

Town of Farmington
Board of Selectmen Public Meeting Minutes
Monday, May 15, 2017

Board Members Present:

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

Others Present:

Arthur Capello, Town Administrator
Kathy Seaver, Town Clerk
James Reinert, Fire Chief
DPW Director Dale Sprague
Deputy DPW Director Jason Gagnon
Ron Troyer, TDS Field Manager
Residents Michelle Elbert, Bill
Fisher, Elise Haig, Stephen Henry,
Elizabeth Johnson, Randy Orvis,
Bobbie Stormann

1). Call to Order/Pledge of Allegiance:

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

2). Public Hearing for Town Warrant:

Mr. Capello said that based on the new law regarding Town Meeting/Election date changes the board is required to hold a Public Hearing to allow for public input and then vote to confirm the results of the Town Meeting/Election held on March 28 that was originally scheduled for March 14.

Mrs. Seaver said that several Town Attorneys advised their Towns that the Moderator has the right to reschedule the Town Meetings and Elections due to safety concerns and many towns rescheduled the civic events due to the snow storm that hit the area that week. She said the State Attorney General's Office did not agree with their interpretation of the law and it became a disagreement between attorneys.

Mr. Capello said the matter was tried in court and the court upheld the Moderators/Towns actions in rescheduling the meetings and elections.

Chairman Proulx noted the Notice of Public Hearing was properly posted and opened the hearing to public input at 6:05 p.m.

Randy Orvis asked what the alternative was to confirming the results of the rescheduled meetings.

Mrs. Seaver said residents could take the issue to court, costing themselves and the Town money, and let the court decide. If the board votes to approve the results then there are no grounds to take the matter to court. She added that voters could then choose to sue the attorneys but she doubted that would be successful.

Chairman Proulx asked the board if they wished to leave the public comment portion of the hearing open for the entire board meeting due to the fact that the School Board is holding a

Public Hearing on the school votes at the same time.

Consensus of the board was to leave the Public Hearing open for comment until 7 p.m. and to move forward with the rest of the agenda.

3). Public Input:

A). Street Name Request- Mr. Orvis said one of his clients wishes to name a new street in a new development located off of Ten Rod Road and asked if Selectmen's approval was required for the proposed street name.

Mr. King said that typically the board would receive a memo from Assessing Clerk Kelly Heon stating that name has E-911 approval and there are no other known potential conflicts with the proposed street name.

Mr. Capello said he would check with Ms. Heon and ask her to prepare a memo to the board for the next meeting.

Mr. King suggested the owner have a back up name in mind in case of any conflict with the proposed name.

B). Joint Meeting Request- Mr. Orvis, who is also the Chairman of the Economic Development Committee (EDC) said the EDC members would like to schedule a joint meeting with Selectmen and the Planning Board to make sure everyone is on the same page when it comes to economic development in town.

Mr. King suggested they check on the availability of the Planning Board members.

Mr. Capello said he planned to bring it up at the next Planning Board meeting.

C). Roundtable Update- Michelle Elbert came forward to give an update on the Farmington Revitalization Committee roundtable meetings being held monthly at the Goodwin Library. She said that Mr. Capello attended the last meeting and asked if the Selectmen planned to request a grant application to participate in one of the UNH Cooperative Extension economic development programs in the fall. She added that Extension Specialist Molly Donovan said she has not been contacted by the Town.

Mr. Capello said the board would like to have a discussion about the grant application and that he tried to contact Ms. Donovan 3 times and has not had a response yet.

Ms. Elbert said the next roundtable meeting will be held on May 25 at 6:30 p.m. at the Municipal Office Building. Ms. Donovan is expected to attend the meeting she said.

D). Grand Opening- Mr. Capello said the Grand Opening for the new Public Safety Building will be held Sunday, June 4, 2017 at 2 p.m. He said he was hoping a big crowd will turn out for the event which includes a parade of Police and Fire Dept. vehicles with lights and sirens from their old stations to the new building beginning at 1:50 p.m.

E). Face Book Page-Bobbie Stormann asked if there has been any progress on the proposed Town Face Book page. She added that it would be an easy way to provide more customer service.

