that is within the flood zone that could be impacted during rising waters of a 100 year flooding event it could enter the groundwater. He said Mr. Madison will look at those potential contamination sources that could pose a risk to the drinking water.

Mr. Horgan asked if the plan would include a way for the Town to detour the water flow and protect itself during such an event.

Mr. Madison said he will identify the potential contaminates and rank them according to their risk level and try to come up with management recommendations with ways to mitigate the threats. Additional detailed information such as a hydrological survey will not be part of the plan he said.

Mr. Gagnon said when some unknown risks are identified we need to start thinking of what our response will be to those risks. This is a great tool to start that thought process he said.

Mr. King asked if Mr. Madison had reviewed the town's aquifer protection plan and water conservation overlay districts currently in place.

Mr. Madison said he only briefly reviewed them as he has not yet started work on the project and a review of that information will be one of the first steps taken when the project begins.

Mr. King said the town currently has a lot of information available on water protection overlays such as the wellhead protection plan and that the town uses the same aquifer that Rochester uses. He asked if Mr. Madison's goal is to bring forth documents for the board to consider including in the Town's Zoning Ordinances.

Mr. Madison said he would not provide suggested new Town ordinances but he would put forth guidelines for possible amendments or edits to the existing ordinances that the board may want to consider.

Mr. King asked for the total amount of time Mr. Madison would be working for the Town under this grant.

Mr. Madison said he hoped to have the Farmington plan completed by December 2017. He said that at this point it is difficult to determine the total number of hours to be spent on the plan and he may have a better idea of the amount of time needed once he starts "digging into it".

Mr. Gagnon added that the aquifer protection plan covers existing water sources and noted the town is looking into potential new water sources and that information will also be provided to Mr. Madison to provide a bigger picture for aquifer protection in town.

Mr. Johnson asked if an in-kind contribution is needed from the Town.

Mr. Madison said there is no cost to the Town.

Ms. Proulx asked if the plan will contain more diagnostic information such as the flow patterns and other information the board could use for the development of Route 11 regarding the potential run-off points and land uses that could potentially contaminate the Town well and water supplies in that area. She said one well has already been "killed" due to contamination from some past development along Route 11 and that information would be helpful to consider as the development of that area moves forward.

Mr. Madison said that type of information could be included in the plan.

Mr. Gagnon said Mr. Madison's plan may not address the science of how to treat potential contamination threats but may include specific areas where the town might want to consider more stringent measures for development than for other areas.

Ms. Proulx said the town could then decide how to implement the suggestions based on the research provided by Mr. Madison.

Mr. Capello asked for an anticipated start date for the project.

Mr. Madison said he could begin as soon as Thursday or whenever the necessary information could be made available to him. He said most of what is needed for his research work would be provided by Mr. Gagnon and added that he would like to form a committee to oversee his work. He suggested the committee be made up of a representative of the Selectmen, Planning Board, Zoning Board, Conservation Commission and the Water Dept. The members would meet monthly over the course of the project to oversee his work, take ownership of the plan, be a resource for information about the Town and a source for editing and reviewing the plan. He said he would like to hold the first meeting in May but would be willing to schedule it in June.

Mr. Gagnon said the key is to form a diverse group of stakeholders to develop a plan that works for the Town and that is balanced between economic and environmental interests.

Motion: (Horgan, second Johnson) to authorize Granite State Rural Water Association to move forward with the Source Water Protection Plan and to designate a group of stakeholders to be formed during this project and to allow the Public Works Dept. to provide the necessary assistance.

Discussion: Mrs. Titus asked if any of the Selectmen wanted to represent the board at the meetings or if they wished to have Mr. Capello represent them.

Mr. Johnson and Mr. Capello expressed interest in attending the meetings if their schedules permit it.

Mr. Madison said the meetings could be held at the convenience of the members.

Mr. Capello asked the Selectmen's Reps. to the Planning Board (Mr. Horgan), the Conservation Commission (Mr. King) and the Economic Development Committee (Mrs. Titus) to ask their committees to choose a representative to Source Water Protection Plan Committee.