Mr. Capello said that the policy regarding a Town Face Book page is still under review by the board and has yet to be finalized.

4). Review of Minutes:

May 8, 2017- Public Meeting Minutes- No errors or omissions

Motion: (Johnson, second Titus) to approve the minutes as written passed 5-0.

Non-Public Session Meeting Minutes A, B, and C- No errors or omissions

Motion: (Johnson, second Titus) to approve the minutes of Non-Public Sessions A, B, and C as written passed 5-0.

5). Appointment- TDS:

TDS Field Service Manager Ron Troyer said the delay in providing the Public, Education, Government (PEG) service to Farmington TDS customers is due to problems with the equipment for the school (Channel 25) and there is no issue with the town (Channel 26). He said there has been a series of complicated problems preventing them from bringing the service online and that the company is still working on the issues.

Mr. Horgan asked if the company could bring the town channel online while they work to solve the issues with the school channel.

Mr. Troyer said that could be done and that the town channel will be on the air sometime between the evening of May 18 and the morning of May 19.

Mr. Johnson asked if Mr. Troyer would state that the school channel would be up and running by May 30th.

Mr. Troyer said he would not want to promise that the issues would be solved by then.

Mr. Johnson said that TDS could put the Town into an issue with the MetroCast franchise agreement because they (TDS) are not providing the same level of service as MetroCast is providing to the town. He said MetroCast could opt to drop the service as an additional franchise can't have more favorable or less burdensome conditions than the existing franchise.

Mr. Troyer said if MetroCast is not providing a quality signal for them to rebroadcast then they are part of the problem.

Mr. Johnson then said that if there are no problems with the town channel that service should have been turned on 5 or 6 months ago.

Chairman Proulx asked if the company would provide the board with weekly updates on the progress in solving the broadcast issues.

Mr. Troy said that State Government Affairs Manager Scott Brooks would be the contact for weekly progress reports.

Mr. Horgan said if the school channel is not up in one week he would like to see a detailed account of what equipment is not working, etc. He asked if the Town has anything stating that MetroCast has done their part in this matter.

Mr. Capello said MetroCast has stated they have fulfilled their responsibilities as far as the town channel goes.

Mr. Troyer said resolving the issues has been a moving target and suggested it may be a good idea for the 3 entities (TDS, MetroCast and the School District) to get together to solve the problem.

6). Fire Chief James Reinert:

A). Ambulance- Chief Reinert presented the board with 3 bids to repair the 2006 E450 Super Duty Van known as Ambulance 1. Bids were received from Granite Ford (\$8,733.68), B & B Auto & RV (\$9,286.31) and Dover Motor Mart (\$16,325.68).

Discussion included the repairs needed, mileage on the vehicle, if each bidder inspected the vehicle before the estimate was made, estimated cost and time for repairs done in-house and where the funding for the repairs will come from.

Selectmen also discussed the vehicle's age, replacement cost, amount of funds available in the Emergency Motorized Equipment Capital Reserve Fund and if some of the problems should have been spotted earlier during routine maintenance/inspections.

Motion: (Johnson, second King) to award the bid for repair of Ambulance 1 to Granite Ford not to exceed \$8,733.68 passed 4-1 (Horgan opposed).

Selectmen then discussed 3 quotes regarding a possible replacement of Ambulance 1. Chief Reinert gave the board a package of quotes, drawings, photos and standard features lists for a 2014 Chevy 3500 Demo, 2017 Ford E-450 and 2018 Ford E-450 ambulances.

After a brief discussion of the pro's and cons of the models and engine types the board determined this is a topic to be addressed during the budget discussions later this year.

B). Truck- Mr. Capello said the 2002 GMC Sierra for sale by the Town of Milton was sent out to be inspected as requested by the board at a previous meeting. He reported that the truck was checked by DiPrizio GMC Trucks and received a "clean bill of health".

Chief Reinert said Milton is asking \$10,000 for the truck and it is only in need of new decals to put it into service for the Town. He added that The Farmington Fire fighters Association planned to hold a fund raiser to pay to repaint the truck to match the Farmington fleet. Mr King said he did not favor painting the truck just to change the color as it is a waste of tax payers money. He added it would be the Board's responsibility if the work is not done correctly resulting in rust issues later on.

Chief Reinert said the vehicle would replace the red pick-up truck and will be used to perform inspections and to transport personnel and materials.

Ms. Proulx said the purchase will over spend the Fire Dept.'s New Equipment budget line.

Mr. Capello suggested the board could fund the purchase from the Fowler settlement money and that the line could be replenished at year end.

Chief Reinert said he plans to help offset the dept. expenses through the sale of the fill station and the digital alarm panel.

Motion: (Horgan, second Johnson) to authorize the purchase of the Milton utility truck for \$10,000 by over spending the New Equipment line in the Fire Dept. budget and to sell the existing truck passed 5-0.

Mr. Capello will write an RFP for the sale of the existing pick-up truck and return it to the board for review.

C). Student Intern Program-

Selectmen reviewed the provisions and expectations for the Farmington Fire and Rescue Student

Intern Program as presented by Chief Reinert.

Mr. Johnson suggested the following corrections; he asked if an alcohol screen should be part of the background check; Page 2, fifth paragraph, first sentence, amend “ad” after “boots” to “and”; Page 4, third paragraph, last sentence, amend “ad” to “and” after “resource” and last paragraph, first sentence, change “will” to “while” after “GPA”.

Ms. Proulx asked what age the program participants must be.

Chief Reinert said they will be college students age 18 or over.

Ms. Proulx then suggested that the students be required to initial each of the program expectations so they understand and pay attention to what is expected of them.

Mr. King added the students will become Town employees while participating in the program.

Ratification Vote- Chairman Proulx then noted that it was after 7 p.m. and asked if anyone had any questions/comments regarding the ratification of the votes taken at the rescheduled Town Meeting and Election. Hearing no further comments she closed the Public Hearing at 7:04 p.m. **Motion:** (Johnson, second Horgan) to legalize, ratify and confirm all actions, votes and proceedings that took place on March 26, 2017 which was the annual Town Meeting Election that was rescheduled from March 14, 2017 passed 5-0.

The board then returned to the discussion regarding the student intern program. Additional discussion included which bunk rooms will be used, the program will provide extra manpower for the dept., program costs are included in the budget and the students will be covered by the Town’s liability insurance coverage.

Motion: (Horgan, second Titus) to allow the Fire Chief to engage in the Student Intern Program passed 5-0.

D). Generator- Mr. Johnson then asked the Chief for an update on the installation of the emergency generator at the Public Safety Building.

Chief Reinert said he is still waiting for Howard Systems to complete the work. He added that the work must be completed by Sept. so the Town does not lose the grant funding for the project. Mr. King asked if there was a “Plan B” in the event the company does not complete the work in a timely manner.

Mr. Capello said the board could take the money being held for completion of the project and use it to hire someone else to finish the job.

Selectmen discussed setting a deadline for completion of the work, lining up someone to complete the work if needed, retaining a penalty fee from the remaining funds for the job and that after 6 months the company’s work is deficient and late.

Selectmen asked Mr. Capello to contact the Town Attorney and discuss the Town’s options and to inform Howard Systems of those options by phone call and by certified letter.

Recess- Motion: (Horgan, second Johnson) to take a 5 minute recess passed 5-0 at 7:15 p.m. The meeting reconvened at 7:25 p.m.

7). Public Works Director Dale Sprague and Deputy Public Works Director Jason Gagnon:

A). Reorganization of the Public Works Dept.- Mr. Sprague and Mr. Gagnon came to the board to discuss 2 options to reorganize the DPW.

Mr. Gagnon said the Highway Dept. is down to the equivalent of two full time employees with the recent resignation of the highway foreman and the inability to hire seasonal or part time help. The proposal to restructure the DPW presented to the board explained that historically the dept. had both a Water/Wastewater Superintendent and a Director of Public Works. The DPW had the equivalent of 4 full time water/wastewater employees, 9 full time highway dept. employees and 2.5 full time Transfer Station employees.