Mr. Madison said he will poll the representatives by e-mail as to their preference for a meeting day and time once the members are known.

Vote: The motion passed 5-0.

10). Schedule Public Hearing for Ratification of Warrant Articles:

Mr. Capello asked the board to approve holding a Public Hearing to ratify and confirm the votes that took place at the March 28, 2017 Town Meeting at the next board meeting. He said the hearing is based on House Bill 329 authorizing municipalities to ratify meetings and elections and a notice of the hearing is required to be published in a local newspaper for 2 days.

Chairman Proulx asked if any special wording is required for the notice.

Mr. Capello said he has the correct wording needed and he will request the Town Clerk review the notice before it is submitted for publication. He said the hearing does not have to be held next

week and could be put off until after Memorial Day.

Mr. King expressed concern about having a few residents show up and vote against the warrant articles.

Mr. Capello explained that the board, not the people, will vote to confirm the results and the purpose of hearing is to get input from the public.

Mr. King asked what would happen if the board voted in the negative.

Mr. Johnson said every article on the warrant would fail.

Ms. Proulx added that would include the operating budget article.

Mr. Horgan advised if that were to happen he should make sure his vehicle is warmed up and that he has a driver.

Ms. Proulx said the hearing would give voters an opportunity to voice their opinions if they were disillusioned, disenfranchised or disgruntled in any way.

Consensus of the board was to schedule the hearing for the May 15th board meeting.

Mr. King asked how many towns postponed their elections and the total number of towns in New Hampshire.

Mr. Capello said about 100 towns cancelled their elections and that there are 242 towns in N.H.

Chairman Proulx asked to have the Public Hearing begin at 6 p.m. as the most residents in attendance is usually at the beginning of the meetings.

Elizabeth Johnson noted that the School Board is holding their Public Hearing to ratify the School District votes on the same date and time which could affect the turnout for the Selectmen's hearing. She asked if the board would take that into consideration when setting the date for the Public Hearing.

Selectmen suggested the Public Input portion of the meeting could remain open during the entire meeting and the board could vote at the end of the meeting.

Consensus of the board was to post the hearing for May 15 at 6 p.m.

11). Town Administrator's Business:

Open House for Public Safety Building- Mr. Capello presented the design for the official invitation for the Police(blue background) and Fire Depts.(red background). He suggested the School Board, Town boards and committees in addition to state and local dignitaries also receive an invitation to the event. He asked board approval to print the invitations.

Mr. Johnson asked for the cost to print the invitations.

Mr. Capello said there would be no cost as the invitations would be printed in-house.

Consensus of the board was to allow Mr. Capello to move forward with printing the invitations.

Final Review of Plaques- Mr. Capello provided the list of names for the Dedication plaque as determined by the board at the previous meeting and asked Selectmen to determine the order of the names on the plaque.

Selectmen reviewed the list and determined the Residents of Farmington should head the list followed by the Board of Selectmen, Town Administrator, Police and Fire Chiefs, Barron Bros., New England Furniture, the architect and Groen Construction.

Selectmen asked Mr. Capello to provide a mock-up of the plaques before approving the order.

Mr. Capello said a mock-up would be available for review at the printer as he does not have the ability to e-mail a sample of the plaques.

Mr. King suggested Mr. Capello take a picture of an example with his phone and send it to the board by e-mail.

Mr. Johnson asked about the set up for the “rolling plaques”.

Mr. Capello explained that a rolling plaque is a plaque with a list of names on individual plates. The list includes the Farmington Police Association, Melissa Drury, Farmington Fireman’s Relief Association, Steve Tassej and Jeff Greenhalgh.

Mr. King noted that the plaque contains the names of 2 key people from Groen Construction and suggested they be consistent by adding the names of 2 key people from Barron Bros. and 2 key people from New England Furniture who were the major donors to the project.

Mr. Capello said he planned to write a press release and notify the local press outlets.

The board then reviewed the updated program for the Grand Opening. Additions include food donations, balloons and raffle prizes to benefit Hay Day.