Current staffing levels include the equivalent of 5 full time employees in the highway dept., 3 full time employees for the Water/Wastewater dept. and 1 full time and 1 part time employee at the Transfer Station.

The DPW currently has a Director and Deputy Director who manage the highway, water and wastewater systems, Transfer Station, landfill, levee and maintenance on Town properties. Due to staffing shortages and some skill limitations both the Director and Deputy Director have had to fill in to complete the work taking time away from planning and administrative tasks. He then added it will all fall to him when Mr. Sprague retires in July.

Mr. Gagnon said they have been advertising for part time help and received 3 applications. One applicant has a criminal record, the second applicant refused the drug test and the third was scheduled for an interview he said.

Mr. King suggested the Town may have to contract out some of the work to get it done when it needs to be done.

Mr. Gagnon said he would be willing to explore that option if board wished him to.

Selectmen then discussed 2 staffing options presented by Mr. Sprague and Mr. Gagnon.

Option 1 would return the dept. structure to one similar to the one used from 2012 to 2016 where the duties of the DPW Director and Water/Wastewater Superintendent would be the responsibility of one person. The Highway Foreman would take on more planning, supervisory and administrative duties.

Option 2 would move the Deputy Director to the Director's position when Mr. Sprague retires, retain the Deputy Director position and replace the Highway Foreman position with a new Public Works Crew Leader position.

Mr. Gagnon recommended the board approve Option 2 and advertise/hire a new Deputy Director and a Public Works Crew Leader.

Selectmen discussed the job descriptions for the positions, pay ranges, impact on the budget, addressing the manpower issues, training, workloads and interested/qualified applicants among the current staff for the positions

Motion: (Johnson, second Horgan) to advertise for a Deputy Director with a salary range of \$42,000 to \$55,000 and a Public Works Crew Leader at a salary range of \$15.81 to \$19.77 passed 5-0.

Mr. Sprague said this is a tough job market and it is hard to get good people. He suggested the

board may want to take a look at the DPW pay scales.

Mr. Capello said the board may discuss the matter during the budget season later this year.

B). Mailbox Policy- Mr. Capello said the Town has gotten a lot of requests to replace elaborate mailboxes damaged by snow plowing operations under the current mailbox policy. He said many of the mailboxes are rotted, were not properly maintained and are within the Town's right-of-way costing the town in materials and labor.

Current policy states the Town will replace damaged mailboxes only if they were previously installed to USPS standards. The replacement will be a standard box on a 4x4 post placed in a bucket of concrete.

Mr. Sprague suggested the policy be done away with and not be replaced.

Discussion included not replacing boxes within the Town's right-of-way; changing the policy to make replacements on a case by case basis, other Towns' policies, place the replacement post in a bucket of sand instead of concrete, reimburse the homeowner instead for the average cost of a mailbox/post and to supply a temporary fix to be returned to the Town.

Consensus of the board was to let the current policy stand and to remove the last sentence of the last paragraph regarding replacement of damaged property not within the public right-of-way.

Mr. Capello will revise the policy and return it to the board for review.

C). Driveway Culverts Policy- Selectmen reviewed the Driveway Permit Application which contains a requirement for property owners to maintain drainage culverts and to keep the ends of the culvert clean and free of debris at all times. If the property owner fails to maintain the culvert they will be billed for the cost of having the Public Works crew clean the culvert and restore water flow.

Mr. Capello said the policy has been almost impossible to enforce.

Mr. Gagnon said the issue came up because there are a few driveways in the Hornetown Road/Ten Rod Road area where the culverts have completely failed and collapsed. The water is ponding in the ditches year round and running over the driveways and over the road in some places. The water is having a detrimental effect on the road pavement in those areas he said. He said the best interest of the Town would be to replace the culvert and repair the damage but they did not want to set a precedent without having a policy to address the issue.

Selectmen said they thought it was already the policy to charge the homeowner for repair/replacement of culverts.

Mr. King said typically the landowner would pay for the culvert and the Town would put it in if they were working in the area.

Mr. Sprague said that usually only happens in an area where significant road work is taking place and that would not be the case for a single culvert in an isolated area. He said they need some sort of enforcement ability to tell the property owner that either they take care of the problem or the Town will take care of it and charge them for it.

Mr. King noted that the revised version of the driveway permit application does address the maintenance of culverts and asked what they would do if the owner refused to maintain the culvert.

Mr. Horgan asked if enforcement of the requirement would be up to the Code Enforcement Officer or the DPW.

Mr. Gagnon said the Town Attorney advised the Town needs an ordinance with language approved by the Planning Board, Selectmen and the voters before they can enforce anything. Mr. Gagnon added that there is no regulation regarding maintenance of culverts so there is nothing to enforce. He said other towns have developed driveway specifications that lay out the requirements and responsibilities of the property owner.

Mr. King asked once the ordinance is approved what would be done about the landowner who doesn't comply with the regulation and what other towns do in this situation.

Mr. Gagnon said it would depend upon what the board determines to be done. He said some towns place liens on the property and others take the owner to small claims court.

Mr. Horgan asked if the Code Enforcement Officer would be tasked with enforcing the regulation.

Mr. King said that could potentially increase the number of enforcement cases from about 13 to 40 cases and the Town Attorney does not charge a lower rate for cases heard in small claims court.

Mr. Capello said 90% of the towns he contacted just go in and clean the culverts because the plugged culvert will end up damaging the roads.

Mr. Horgan said the Town needs some enforcement action to pay the bill for the Town's services.

Mr. King said that the enforcement action could cost the town more than just going in and cleaning the culverts and the Town would end up fighting with the people who are paying the bill.

Mr. Fisher suggested Selectmen turn the matter over to the Planning Board and let them bring a proposal back to Selectmen.

Mr. King said he did not favor turning the matter over to the Planning Board because he was concerned they would get back a 4 page document done with the best of intentions but the Town ends up having to pay for the management, enforcement and legal issues arising from regulations.

Mr. Orvis noted the new ordinance would not deal with pre-existing non-conforming culverts and would only pertain to newly installed culverts.

Mr. Sprague said if the Town sends a service bill out that is attached to a property and the owner does not pay the bill it will remain with that property with interest and probably would not be paid until the property is sold. He said he would notify the owner they have 30 days to fix the problem or the town comes in and fixes it and the bill gets attached to the property until it is paid.

Mr. King asked Mr. Sprague for an estimate as to the number of culverts in need of replacement.

Mr. Sprague speculated that there are no more than a handful of culverts that are causing physical damage to the road and should be replaced.

He asked if the town were to take over cleaning the culverts should they charge homeowners for

the service or make it part of their regular routine maintenance. He suggested it be included as part of the routine maintenance of the roads. He added that homeowners/business owners are not aware of what the policy is and call the dept. to have them come clean their culvert. He said a policy is needed so the homeowners know where they stand and the dept. knows where it stands. Additional discussion included the potential for improperly installed culverts, potential road damage, the collection procedure for unpaid bills, existing driveway standards, determine a fixed price for cleaning or replacement of culverts by the Town and to fix the problem the first time and then charge for further maintenance/repairs.

The board also discussed instituting a notification system where the property owner would receive a letter containing a copy of the policy and a time limit to fix or replace the culvert and the cost for the Town to resolve the issue.

Selectmen asked Mr. Capello to discuss the matter with the Town Attorney and then return a policy to the board including a mechanism for enforcement of the policy for their review.

Recess- Motion: (Horgan, second Proulx) to take a 5 minute recess passed 5-0 at 9:20 p.m. The meeting reconvened at 9:30 p.m.

8). Town Administrator's Business:

A). Appointment- Mr. Capello presented an application submitted by Bill Fisher for appointment to the Zoning Board of Adjustment.

Motion: (Horgan, second Titus) to appoint Bill Fisher as an Alternate member of the ZBA for a 3 year term passed 5-0.

B). Contents of Tappan Street Property- Chairman Proulx opened the bids received for miscellaneous items found on the property. Bids were submitted by Tom Sorenson, Stephen Henry and Arthur Capello.

Motion: (King, second Johnson) to award the bid to highest bidder passed 5-0.