Mr. Capello asked the board to approve a \$1,000 budget to cover the cost of the plaques and refreshments for the event.

Motion: (Horgan, second Johnson) authorize the Town Administrator to spend up to \$1,000 for the purpose of the Public Safety Building Grand Opening.

Discussion: Mr. Johnson said the Dedication plaque will be on the building forever and it should be of good quality and design.

Mr. Capello asked if the board wished to install an outdoor or indoor Dedication plaque.

Consensus of the board was to mount the plaque inside the building in the Lobby area.

Selectmen Titus and King questioned if \$1,000 is necessary with the donations already promised and the possibility of additional food donations. They expressed concerns about waste and leftovers if only a small amount of people attend the event.

Mr. Capello assured the board he would not spend the entire amount if it is not necessary. He suggested they could also reduce the amount to \$750 and he could come back to board for additional funds if necessary.

Additional discussion included the expected attendance, what the money will be spent for, there is a lot of interest in the event, trusting Mr. Capello’s judgment and not to “cheap out” on something that is a “big deal” for the Town

Vote- The motion passed 5-0.

Auction of Contents of Tappan Street Property- Mr. Capello said he met with an auctioneer at the property and reviewed the items abandoned by the previous owner. He recommended holding a walk through and sealed bid as the total value of the items is estimated at \$1,500 to \$2,000.

Mr. Capello said he planned to advertise the walk through and bid to be held on Friday, May 12, 2017 from 1 p.m. to 2 p.m. on the local cable TV channel, by e-mail, post it on the Town website and through the e-mail notification system on the website.

He said that he also met with the property buyer and signed the Purchase and Sales Agreement.

He noted that the buyer is looking to close on the property as soon as possible.

Mr. King asked if the items would be sold by lots or individually.

Mr. Capello said he intends to sell the items individually and take the highest bid for each item. He said the most of the tools found at the site were given to the Highway Dept. to be put on their trucks for use in the event of a breakdown.

Consensus of the board was to allow Mr. Capello to go forward with the walk through and sealed bid process as presented.

Mr. Capello said he planned to bring his recommendation for the next Town property to be put up for sale to the next board meeting.

TDS PEG Channel- Mr. Capello gave the board copies of the e-mails from the Town Attorney and from TDS State Government Affairs Manager Scott Brooks regarding the status of the TDS Public, Educational Government (PEG) channels.

Mr. King noted the board requested that Mr. Brooks attend a board meeting but he was unable to attend due to a prior dinner commitment and that it seems he was not spending his spare time working on resolving the problems.

Mr. Capello said there will be a TDS representative at the May 15 board meeting.

Mr. King said Mr. Brooks apologized if he promised to have the PEG channels up and running within 60-90 days as he did not think anyone would make that promise.

Mr. Johnson said it may have been the Attorney who said the PEG channels should be broadcasting in 60 days.

Mr. Capello said he recalled that the Attorney did make that statement and that the TDS representative agreed with her statement.

Selectmen said they could not find a timeframe for the PEG channel operation included in the franchise agreement.

Mr. Johnson noted the Attorney wrote that there is no timeframe for TDS to provide the PEG channels in the franchise agreement so the presumption is they are required on day one of the franchise and not 6 months later. He added the agreement was signed on Nov. 22 and MetroCast did their part on Dec. 21 so it has been 4 and one-half months that they (TDS) have been running into problems.

Mr. King said he planned to ask the representative at the next meeting if they have put a dollar figure on what they have not been able to supply to their customers. He said they are making money in Farmington, are not fulfilling everything they offered to the Town and are providing diminished services to the Town. He said those residents who went on the TDS system were told they would have the PEG channels and they haven't been able to do that. He said he will ask what they plan to do about the problem and what they are doing for the taxpayers and the town financially.

Mr. Johnson said the Town required MetroCast to provide the PEG channel service and TDS has gotten away with not providing it for 5 months and by law, MetroCast may have grounds to contest the contract and pull their PEG channels.