C). Sale of Next Town Property- Mr. Capello recommended the board approve the sale of town owned property located at 18 Worster Street. The property is located in the Urban Residential Zone (Tax Map U05, Lot 38). The board received a draft RFP for sale of the property, payoff calculations and a copy of the tax card.

Mr. Capello said \$26,105 is owed on the property and the minimum bid was set at \$20,000. He added that he changed the opportunity for inspection of the property to showings by appointment only and that the property has not been condemned but needs work.

Discussion included having the property assessed, conducting a site walk of the parcel, increasing the minimum bid and to determine if the property is habitable.

Motion: (Johnson, second King) to set the minimum bid at \$25,000 for Tax Map U05, Lot 38, 18 Worster Street passed 5-0.

D). Speed Bump Request- Mr. Capello said he received a request for the installation of speed bumps on Green and Summer Streets. In a letter to the board a resident asked Selectmen to consider putting the speed bumps there due to the speed of vehicles passing through a neighborhood containing a park and many children.

Selectmen discussed if the street is posted with a speed limit, unposted roads in the area carry a 25 m.p.h. speed limit and damage done to the plow/road during snow plowing due to the bumps. Mr. Orvis suggested that a speed “dip” in the road may be a better resolution to the problem. Consensus of the board was to ask the Police Dept. to increase patrols in the area.

E).Solar Array Permit- Mr. Capello said he received an update from Andrew Kellar of NH Solar Gardens on the permitting process for the solar power generation at the landfill. Mr. Kellar provided a copy of the final layout of the solar panel arrays and noted that the finalization of the Dept. of Environmental Services site plan application is nearing completion. He asked that the DES approval and site plan be submitted to the Planning Board for their review. He said the utility design work has been completed and Eversource is completing their impact study. Mr. Capello informed the board that the solar company is also finalizing the lease agreement on the Cardinal landfill. Selectmen asked him to find out the current owner of the property, if the owner is currently paying property taxes and if the payment in lieu of taxes proposed by Solar Garden only includes the solar panels.

F). Safe Routes to School- Mr. Capello said the Town received notice that additional funding for the project has been approved for construction and engineering and to proceed with awarding the construction contract and to move forward with the work.

G). Time Off Request- Selectmen approved Mr. Capello’s request to take Friday off.

9). Additional Board Business:

A). Plaque Proofs- Mr. Johnson asked if the proofs for the plaques for the Grand Opening of the Public Safety Building have been received yet.

Mr. Capello said he had not received the proofs but assured the board they would have them for review before the date of the celebration.

B). Tappan Street Work- Mrs. Titus asked about the work taking place at the 53 Tappan Street property that was recently sold by the town but has not completed the closing process.

Mr. Capello said he allowed the new owner to “top” the roof due to impending rain.

C). Memorial Day Parade- Mrs. Titus asked for the date and time for the parade.

Mr. Capello said it is scheduled for Sunday, May 28 but was not sure of the time.

D).Use of the Selectmen’s Chambers- Mrs. Titus asked if Michelle Elbert had requested permission to use the Chambers for the next meeting of the Farmington Revitalization Committee. Mr. Capello said he approved the one-time request for meeting space and if the request involved using the space more than once he will bring it to the board for their approval.

10). Next Meeting: Monday, May 22 at 6 p.m.

11).Non-Public Session A:

Motion: (Horgan, second Johnson) 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 10 p.m.

Motion: (Horgan, second Johnson) to come out of non-public session passed 5-0 at 10:35 p.m.

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

12). Non-Public Session B:

Motion: (Horgan, second Johnson) to enter non-public session under RSA 91-A: 3 II (c) Reputation passed 5-0 by a roll call vote (Proulx, Johnson, Horgan, King, Titus-yes) at 10:35 p.m.

Motion: (Johnson, second Horgan) to come out of non-public session passed 5-0 at 10:45 p.m.

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

13). Adjournment:

Motion: (Horgan, second Johnson) to adjourn the meeting passed 5-0 at 10:50 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Paula Proulx, Chairman

Neil Johnson, Vice Chairman

Jim Horgan

Charlie King

Ann Titus