Mr. King said TDS is putting the Town in jeopardy of the existing contract.

Mr. Johnson said he was willing to send a letter to the company contesting the contract 3 weeks

ago but agreed to wait one more week and speak with the representative and get a deadline as to when the service will be provided. He said the board is “done playing” and it seems TDS is not putting much effort into resolving the issue.

Ms. Proulx said it will be interesting to find out how active TDS has been in finding a resolution to the problems.

Scenic Roads- Mr. Capello gave the board copies of the definition of Scenic Roads and the related state law following a mention of the issue at the previous meeting. He told Selectmen there are 3 Scenic Roads in Farmington- River Road, Poor Farm Road and Reservoir Road.

Ms. Proulx said she checked the Master Plan and it states there are 3 Scenic Roads in town.

Mr. Johnson said the board had a past discussion about tree cutting on a Scenic Road with the Conservation Commission Chairman.

Mr. King said tree cutting on a Scenic Road requires a permit from the Planning Board.

Ms. Proulx said some of the items covered in the state law may have not been performed correctly over the years.

Mr. King said when he was Chairman of the Planning Board Public Service came before the board a few times for permission to trim/cut trees on those roads.

Ms. Proulx said there may have cutting done without written notice from the board to the Public Works Dept. for non-emergency cuttings. She suggested it may be due to the fact that there is no indication that the roads are Scenic Roads and it might be a good idea to find some money in the budget to install some signs on the roads to designate that they are Scenic Roads. She added there may be people who live in the area who are also unaware that their road carries the designation and that there are obligations to be met before cutting any trees there.

Mr. Horgan said the law addresses cutting/removal of a tree or disturbance of a stone wall and requires the cutters to go through the hearing process and obtain permission of the Town and/or the landowner depending on if the tree or wall is located on public or private property.

Ms. Proulx said she did not think that a good job has been done managing the Scenic Roads and it is mostly due to the fact that people are unaware of the designation.

Mr. Capello said he would check into the cost to install signs on the 3 roads and if they are available from the state.

Sarah Greenfield Business Park- Mr. Capello said he met with a representative of a sign company to get an estimate on a For Sale sign for the Town owned lots in the park. He said he hoped to bring a proof and the estimate to the board at next week’s meeting. He suggested the payment of the sign could be taken from the Sarah Greenfield account.

Primex Conference- Mr. Capello told the board he will be out of the office on Wednesday and Thursday to attend the Primex conference being held at the Mount Washington Hotel.

12). Additional Board Business:

Video Recording System- Mr. Johnson asked for the status of the installation of the video recording system at the Public Safety Building.

Mr. Capello said he was unable to answer the question as he has tried texting, calling and e-mailing the company with no response. He said the next step would be to ask the Town Attorney

to send them a certified letter.

Mr. King asked how much money the Town is holding back until the project is finished.

Mr. Capello said the Town is holding \$36,000 until the work is completed.

Mr. King said that he did not know why that alone would not be enough encouragement for them to finish the job.

Mr. Johnson suggested the Attorney should state in the letter that one option that could be taken by the Town is to use the money being held to hire someone else to finish the job.

Mr. Capello said he will consult with the Town Attorney about issuing a letter to company containing a time limit to respond to the board's concerns and to finish the work.

Police Station Site Walk- Mr. King said that earlier in the meeting the board toured the former Police Station to view the current conditions and to get an idea of the space configuration there. He said the board asked Mr. Capello to develop a layout of the space and provide it to the board for review and discussion of re-use of the space. He added that no decisions were made by the board.

13). Next Meeting: Monday, May 15, 2017 at 6 p.m.

14). Non-Public Session C:

Motion: (Johnson, second King) to enter non-public session under RSA 91-A: 3 II (b) Hiring passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus- yes) at 9:15 p.m.

Motion: (Horgan, second Titus) to come out of non-public session passed 5-0 at 9:50 p.m.

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

15). Adjournment:

Motion: (Johnson, second Titus) to adjourn the meeting passed unanimously at 9:50 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Charlie King

Ann Titus

